

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT, SWAT.

Service Appeal No. 297/2017

Date of Institution ... 31.03.2017
Date of Decision ... 05.07.2022

Said Ali S/O Abdur Razzaq Khan R/O Gul Kada No.3, Ajrang, Saidu Sharif, Tehsil Babozai, District Swat.

... (Appellant)

VERSUS

Provincial Government through Secretary Elementary & Secondary Education at Civil Secretariat, Peshawar and two others.

... (Respondents)

Farid Ullah Khan,
Advocate,

... For appellant.

Noor Zaman Khan Khattak,
District Attorney

... For respondents.

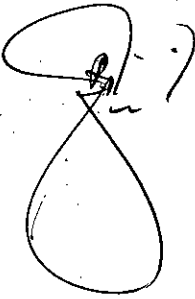
Rozina Rehman
Fareeha Paul

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

JUDGMENT

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

"On acceptance of this appeal, the impugned order dated 20.11.2015 and the inaction of respondent No.2 for not deciding the departmental appeal may kindly be declared illegal, against law, void ab-initio, by setting aside the same and the appellant be reinstated in service with all back benefits".



2. Brief facts of the case are that appellant was appointed as Naib Qasid by the competent authority in the Education Department on 08.11.1990. He applied for leave and leave was sanctioned w.e.f. 01.04.2013 to 31.03.2015. The appellant attended his office for resuming his duty but he was not allowed. He, therefore, filed an application on 14.04.2015. He came to know about the departmental proceedings on 01.12.2016 as well as his removal from service. He then filed departmental appeal which was not responded to, hence, the present service appeal.

3. We have heard Farid Ullah Khan, Advocate learned counsel for the appellant and Noor Zaman Khan Khattak, learned District Attorney for respondents and have gone through the record and the proceedings of the case in minute particulars.

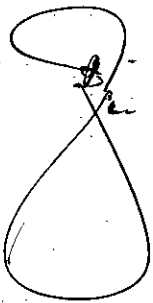
4. Farid Ullah Khan Advocate, learned counsel for the appellant inter-alia contended that the impugned order of removal from service is against law, facts and *void ab-initio* as the appellant was condemned unheard. It was argued that the entire proceedings were conducted on the back of the appellant and he was not properly informed to resume his duties; that the impugned order is the example of misuse of authority which is based on surmises and conjectures. Learned counsel further contended that the appellant was willfully deprived from his post, therefore, requested for acceptance of instant service appeal.

5. Conversely, learned District Attorney contended that appellant was removed from service due to his willful absence without any proper sanction or leave from the competent authority and he failed to resume



his duty within the stipulated time therefore, was removed from service after fulfillment of all codal formalities.

6. After hearing the learned counsel for the parties and going through the record of the case with their assistance and after perusing the precedent cases cited before us, it is evident that appellant Said Ali was appointed as Naib Qasid at Government Primary School Gulkada vide order dated 08.11.1990. During service, he applied for leave and sanction was accorded to the grant of earned leave in favor of appellant w.e.f 01.04.2013 to 31.03.2015 (730 days) on half pay vide office order dated 31.01.2013 but he did not resume his duty within the stipulated time and remained absent from duty w.e.f 01.04.2015. Proper notice for resumption of duty was issued by the respondents, where-after, a notice regarding his willful absence was published in Daily "AAJ" and "Khabarkar" but fiasco. Consequently, he was removed from service on account of willful absence vide order dated 20.11.2015. Notice through registered acknowledgement issued to him is available on file. The departmental appeal available on file is undated, however, learned counsel frankly conceded that the appeal was filed on 02.02.2016 which is badly time barred. The entire record is silent in respect of any sanction regarding travelling abroad. No Objection Certificate was not brought on record which means that he travelled without any NOC from his Department. His travelling history is also available on file which shows that he started his travelling from 17th may, 2007 and last time, he arrived in Pakistan on 2nd October, 2018. The present appeal was filed on 31.03.2017 and the travelling history clearly shows that he had departed from Peshawar International Airport on 8th January, 2017 which means that he was not



available even at the time of institution of this appeal and submission of power of attorney on 24.03.2017. The only application which he had filed for his adjustment shows that it was filed on 14.04.2015 and just after three days of filing this application for his adjustment, he left for abroad on 17.04.2015. From the entire record, it is crystal clear that the appellant was least interested in his job and he used to travel to Saudi Arabia for earning his livelihood. The application filed for adjustment has no force, as he did not pursue his application and the departmental appeal was filed which is badly time barred.

7. It is well-entrenched legal proposition that when an appeal before departmental authority is time barred, the appeal before Service Tribunal would be incompetent. In this regard reference can be made to cases titled Anwarul Haq v. Federation of Pakistan reported in 1995 SCMR 1505, Chairman, PIAC v. Nasim Malik reported in PLD 1990 SC 951 and State Bank of Pakistan v. Khyber Zaman & others reported in 2004 SCMR 1426.

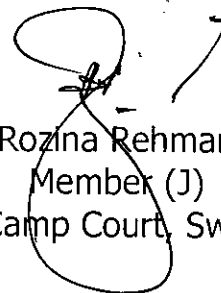
8. Having considered the matter from all angles in the light of material available on file, we do not find any merit in the instant service appeal which is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.

05.07.2022



(Fareeha Paul)
Member (E)
Camp Court, Swat



(Rozina Rehman)
Member (J)
Camp Court, Swat

ORDER

05.07.2022

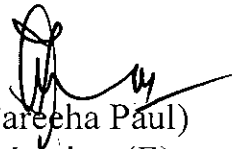
Appellant present through counsel.

Noor Zaman Khan Khattak, learned District Attorney for respondents present. Arguments heard. Record perused.

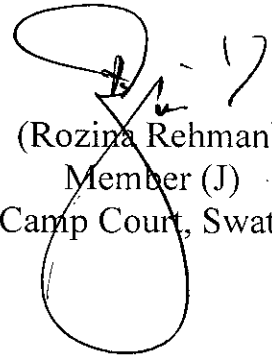
Vide our detailed judgment of today of this Tribunal placed on file, we do not find any merit in the instant service appeal which is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.

05.07.2022



(Fareeha Paul)
Member (E)
Camp Court, Swat

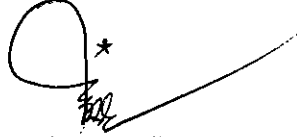


(Rozina Rehman)
Member (J)
Camp Court, Swat

07.06.2022

None for the appellant present. Mr. Kabirullah Khattak,
learned Additional Advocate General for the respondents present.

Counsel are on strike. Adjourned. To come up for
arguments on 04.07.2022 before D.B at camp court Swat.



(Mian Muhammad)
Member (E)
Camp Court Swat



(Kalim Arshad Khan)
Chairman
Camp Court Swat

04.07.2022

Junior to counsel for appellant present.

Noor Zaman Khattak, learned District Attorney for
respondents present.

Former made a request for a short adjournment as senior
counsel for appellant is busy before Hon'ble Peshawar High
Court, Mingora Bench (Darul Qaza) Swat. Adjourned. To
come up for arguments by tomorrow i.e. 05.07.2022 before
D.B at camp court Swat.



(Fareeha Paul)
Member (E)
Camp Court Swat.



(Rozina Rehman)
Member (J)
Camp Court Swat.

07.04.2022

Clerk of learned counsel for the appellant present. Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Mingora Bench (Dar-ul-Qaza) Swat. Adjourned. To come up for arguments on 06.06.2022 before the D.B at Camp Court Swat.



(Rozina Rehman)
Member (J)
Camp Court Swat



(Salah-ud-Din)
Member (J)
Camp Court Swat

06.06.2022

None for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

On the call of Khyber Pakhtunkhwa Bar Council, District Bar Association is observing strike today, therefore, learned counsel for the appellant did not appear before the court. Adjourned. To come up for arguments on 07.06.2022 before the D.B at camp court Swat. .



(Mian Muhammad)
Member(E)

(Kalim Arshad Khan)
Chairman
Camp Court Swat

09.12.2021

Junior to counsel for appellant present.

Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General alongwith Hussain Ali ADEO for respondents present.

Former made a request for adjournment as senior counsel is busy before Peshawar High Court, Darul Qaza Bench; granted. To come up for arguments on 10.02.2022 before D.B at Camp Court, Swat.



(Atiq ur Rehman Wazir)
Member (E)
Camp Court, Swat.



(Rozina Rehman)
Member (J)
Camp Court, Swat

10.02.2022

Tour is hereby canceled .Therefore, the case is adjourned to 07.04.2022 for the same as before at Camp Court Swat.



Reader

07.12.2020

Due to COVID-19, case is adjourned to 01.02.2021 for the same as before.

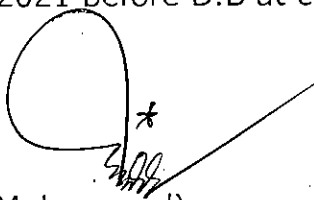

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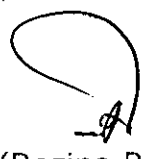
01.02.2021

Nemo for parties.

Muhammad Riaz Khan Paindakhel, Assistant Advocate General for respondents is present.

Preceding date was adjourned on account of Covid-19, therefore, both the parties be put on notice for the date fixed. Issue involved in the instant case is pending before Larger Bench of this Tribunal, therefore, case is adjourned to 05.04.2021 before D.B at camp court Swat.


(Mian Muhammad)
Member(E)



(Rozina Rehman)
Member(J)
Camp Court Swat

05/04/2021

Due to COVID-19, the case is adjourned to
05/05/2021 for the same.


READER

Due to COVID-19, the case is
adjourned to 06/10/21

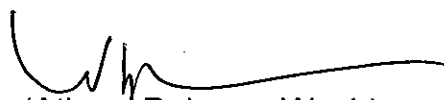

Reader


06.10.2021

Junior to counsel for appellant present.

Muhammad Riaz Khan Paindakheil, learned Assistant
Advocate General for respondents present.

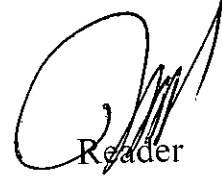
Former made a request for adjournment as senior
counsel is not available today. Adjourned by way of last
chance. To come up for arguments on 09.12.2021 before
D.B at Camp Court, Swat.


(Atiq ur Rehman Wazir)
Member(E)
Camp Court, Swat


(Rozina Rehman)
Member(J)
Camp Court, Swat

01.06.2020

Due to Covid-19, the case is adjourned. To come up for the same on 06.07.2020, at camp court Swat.



Reader

06.07.2020

Bench is incomplete. Therefore, the case is adjourned. To come up for the same on 07.09.2020, at camp court Swat.



Reader

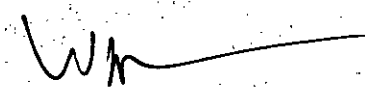
07.09.2020

Counsel for the appellant present.

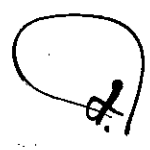
Mr. Muhammad Jan learned Deputy District Attorney for respondents present.

Learned counsel for appellant seeks adjournment as issue involved in the present case is pending before Larger Bench of this Tribunal.

Adjourned to 07.12.2020 for arguments before D.B. at Camp Court, Swat.




(Attiq-ur-Rehman)
Member
Camp Court, Swat




(Rozina Rehman)
Member
Camp Court, Swat

08.01.2020

Appellant in person and Mr. Usman Ghani, District Attorney alongwith Mr. Hussain Ali, Litigation Officer for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today due to general strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 02.03.2020 for arguments before D.B at Camp Court Swat.


(Hussain Shah)
Member
Camp Court Swat


(M. Amin Khan Kundi)
Member
Camp Court Swat


02.03.2020

Appellant in person present. Mr. Riaz Paindakhel learned Assistant Advocate General alongwith Mr. Hussain Ali, Litigation Officer for the respondents present. Representative of the respondent submitted Travel History of the appellant which is placed on file. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourn. To come up for arguments on 06.04.2020 before D.B at Camp Court Swat.


Member


Member
at Camp Court Swat

Due to corona virus tout
to camp court swat has been
cancelled. To come up for the
the same on 07/06/20


Reader

07.10.2019

Appellant in person and Mr. Anwar-ul-Haq, Deputy District Attorney for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned to 03.12.2019 for arguments before D.B at Camp Court Swat.




(Hussain Shah)
Member
Camp Court Swat



(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

03.12.2019

Appellant in person present. Mr. Riaz Paindakheil learned Assistant Advocate General present. Appellant submitted application for adjournment. ^{Adjourn.} To come up for arguments on 08.01.2020 before D.B at Camp Court, Swat.



Member



Member
Camp Court, Swat

08.01.2020

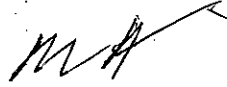
~~Appellant in person and Mr. Hassan Shah, Deputy District Attorney alongwith Mr. Hassan Shah, learned Assistant Advocate General for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today due to general strike of Khyber Pakhtunkhwa. Adjourned to 02.03.2020 for arguments before D.B at Camp Court Swat.~~


~~(Hussain Shah)
Member
Camp Court Swat~~

~~Appellant requested for adjournment on the ground that his counsel is not available today due to general strike of Khyber Pakhtunkhwa. Adjourned to 02.03.2020 for arguments before D.B at Camp Court Swat.~~

03.04.2019


Appellant alongwith his counsel and Mr. Mian Ameer Qadir, District Attorney alongwith Mr. Fazal-ur-Rehman, Vice Principal for the respondents present. Representative of the department is directed to furnish IBMS (Passport) travel history of the appellant on the next date. Adjourn. To come up for travel history of the appellant and arguments on 11.06.2019 before D.B at Camp Court Swat.

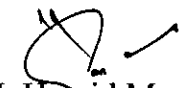

(M. Amin Khan Kundi)
Member
Camp Court Swat


(M. Hamid Mughal)
Member
Camp Court Swat

11.06.2019


Clerk of counsel for the appellant and Mr. Mian Ameer Qadir, learned District Attorney for the respondents present. Clerk of counsel for the appellant seeks adjournment as counsel for the appellant is not available today. Adjourn. To come up for travel history of the appellant and arguments on 03.09.2019 before D.B at Camp Court Swat.



(M. Amin Khan Kundi)
Member
Camp Court Swat


(M. Hamid Mughal)
Member
Camp Court Swat

03.09.2019

Appellant in person present. Mian Amir Qadir, DDA alongwith Mr. Hussain Ali, Litigation Officer and Mr. Johar Ali, Sr. CT for respondents present. Appellant seeks adjournment as his counsel has gone abroad. Adjourn. To come up for arguments on 08.10.2019 before D.B at camp court Swat.



Member


Member

03.12.2018

Learned counsel for the appellant and Mr. Usman Ghani learned District Attorney alongwith Muhsin Ali ADO present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 10.01.2019 before D.B at Camp Court, Swat.



Member


Member
Camp Court, Swat

10.01.2019

Appellant in person present. Mr. Mian Ameer Qadir, District Attorney for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 04.03.2019 before D.B at Camp Court Swat.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member
Camp Court Swat


04.03.2019

Clerk to counsel for the appellant and Mian Amir Qadar, for the respondents present.

Request for adjournment is made due to engagement of learned counsel ~~Learned counsel~~ for the appellant before the Honourable High Court today.

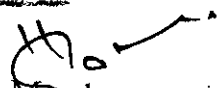
Adjourned to 03.04.2019 for arguments before the D.B at camp court, Swat.



Member


Chairman
Camp Court, Swat

02.07.2018


Clerk to counsel for the appellant and Mr. Muhammad Saeed S.S alongwith Mr. Usman Ghani learned District Attorney for the respondents present. Clerk to counsel for the appellant requested for adjournment as learned counsel for the appellant is not in attendance. Granted. To come up for arguments on 03.09.2018 before D.B at camp court, Swat.


Member


Chairman
Camp court, Swat

03.09.2018

Clerk to counsel for the appellant present. Mr. Muhammad Saeed, S.S alongwith Mr. Usman Ghani, District Attorney for respondents present. Arguments could not be heard due to incomplete bench. Case to come up for arguments on 03.10.2018 before D.B at camp court Swat.


(AHMAD HASSAN)
MEMBER
Camp Court Swat

03.10.2018

Counsel for the appellant Mr. Faridullah Khan Advocate present. Mr. Usman Ghani District Attorney for the respondents present. Counsel for the appellant requested for adjournment. Granted. To come up for arguments on 03.12.2018 before the D.B at camp court, Swat.


Member


Chairman
Camp Court Swat

01.01.2018

Learned counsel for the appellant present. Mr. Kabir Ullah Khattak, Learned Additional AG along with Mr. Muhammad Saeed S.S for the respondents present. Written reply not submitted. Representative of the respondents seeks time to file written reply/comments. Granted. To come up for written reply/comments on 29.01.2018 before S.B at Camp Court, Swat.


CHAIRMAN
Camp Court, Swat

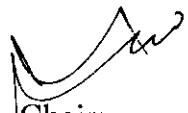
29.01.2018

Appellant in person present and Addl: AG alongwith Mr. Muhammad Saeed, Subject Specialist for the respondents present. Written reply not submitted. Learned Additional AG requested for adjournment. Adjourned. To come up for written reply/comments on 05.03.2018 before S.B at Camp Court, Swat.


Chairman
Camp Court, Swat

05.03.2018

Clerk to counsel for the appellant and Addl. AG alongwith ^{M. Saeed, S.S} Mr. Khawar Khattak, S.S (Legal) for the respondents present. Written reply submitted. To come up for rejoinder arguments on 02.05.2018 before D.B at camp court Swat


Chairman
Camp court, Swat

09.05.2018



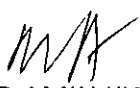
The Tribunal is non-functional due to retirement of the Worthy Chairman. To come up for the same on 02.07.2018 before the D.B at camp court, Swat.


Reader

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 297/2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	31/03/2017	<p>The appeal of Mr. Said Ali presented today by Mr. Farid Ullah 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	10-04-2017	<p>This case is entrusted to Touring S. Bench at Swat for preliminary hearing to be put up there on <u>04-05-2017</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
04.05.2017		<p>None present on behalf of the appellant. The appeal be relisted for preliminary hearing for 08.06.2017 before S.B at Camp Court Swat.</p> <p style="text-align: right;"> (MUHAMMAD AMIN KHAN KUNDI) MEMBER Camp Court Swat</p>


08.06.2017

Since the tour programme for the month of June, 2017 to camp court Swat has been cancelled by the Worthy Chairman, therefore, to come up for the same on 10.08.2017 at camp court, Swat. Notices be issued to the appellant and his counsel for the date fixed accordingly.


Registrar

10.08.2017

- Junior to counsel for the appellant present and seeks adjournment as his senior is not in attendance. Adjourned. To come up for preliminary hearing on 07.09.2017 before S.B at camp court Swat.


Chairman
Camp court, Swat

07.09.2017

Attorney for the appellant present and seeks adjournment due to general strike of the Bar. Adjourned. To come up for preliminary hearing on 06.10.2017 before the S.B at camp court, Swat.

07.09.2017

Junior to counsel for the appellant present and seeks adjournment as his senior is not in attendance. Adjourned. To come up for preliminary hearing on 06.10.2017 before the S.B at camp court, Swat.

Member
Camp court, Swat.

Member
Camp court, Swat.

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Service appeal No. 297 of 2017

Said Ali

...Appellant

VERSUS

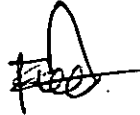
Provincial Govt. through Secretary Education at Civil Secretariat, Peshawar
and others

...Respondents

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S #	Description of documents	Annexure	Pages
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4.	Copy of sanction	B	7
5.	Copy of application	C	8
6.	Copy of the show cause notice dated 15/09/2015	D	9
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8.	Copy of impugned office order along with appeal.	F	12-14
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10.	Vakalat Nama	18

Appellant through



FARID ULLAH KHAN

Advocate High Court

Office: Rooms No. 1, 2, 3 Khan Plaza,
Gulshan Chowk, Mingora, District Swat
Cell No. 0333-9462803

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Service appeal No. 297 of 2017

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 314

Dated 31-3-2017

Said Ali S/o Abdur Razzaq Khan R/o Gul Kada No. 3, Ajrang, Saidu Sharif,
Tehsil Babozai, District Swat

...Appellant

VERSUS

- (1) Provincial Govt. through Secretary Elementary & Secondary Education at Civil Secretariat, Peshawar;
- (2) Director Elementary & Secondary Education Govt. of Khyber Pakhtunkhwa, Peshawar;
- (3) District Education Officer (Male) Swat

...Respondents

Appeal under Section 4 of the Khyber Pakhtunkhwa, Service Tribunal Act of 1974, against the order dated 20/11/2015, whereby respondent No. 3 has removed the appellant from service and the inaction of the respondent No. 2 where on the departmental appeal of the appellant, no order has yet been passed, after lapsing of more than three months.

Prayer in appeal:

On acceptance of this appeal, the impugned order dated 20/11/2015 and the inaction of respondent No. 2 for non-deciding the departmental appeal may kindly be declared illegal, against the law, void ab-initio, by setting aside the same and the appellant be reinstated on service with all back benefits.

Filed to-day

Registrar

31/3/17

Respectfully Sheweth:

1. That the appellant was appointed as Naib Qasid by the competent authority on 08/11/1990 in the Education Department. (Copy of appointment order is attached as annexure A).
2. That the appellant was performing his duty honestly, with devotion and upto the entire satisfaction of high ups.
3. That the appellant applied for leave and the leave was sanctioned by respondent No. 3 on 31/01/2013 from 01/04/2013 to 31/03/2015 (seven hundred and thirty days) on half pay. (Copy of sanction is attached as annexure B).
4. That after the ending of leave the appellant appeared before respondent No. 3 for resuming his duties, but he was not allowed to resume his duties and later on the appellant filed a written application for resuming his duties on 14/04/2015. (Copy of application is attached as annexure C).
5. That on 01/12/2016, the appellant came to know that instead of allowing the appellant to resume his duties, the respondent No. 3 proceeded against the appellant and was considered as absent from his duties. So, the appellant after obtaining the copies, came to know that an alleged show cause notice dated 15/09/2015 (Ann: D) has been issued and as such publication in the newspapers daily "Khabarkar" and "AAJ" has also been issued against the appellant. (Copies are attached as annexure E). And as such the impugned office order dated 20/11/2015, the appellant has been removed from service. All the proceedings against the appellant has been conducted on his back. (Copy of impugned office order is attached as annexure F).
6. That after obtaining copies on 13/12/2016, the appellant filed departmental appeal to respondent No. 2, but till date no action has been taken on the departmental appeal, this attitude and inaction of the respondent No. 2 is illegal, against the law, hence the appellant is approaching this Hon'ble Tribunal in appeal for the setting aside the impugned orders and inactions of respondents on the following grounds inter alia.

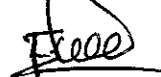
GROUNDS:

- a. *That the impugned order of removal from service and the inaction of respondents on the departmental appeal of the appellant is illegal, against the law, void ab-initio and ineffective upon the rights of the appellant.*
- b. *That the appellant has been condemned unheard.*
- c. *That all the proceedings have been conducted on the back of the appellant and the appellant has not been informed, although the appellant was visiting the office for assumption his duties, and each time he was told that he will be allowed to resume his duties very soon.*
- d. *That the impugned order is the speaking example of misuse of authority and mockery with justice.*
- e. *That the impugned order is based on surmises and conjectures.*
- f. *That the golden principles of law and justice have been violated while passing the impugned order.*
- g. *That the impugned order is non-speaking hence not maintainable in the eyes of law.*
- h. *That the appellant is a poor man and is the only bread earner for the whole of his family.*
- i. *That the appellant has willfully been deprived from his post.*

- j. That some grounds may be argued at the time of arguments with the prior permission of this Hon'ble Court.


It is, therefore, humbly prayed that on acceptance of this appeal, the impugned order dated 20/11/2015 and the inaction of respondent No: 2 for non-deciding the departmental appeal may kindly be declared illegal, against the law, void ab-initio, by setting aside the same and the appellant be reinstated on service with all back benefits

سید علی
Appellant through Counsel


Farid Ullah Khan
Advocate High Court

Certificate:-

It is certified that as per instruction of my client, no such like appeal is either pending or decided by this Hon'ble Court.


Farid Ullah Khan
Advocate High Court

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Service appeal No. _____ of 2017

Said Ali

...Appellant

VERSUS


Provincial Govt. through Secretary Education at Civil Secretariat, Peshawar
and others

...Respondents

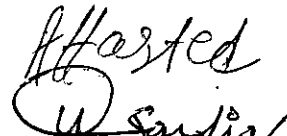
AFFIDAVIT

I, Muhammad Ali Jan (attorney of appellant) S/o Mashooq Jan R/o Village Rashadherai, Tehsil Salarzai, Bajaur Agency, presently at Gul Kada No. 3, Saidu Sharif, District Swat, do hereby stated on oath that all the contents of the attached appeal are true and correct to the best of my knowledge and belief. Moreover, no such like appeal is pending or decided by this Hon'ble Court.

Deponent

محمد علی جان  Nic No. ~~2260254-9~~

Muhammad Ali Jan
(Attorney of appellant)


UMAR SADIQ Advocate,
OATH COMMISSIONER
Distt: Courts Swat
No. ~~111~~ Date ~~27/3/17~~

OFFICE ORDER.

6


Annexure A

APPOINTMENT.

Mr. Said Ali S/O. Abdul Razzaq N/O Minigora District Swat, is hereby appointed as Naib-Usaid at Govt: Primary School Gulkada in BPS No. 1 at Rs. 600-13-60 PM plus usual allowances with immediate effect in the interest of public service on the following terms and conditions.

TERMS AND CONDITIONS.


1. Charge report should be submitted to all concerned in duplicate.
2. No. P/O is allowed under the rules.
3. The appointment is purely temporary and subject to termination at any time without notice and assigning any reason. In case of resignation they should have to submit one month's pay to the Govt: in prior notice to Deptt: or forfeit one month's pay to the Govt: in lieu thereof.
4. He should produce his health and age Certificate from the medical superintendent concerned.
5. The head of the institution concerned is required to check relevant documents of the candidate concerned before handing over the charge.
6. The candidate is required to take over charge within 14 days failing which his appointment order will stand automatically cancelled.
7. The candidate should not be handed over the charge if his age exceed 45 years or below 13 years.


 (Sub-Divisional Education Officer),
 District Office, Gulkada, Swat.

SUB-DIVISIONAL EDUCATION OFFICER (S.D.E.O.) DISTRICT OFFICE, GULKADA.
 No. 24993-96 /N-40/C-IV dated 8-11 /1990.

Copy of the above is forwarded for information and n/a to:

1. The S.D.E.O. (N) Swat at Gulkada.
2. The S.D.E.O. (Accounts) of local office.
3. The N/Teacher, G.S. Gulkada.
4. The candidate concerned.


 Sub-Divisional Education Officer (N),
 District Office, Gulkada, Swat.

ATTESTED

Fazdullah Khan
 Advocate High Court

7

Annexure B

**OFFICE OF THE DISTRICT EDUCATION OFFICER(M)SWAT AT
GULKADA**

OFFICE ORDER/SANCTION OF LEAVE.

Sanction is hereby accorded to the grant of
Earned Leave in favour of Mr. Said Ali chowkidar GPS Rahim Abad Black No. I
Swat w.e.f 01-04-2013 to 31-3-2015(730)days on half pay as due and admissible
To him under the leave rules,1981.

Necessary entry to this effect should be made
In his original service Book accordingly.

ATTESTED
Faizullah Khan
Advocate High Court



(Gul Zaman Khan)
District Education officer
(M)swat at Gulkada.

e d v 16

Endst:No. 6000-4 / 1 dated the 31-1 /2013

Copy forwarded to:

- 01 The DDO(M)primary swat for information pl.
- 02 The District Accounts officer swat
- 03 The official concerned.
- 04 P.A to the DEO(M)local office.


District Education officer
(M)swat at Gulkada. 

8 Annexure C

کریڈٹ کا یہ ڈی. ای. او. ہے۔ اس کا تعلق فیوچر سے ہے

عنوان درج ذیل کے Adjustment

جائے گا

ATTESTED
Faridullah Khan
Advocate High Court

گزارش کے مطابق اس سے $31 \frac{1}{14}$ سے $31 \frac{3}{15}$ تک

حقیقی رقم جس کا مدت ضمن ہو گئی ہے

کے محاسبی Adjustment کے احکامات مبارک فرمائیں

الحاج
سید علی
سید علی چکھڑا
سی ایس ایس
14/4/15

2747
14/4/2015

~~Handwritten scribble~~

9

Annexure-D

Registration



OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) SWAT

No. 1842 /P/File/ C-IV

Dated 15/18 /2015

To,

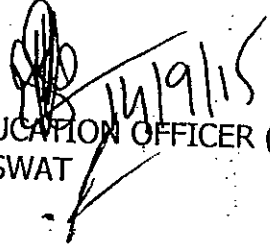
Mr. Said Ali S/O Abdur Raziq
Village Panr (Maira) P.O Saidu Sharif
District Swat

Subject:- Notice for resumption of duty.

Memo:

It is to inform you that you were proceeded on long leave w.e.f. 01-04-2013 to 31-03-2015 (730 days) vide this office sanction No 600-4 dated 31-01-13 and you were expected to resume your duty on 01-04-2015, but you failed to resume your duty so far.


In this connection you are directed to resume your duty within 7 days after the issue of this notice, failing which ex-parte action will be taken against you under the E & D rules 2011.


DISTRICT EDUCATION OFFICER (M)
SWAT


Endst: No. _____

Copy of the above is forwarded:-

1. The Sub Divisional Education (M) District Swat w/r to his memo No 4263-67 dated 26-08-2015.
2. The Assistant Sub Divisional Education (M) circle District Swat
3. The Head Teacher-GPS: Rahim Abad Black no 1 District Swat
4. P.A to the District Education Officer (M) Swat local office.


DISTRICT EDUCATION OFFICER (M)
SWAT

ATTESTED


Faridullah Khan
Advocate High Court

سوات

چیف ایڈیٹر: ممتاز احمد صادق

Daily Khabarkar

روزنامہ

ایڈیٹر: غفور خان عادل

خبر سوات

کلاسیفائیڈ

54

ہاں کے ساتھ سے ہیں حکومت ذریعہ اور پ
 کریں، سو کسی خرابی اور ہوش آنے کی
 پر کر لوگوں کے مشکلات میں مزید اضافہ
 خیالات کا اظہار ہے، لیکن یہی کہنے کے
 کم ہی ہی کو صحیح ہے، خان، ستر لکھ ٹری
 اور سابق تمام دیگر کم نے اخبار کی جان
 نے کہا کہ وزیر اعلیٰ کی طرف سے ہم
 ہوتے ہیں، اس میں ہم سرور ہو جائے، ہم
 کہہ کر کسی سیاست کے ان ساتھ وہاں
 ہم نے تاکہ وہاں، لی خان کے حیات
 پارٹی میں، اور اور کارکنوں کی کھاتہ
 یا تقریب کریں، ہم حکومت سے ہذا
 ہیں کہ وہی ڈرے سے ساتھ لوگوں کی
 ہاں کے ساتھ سے ہیں حکومت ذریعہ اور پ
 کریں، سو کسی خرابی اور ہوش آنے کی
 پر کر لوگوں کے مشکلات میں مزید اضافہ
 خیالات کا اظہار ہے، لیکن یہی کہنے کے
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 اور سابق تمام دیگر کم نے اخبار کی جان
 نے کہا کہ وزیر اعلیٰ کی طرف سے ہم
 ہوتے ہیں، اس میں ہم سرور ہو جائے، ہم
 کہہ کر کسی سیاست کے ان ساتھ وہاں
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 پارٹی میں، اور اور کارکنوں کی کھاتہ
 یا تقریب کریں، ہم حکومت سے ہذا
 ہیں کہ وہی ڈرے سے ساتھ لوگوں کی

جلد نمبر 12، 04 نومبر 2015، 21 محرم الحرام 1437ھ، 21 اگست 2015ء، قیمت 5 روپے

گلابی شہزادہ کی شہزادی سے شادی کی تیاریاں

حالیہ شہزادہ کی شہزادی سے شادی کی تیاریاں جاری ہیں۔ شہزادہ کی شہزادی سے شادی کی تیاریاں جاری ہیں۔ شہزادہ کی شہزادی سے شادی کی تیاریاں جاری ہیں۔

کابل (پہلو) اور (معدنی) دوہی کلام کرلے اور شہزادہ کی شہزادی سے شادی کی تیاریاں جاری ہیں۔ شہزادہ کی شہزادی سے شادی کی تیاریاں جاری ہیں۔

خان اور لہ ای تماموں میں شادی کی تیاریاں جاری ہیں۔ شہزادہ کی شہزادی سے شادی کی تیاریاں جاری ہیں۔ شہزادہ کی شہزادی سے شادی کی تیاریاں جاری ہیں۔

شہزادہ کی شہزادی سے شادی کی تیاریاں جاری ہیں۔ شہزادہ کی شہزادی سے شادی کی تیاریاں جاری ہیں۔ شہزادہ کی شہزادی سے شادی کی تیاریاں جاری ہیں۔



اسے ہی شہزادہ کی شہزادی سے شادی کی تیاریاں جاری ہیں۔ شہزادہ کی شہزادی سے شادی کی تیاریاں جاری ہیں۔

نیشنل غیر حاضری

اب سید علی جوگیدار گورنمنٹ پرائمری سکول رحیم آباد بلاک نمبر ضلع سوات یکم اپریل ۲۰۱۳ء سے

سرکاری ذمہ داری سے بغیر کسی اطلاع غیر حاضر ہے۔ اب کو گھر کے پتہ پر وقتاً فوقتاً

اوری نیشنل غیر حاضری بھی بھیجے گئے۔ جس میں اب کو جلد از جلد ذمہ داری کیلئے حاضر ہونے

یہ حاضری کی وجہ بیان کرنے کا کہا گیا ہے۔ لیکن تا حال اب اپنے متعلقہ سکول کو ذمہ داری

ضر ہوئے اور ناپ کی طرف سے کوئی جواب موصول ہوا۔ لہذا اب بذریعہ اخبار اب کو

مبار مطلع کیا جاتا ہے۔ کہ اس نیشنل کے اشاعت کے چند دن کے اندر اندر اپنے

اپر حاضر ہو جائیں اور زبردستی کوئی رو برو پیش ہو کر اپنے غیر حاضری کے وجوہات

کریں بصورت دیگر اب کے خلاف خیر بخوشی خواہ ملازمت سے برخواستگی (خصوصی

ات) اور نیشنل ملازمت سے برخواستگی کیا جا سکتا ہے اور بعد میں کوئی عذر

نہیں کیا جائیگا۔

ڈائریکٹر ابراہیم ڈیٹرکٹ ایجوکیشن آفیسر (مراد) ضلع سوات

INF (SW)107

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اسے ہی شہزادہ کی شہزادی سے شادی کی تیاریاں جاری ہیں۔ شہزادہ کی شہزادی سے شادی کی تیاریاں جاری ہیں۔

عمران خان کا کرپشن

کرپٹ ڈاکٹروں کے گھروں کے باہر دھرنا دینے
 مافیا ہسپتالوں کو نجی تحویل میں دینے کی مخالفت کر رہے

پشاور (خبرنگار) پاکستان تحریک انصاف کے چیئر مین عمران خان نے کرپٹ تبدیلی لانے
 سرکاری ڈاکٹروں کے خلاف ہجر پروگرام چلانے کا اعلان کرتے ہوئے کہا ہے کہ حاصل کیا ہو
 ہسپتال پیسہ بنانے کا مافیا بن چکے ہیں جس میں ہم نے سوبے کے ہسپتالوں میں نام صرف
 چیف جسٹس سپریم کورٹ کا صلح ناظم پشاور کو روز
 سینٹ میں اردو میں تاریخی خطاب کے اندر جانے کی اجا
 اسلام آباد (آن لائن) ایم این بلا (سینٹ) سے چیف پشاور (خبرنگار) شعلی ناظم پشاور
 جشن پاکستان انور ظہیر جمالی نے قومی زبان اردو میں ہاؤس کے کثرت بروک لیا گیا ہو
 خطاب کیا یہ پارلیمانی (بانی صفحہ 10 بجے نمبر 74) اجازت نہ دی گئی۔ صلح (بانی صفحہ

پشاور ایسٹ آباد اسلام آباد اور کراچی سے بیک وقت شائع ہونے والا کثیر الاشاعت قومی روزنامہ

روشن گل کی ضمانت، آج کا نصب العین

روزنامہ آج

ایڈیٹر
 عبدالواحد یوسفی

صفحہ 12
 جلد 26
 بدھ 04 نومبر 2015ء 21:05 (عمر 1437)۔ قیمت 12 روپے۔ پلائی ای آرڈر
 شمارہ 294

TESTED
 JUNIOR HIGH
 RESULTS HIGH COURT

مرحوم کی وفات سے علمی اور روحانی خلفاء پیدا ہوئے ہیں جو آئی ایم اے کے سرگرم
 سرگرم (تمتذہ آج) جمعیت علماء اسلام صلح مردان
 کے امیر و سابق مہر قومی اسٹیبلشمنٹ کے سابق امیر و سابق
 سے کے حضرت شیخ مولانا شاعر علی شاہ ایک عظیم مدرس
 اور علمی شخصیت تھے ان کی وفات ایک عظیم سانحہ ہے
 اور ان کی رخصت سے علمی اور روحانی خلفاء پیدا ہوئے ہیں جو آئی ایم اے کے سرگرم
 اور ان کی رخصت سے علمی اور روحانی خلفاء پیدا ہوئے ہیں جو آئی ایم اے کے سرگرم
 انہوں نے دارالعلوم اسلامیہ عربیہ شریک ہ میں علماء
 و طلباء سے خطاب میں کیا۔

اور صلاح انسانیت کا ڈھنگ نہیں بچھوٹو کھانے کے ترجمان نہیں دقات اور کارکنان ایسے مشن برکاز میں ہیں۔
 عین الرضن چوہان نے کہا ہے کہ جماعت الدعوة انہوں نے کہا کہ جماعت الدعوة کی گورننگ پر پابندی
 و صلاح انسانیت کا ڈھنگ نہیں بچھوٹو کھانے کے ڈھنگ سے جماعت سے رجوع کرینگے۔

نوٹس غیر حاضری

اپ سید علی چوکیدار گورنمنٹ پرائمری سکول رحیم آباد بلاک نمبر 2 صلح سوات کم اپریل 2014ء
 سے مسلسل سرکاری ڈیوٹی سے بغیر کسی اطلاع غیر حاضر ہے اب کوکھر کے پتہ پر دقاتو قتا انفرادی
 نوٹس غیر حاضری بھی بھیجے گئے جس میں اب کوکھلاز جلد ڈیوٹی کیلئے حاضر ہونے اور غیر حاضری کی
 وجہ بیان کرنے کا کہا گیا ہے لیکن حال اب اپنے متعلقہ سکول کو ڈیوٹی پر حاضر ہونے اور نڈاپ کی
 طرف سے کوئی جواب موصول ہوا لہذا اب بذریعہ اخبار اب کو آخری بار مطلع کیا جاتا ہے کہ اس
 نوٹس کے اشاعت کے چند دن کے اندر اندر اپنے ڈیوٹی پر حاضر ہو جائیں اور زبردستی کے
 رو برو پیش ہو کر اپنے غیر حاضری کے وجوہات بیان کریں بصورت دیگر اب کے خلاف خیر
 بچھوٹو ملازمت سے برخاستگی (خصوصی اختیارات) آرڈی نیشن 2011 ملازمت سے
 برخاستگی بھی کیا جاسکتا ہے اور بعد میں کوئی عذر قبول نہیں کیا جائیگا۔

نے افضل
 لیا جس میں
 اجلاس میں
 الکی وفات
 کی وفات کو
 دیا۔
 کرپور
 ایف
 5 نومبر کے
 ہسٹون ایس
 ایچ صدر کال
 برخان چلنی
 ان مزید اختیار
 تکی۔
 پشاور
 18 سوات روڈ
 111 (پاکستان) سوات
 سوات پشاور
 سوات پشاور
 سوات پشاور
 18.11 پتہ
 سوات
 سوات

بیان حلیہ

نیک کسی سرمد علی ولد سیدی مرحوم ساکن شاد عالم چارسدہ، روز
 تحصیل و شہر چارسدہ، روز بخت ملتان بیان کرتا ہوں کہ والد
 بزرگوار کی سبیل سال 2006ء میں فوت ہوا تھا جو والد
 مرحوم، ماہ دسمبر 2014ء کو فوت ہوئے تھے جو ان کے
 سرمدگان روز 3 ہیں۔ سہ ماہی 1۔ پلائی 2۔ اشرف خان
 3۔ کوہ پل 4۔ نوز پل 5۔ سرمد علی پھول پھول ہیں مگر ان
 کے علاوہ دیگر وارثہ ہذا کے متعلق کوئی اطلاع نہیں ہے
 علم و تحقیق ہرے ہرے ملک میں اور رست سے لہذا بیان کرتی ہوں
 کر دیا ہے تاکہ سند سے فائدہ نہ ہو۔ ضرورت کام آئے۔ رقم
 3/11/2015
 17301-1688276-1

عنوان: احسان نام دارا نمبر پتہ۔ 7511
 رجسٹر۔ 2015-09-22 آئی ایم اے سوات
 18-11-2015
 اشہار نام: احسان نام دارا نمبر پتہ۔ 7511
 رجسٹر۔ 2015-09-22 آئی ایم اے سوات
 18-11-2015
 اشہار نام: احسان نام دارا نمبر پتہ۔ 7511
 رجسٹر۔ 2015-09-22 آئی ایم اے سوات
 18-11-2015

پاکستان نیلامی

ڈویژنل سپرنٹنڈنٹ آفس پشاور

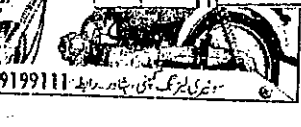
نوٹس نیلامی

برائے سٹیلنگ میٹریل، پارکنگ، کمرشل، تہہ بازاری اور ریلوے بلڈنگ
 پاکستان ریلوے پشاور ڈویژن اپنے مختلف ریلوے اسٹیشنوں، مقامات اور مختلف تاریخوں پر
 (جس کی مکمل تفصیلات ریلوے اور پیکر کی جے ڈی گئی ویب سائٹ پر موجود ہیں) نوٹس پیش
 پلاٹ برائے پارکنگ، تہہ بازاری، سٹیلنگ، ریلوے بلڈنگ اور گڈز شاپ مردان اور تھانیاں کرشل
 مقام کے لئے نیا عام لیز پر دینے کا ارادہ رکھتا ہے۔ تمام خواہشمند حضرات نیا لای جو کہ
 سوار۔ 2015-11-23 سے شروع ہو کر 2015-12-15 تک جاری رہے گی، میں حصہ لے سکتے
 ہیں۔ بولی میں شمولیت کیلئے صلح ایک ہزار روپے (Rs. 1,000/-) (تاقابل واپسی) اور
 کیپیوٹرائزڈ قومی شناختی کارڈ کی صحتدہ کاپی بولی کے وقت اکشن کینی کو دیں گے اور اسکے علاوہ
 بڑھیکر رٹی شیلڈ میں دیئے گئے ریٹ کے مطابق سی ڈی آر (GDR) کسی بھی شیلڈ بلیک سے
 جو کہ ڈویژنل اکاؤنٹس آفیسر پاکستان ریلوے پشاور کے نام بنا ہو نیا لای ہے صلح اکشن کینی کے
 پاس جمع کرنا ہوگا۔
 نوٹ: مکمل معلومات پاکستان ریلوے ویب سائٹ www.pakrail.com اور پی آئی آر سے
 ویب سائٹ www.ppra.org.pk پر ملے گی اور لیز براؤز، پاکستان ریلوے پشاور کیسٹ سے

حافظ محمد ابراہیم ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) صلح سوات
 INF(SW)107

اظہار وجوہ غیر حاضری

بحوالہ اسٹنٹ پولیٹیکل ایجنٹ ایف۔ آر پشاور خط نمبر 4618 تاریخ 02-10-2015
 مندرجہ ذیل درجہ چہارم کے ملازمین
 (1) مسز محمد اسماعیل خان چوکیدار گورنمنٹ گرلز پرائمری سکول باڈلگی ایف۔ آر پشاور
 (2) مسز گل محمد چوکیدار گورنمنٹ گرلز پرائمری سکول ہاشی نیل ایف۔ آر پشاور
 پولیٹیکل انتظامیہ کے سامنے فریکل ویریفیکیشن کیلئے رو برو حاضر نہ ہونے۔ حالانکہ
 آپ کو دفتر حذا کے وساطت سے نوٹس بھیجے گئے جس کی تفصیل یہ ہے۔



بھارت خطے میں بڑی طاقت بننے کا خواہشمند ہے۔
 پاک بحریہ ایک کے دفاع کی مکمل صلاحیت رکھتی ہے،
 پاک بحریہ باقاعدہ (بانی صفحہ 10 بجے نمبر 79)

پاکستان ریلوے
 پلائی ای آرڈر
 46500/- 48500/-
 چلتاری۔ 740

JOB T:
 AREA
 QUALI
 BASIC
 LANGI
 TIMINI
 DOMI



19

Annexure F

DISTRICT EDUCATION OFFICE (M) SWAT

ATTESTED

Faizdullah Khan
Advocate High Court

NOTIFICATION:-

1. WHEREAS, Mr. Said Ali Chowkidar GPS: Rahim Abad Black No 2 District Swat, remained absent from duty without prior permission from the competent authority with effect from 01-04-2015 till now.
2. AND WHEREAS, he was directed through Call Notice Vide this office merno No 1942 P/File/C-IV dated 15-09-2015, but no response was received from him.
3. AND WHEREAS, A notice regarding his willful absence was published in the Daily Newspaper "Ajj" and Khaabarkar dated 04-11-2015, but he again failed to attend his duty within the stipulated time
4. Now, therefore, in exercise of power conferred under the rule 4(b) (iii) of the Khyber pakhtunkhwa Government servant (Efficiency and Discipline) Rules-2011, the competent authority is pleased to impose major penalty of removal from service on Mr. Said Ali Chowkidar GPS: Rahim Abad Black No 2 District Swat on account of willful absence from the date of his absence from duty.

(Hafiz Dr. Muhammad Ibrahim)
DISTRICT EDUCATION OFFICER (M)
SWAT

Endst:No 5952-SR /P/File/Class-IV Dated 20/11/2015

Copy forwarded for information to:-

1. The Director of Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar.
2. The District Comptroller of Accounts Swat at Saidu Sharif.
3. Deputy District Education Officer Male Swat local Office.
4. The Sub Divisional Education Officer Male District Swat.
5. The Assistant Sub Divisional Education Officer Male District Swat.
6. The Head Teacher GPS: Rahim Abad Black No 2 District Swat.
7. P.A to District Education Officer (Male) Swat Local Office.
8. Officials concerned.

DISTRICT EDUCATION OFFICER (M)
SWAT

14

-To

The Director E&SE
Government of Khyber Pakhtunkhwa,
Peshawar.

ATTESTED
Fafidullah Khan
Advocate High Court

Subject: Appeal against the Notification Endst: No.
5952-59/P/File/Class-IV dated 20-11-2015

Respected Sir,

The appellant submits as under.

That the appellant was appointed as Naib Qasid on 08-11-1990. The appellant since then was performing his duties regularly.

That the appellant proceeded on leave of the kind sanctioned and was to end on 31-03-2015.

That the appellant submitted an application for the resumption of his duties on 14-04-2015, copy is attached.

That instead of resuming the duties the appellant was proceeded against and was considered as absent from duties.

That despite his efforts the appellant could not join his duties and to his surprise a major penalty of removal from service was imposed on the appellant vide Notification mentioned above.

It is therefore very humbly prayed that on acceptance of this appeal the appellant be reinstated back into service.

Appellant
Said Ali

Copy: to District Education Officer (M)
Swat at Gulakada.

43

BEFORE THE HONORABLE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No 297/2017

SAID ALI S/O ABDUR RAZZAQ KHAN EX-CHOWKIDAR R/O GUL KADA NO. 3,
AJRANG, SAIDU SHARIF TEHSIL BABOZAI, DISTRICT SWAT

..... Appellant

VERSUS

The Government of Khyber Pakhtunkhwa through Secretary Elementary &
Secondary Education Khyber Pakhtunkhwa, Peshawar & others.

..... Respondents

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.1-3

RESPECTFULLY SHEWETH:

The Respondents Submit as under:-

PRELIMINARY OBJECTIONS:

1. That the Appellant has got no cause of action / locus standi.
2. That the instant Service Appeal is badly time barred.
3. That the Appellant has concealed material facts from this honorable tribunal in the instant service appeal.
4. That the appellant has not come to this honorable tribunal with clean hands.
5. That the appellant is not entitled for the relief he has sought from this honorable tribunal.
6. That the appellant has been treated as per law, rules & Policy.
7. That the instant appeal is not maintainable in its present form.
8. That the appeal is bad for mis-joinder & non-joinder of the necessary parties.

42

9. That the Appellant is not competent to file the instant appeal against the Respondents.

FACTUAL OBJECTIONS.

1. That the Para Pertains to the service record of the appellant, hence needs no Comments.
2. Incorrect & denied. That the appellant was removed from service due to his willful absence without any proper sanction of leave from the competent authority.
3. Correct up to the extent of leave sanction w.e.f 1-04-2013 to 31-03-2015 (730 Days) vide office order dated 31-01-2013, but the appellant did not resume his duty with in the stipulated time and remained absence from duty w.e.f 01-04-2015. The appellant was removed from service vide office notification dated 20-11-2015 due to his willful and unauthorized Absence from duty **(Copy of Leave Sanction & Removal from service are attached as annexure A & B respectively).**
4. Incorrect and denied. The detailed reply of this Para is given in the foregoing Para's of these comments.
5. That all codal and legal formalities have been observed during the removal of the appellant from service. Proper & Formal inquiry has been conducted by the respondents in the matter. That notice for resumption of duty was served upon the appellant vide office order dated 14-09-2015, but the appellant did not resume his duty within the stipulated period of time.

41

That the absence notices of the appellant from duty were published in two Dailies AAJ and Khabarkar on 04-11-2015 respectively. The appellant did not resume his duty within the stipulated period despite of these notices served upon him, hence he was removed from service due to his unauthorized & willful absence in the light of Efficiency & Discipline rules 2011.

(Copies are attached as annexures C, D, E & F respectively)

6. That the department appeal was filed by the competent authority being devoid of plausible reasons for his willful absence from duty. **(copy as attached as annexure G)**

Grounds:

- a. That all codal and legal formalities have been observed by the respondents during the removal of the Appellant as explained in detail in the foregoing Para's. Hence the impugned office Notifications / Orders are legal, lawful, maintainable and in accordance with the law & rules.
- b. In correct & denied. That the detailed reply to this Para is given in the Para No 5 & other Para of these comments.
- c. Incorrect & denied. The appellant has been removed from service due to his unauthorized & willful absence from duty. Notices have been served upon the appellant but he did not resume his duty within stipulated period of time.
- d. That the impugned office Notifications / Orders are legal, lawful, maintainable and in accordance with the law & rules.

e. Incorrect & denied.

f. Incorrect and denied. The detailed reply of this Para is given in the foregoing Para's of these comments.

g. Incorrect and denied. The detailed reply of this Para is given in the foregoing Para's of these comments. That the impugned office Notifications / Orders are legal, lawful, maintainable and in accordance with the law & rules.

h. That The Para is related to the Personal Family of the appellant, hence needs no comments.

i. That all codal and legal formalities have been observed during the removal of the appellant from service. Proper & Formal inquiry has been conducted by the respondents in the matter. That notice for resumption of duty was served upon the appellant vide office order dated 14-09-2015, but the appellant did not resume his duty within the stipulated period of time.

That the absence notices of the appellant from duty were published in two Dailies AAJ and Khabarkar on 04-11-2015 respectively. The appellant did not resume his duty within the stipulated period despite of these notices served upon him, hence he was removed from service due to his unauthorized & willful absence in the light of Efficiency & Discipline rules 2011

j. That additional record will be submitted & other relevant matters will be raised during arguments will the leave of the honorable service tribunal.

In view of the above made submissions, it is requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant Service Appeal with cost in favor of the respondent Department.

Director
E&SE Department Khyber
Pakhtunkhwa, Peshawar

District Education Officer
(Male) District Swat

Secretary

E&SE Department Khyber
Pakhtunkhwa, Peshawar

Director
E&SE Department
Pakhtunkhwa

District Education Officer
(Male) District Swat

Pakhtunkhwa

BEFORE THE HONORABLE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No 297/2017

SAID ALI S/O ABDUR RAZZAQ KHAN Ex-Chowkidar R/O GUL KADA NO. 3,
AJRANG, SAIDU SHARIF TEHSIL BABOZAI, DISTRICT SWAT

..... Appellant

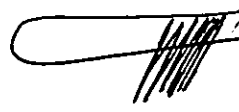
VERSUS

The Government of Khyber Pakhtunkhwa through Secretary Elementary &
Secondary Education Khyber Pakhtunkhwa, Peshawar & others.

..... Respondents

AFFIDAVIT

I, Muhammad Saeed the Representative of department
solemnly affirm & declare on oath that all the contents of these Joint
parawise comments are true and correct to the best of my
Knowledge, and belief. Nothing has been kept concealed from this
honorable service Tribunal.

 19/1/2018
Deponent

**OFFICE OF THE DISTRICT EDUCATION OFFICER(M)SWAT AT
GULKADA**

OFFICE ORDER/SANCTION OF LEAVE.

Annex-A

1

Sanction is hereby accorded to the grant of
Earned Leave in favour of Mr. Said Ali chowkidar GPS Rahim Abad Black No.1
Swat w.e.f 01-04-2013 to 31-3-2015(730)days on half pay as due and admissible
To him under the leave rules,1981.

Necessary entry to this effect should be made
In his original service Book accordingly.

(Gul Zaman Khan)
District Education officer
(M)swat at Gulkada.

21/1/13

Endst:No. 600-4 / 1 dated the 31-1 / 2013

Copy forwarded to:

- 01 The DDO(M)primary swat for information pl.
- 02 The District Accounts officer-swat
- 03 The official concerned.
- 04 P.A to the DEO(M)local office.

[Signature]
District Education officer
(M)swat at Gulkada.

Annex-A

Leave Sanction
31-1-2013

سید علی چوکیدار

OFFICE ORDER.


2

COMMITTEE.

Mr. Said Ali S/O Abdul Raziq N/O Singora District Swat, is hereby appointed as Naib Qasid at Govt: Primary School Gulkoda in S.P.O. No. 1 at Rs. 600-13-060 PM plus usual allowances with immediate effect in the interest of public service on the following terms and conditions.

TERMS AND CONDITIONS.


1. Charge report should be submitted to all concerned in duplicate.
2. D.A./M.A. is allowed under the rules.
3. The appointment is purely temporary and subject to termination at any time without notice and assigning any reason. In case of resignation they should have to submit one month's pay to the Govt: in view thereof.
4. He should produce his Health and Age Certificate from the medical Superintendent concerned.
5. The Head of the institution concerned is required to check relevant documents of the candidate concerned before handing over the charge.
6. The candidate is required to take over charge within 14 days failing which his appointment order will stand automatically cancelled.
7. The candidate should not be handed over the charge if his age exceed 45 years or below 18 years.


 Sub-Divisional Education Officer (S.D.),
 Gulkoda, Swat District.

~~Sub-Divisional Education Officer (S.D.), Gulkoda.~~
 No. 24993-96 /n-40/C-1V dated 8-11 /1990.

Copy of the above is forwarded for information and n/a to:

1. The Head of the school at Gulkoda.
2. The Head Office (accounts) of local office.
3. The Head Teacher, G.P. Gulkoda.
4. The candidate concerned.


 Sub-Divisional Education Officer (S.D.),
 Gulkoda, Swat District.

Appointments order Naib Qasid
 8-11-1990

3



DISTRICT EDUCATION OFFICER (M) SWAT

Annex - B

NOTIFICATION:-

1. WHEREAS, Mr. Said Ali Chowkidar GPS: Rahim Abad Black No 2 District Swat remained absent from duty without prior permission from the competent authority with effect from 01-04-2015 till now.
2. AND WHEREAS, he was directed through Call Notice Vide this office memo No-1942 P/File/C-IV dated 15-09-2015, but no response was received from him.
3. AND WHEREAS: A notice regarding his willful absence was published in the Daily Newspaper "Ajj" and Khabarkar dated 04-11-2015, but he again failed to attend his duty within the stipulated time
4. Now, therefore, in exercise of power conferred under the rule 4(b) (iii) of the Khyber pakhtunkhwa Government servant (Efficiency and Discipline) Rules-2011, the competent authority is pleased to impose major penalty of removal from service on Mr. Said Ali Chowkidar GPS: Rahim Abad Black No 2 District Swat on account of willful absence from the date of his absence from duty.

(Hafiz Dr. Muhammad Ibrahim)
DISTRICT EDUCATION OFFICER (M)
SWAT

Endst:No 5952-59 /P/File/Class-IV Dated 20/11 /2015

Copy forwarded for information to:-

1. The Director of Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar
2. The District Comptroller of Accounts Swat at Saidu Sharif.
3. Deputy District Education Officer Male Swat local Office.
4. The Sub Divisional Education Officer Male District Swat.
5. The Assistant Sub Divisional Education Officer Male District Swat.
6. The Head Teacher GPS: Rahim Abad Black No 2 District Swat.
7. P.A to District Education Officer (Male) Swat Local Office.
8. Officials concerned.

20/11/2015

DISTRICT EDUCATION OFFICER (M)
SWAT

Removal Notification



OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) SWAT

Annexure - C

29
④

No. 1842 /P/File/ C-IV

Dated 15/9 /2015

To,

Mr. Said Ali S/O Abdur Raziq
Village Panr (Maira) R.O Saidu Sharif
District Swat

15/9/15

Subject:- Notice for resumption of duty.

Memo:

It is to inform you that you were proceeded on long leave w.e.f. 01-04-2013 to 31-03-2015 (730 days) vide this office sanction No 600-4 dated 31-01-13 and you were expected to resume your duty on 01-04-2015, but you failed to resume your duty so far.

In this connection you are directed to resume your duty within 7 days after the issue of this notice, failing which ex-parte action will be taken against you under the E & D rules 2011.


DISTRICT EDUCATION OFFICER (M)
SWAT

Endst: No. _____

Copy of the above is forwarded:-

1. The Sub Divisional Education (M) District Swat w/r to his memo No 4263-67 dated 26-08-2015.
2. The Assistant Sub Divisional Education (M) circle District Swat
3. The Head Teacher-GPS: Rahim-Abad Black no 1 District Swat
4. P.A to the District Education Officer (M) Swat local office.


DISTRICT EDUCATION OFFICER (M)
SWAT

Annexure - C)

Absence Notice

15 9-2015

28
5



OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) SWAT

No 3811 / P/File/C-IV

Dated 31/10/15 /2015

To,

The regional Director
Information District swat

Subject:- Publication of Absent Notice.

Memo:

Enclosed please find herewith seven photocopies of absent notice in respect Mr. Said Ali Chowkidar GPS: Rahim Abad Black No 2 District Swat for publication in two daily Newspapers at your earliest.

It is further requested that a copy of these newspapers may be sent to this office for office record please.

[Signature]
DISTRICT EDUCATION OFFICER (M)
SWAT

Endst: No 3812-3

Copy forwarded for information to:-

1. The Director of Elementary and Secondary Education Khyber PukhtunKhwa, Peshawar.
2. P.A to District Education Officer (M) Swat local office.

[Signature]
DISTRICT EDUCATION OFFICER (M)
SWAT

6

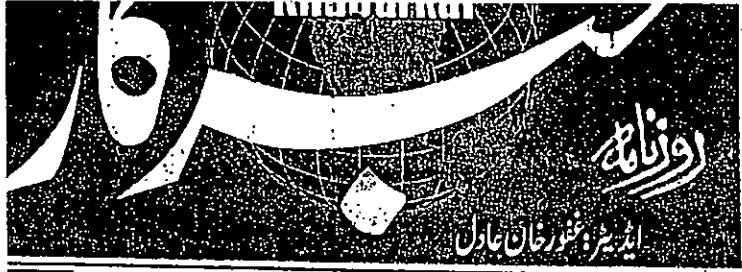
نوٹس غیر حاضری

اپ سید علی چوکیدار گورنمنٹ پرائمری سکول رحیم آباد بلاک نمبر ۲ ضلع سوات یکم اپریل ۲۰۱۴ء سے مسلسل سرکاری ڈیوٹی سے بغیر کسی اطلاع غیر حاضر ہے۔ آپ کو گھر کے پتہ پر وقتاً فوقتاً انفرادی نوٹس غیر حاضری بھی بھیجے گئے۔ جس میں آپ کو جلد از جلد ڈیوٹی کیلئے حاضر ہونے اور غیر حاضری کی وجہ بیان کرنے کا کہا گیا ہے۔ لیکن تا حال آپ اپنے متعلقہ سکول کو ڈیوٹی پر حاضر ہوئے اور نہ آپ کی طرف سے کوئی جواب موصول ہوا۔ لہذا اب بذریعہ اخبار آپ کو آخری بار مطلع کیا جاتا ہے۔ کہ اس نوٹس کے اشاعت کے پندرہ دن کے اندر اندر اپنے ڈیوٹی پر حاضر ہو جائیں اور ذمہ داری سنبھالیں اور ورنہ آپ کو برطرف کر دیا جائے گا۔ اس کے علاوہ دیگر آپ کے خلاف خیر پختہ نخواستہ ملازمت سے برخاستگی (خصوصی اختیارات) آرڈیننس ۲۰۱۱ء ملازمت سے برخاست بھی کیا جاسکتا ہے۔ اور بعد میں کوئی عذر قبول نہیں کیا جائے گا۔

Mr. Allama
حافظ محمد ابراہیم

ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ)

ضلع سوات



04 نومبر 2015ء، 21 نومبر 1437ھ، 21 اگست 2071ء، صفحہ 4، قیمت 5 روپے

گلابی شہادتیں

حالیہ بناہ کن زلزلے سے کلام اور اجماعہ علاقوں میں سینکڑوں مکانات، دکانوں، ہوٹلوں کو نقصان پہنچا ہے۔

ایک فوجی دستے اور دیگر اہل فوجیوں نے زلزلے سے متاثرہ علاقوں میں جان بچانے اور زخمیوں کو طبی امداد دینے کے لیے کام کیا۔



ایسے ہی فوجیوں نے زلزلے سے متاثرہ علاقوں میں جان بچانے اور زخمیوں کو طبی امداد دینے کے لیے کام کیا۔

ہم نے قارئین کو مطلع کیا ہے کہ ہمارے اخبار کی ادارت نے ایک نئے شمارے کی تیاری شروع کی ہے۔ اس شمارے میں ہم نے قارئین کی خدمت میں ایک نئے اور دلچسپ مواد پیش کیا ہے۔ اس شمارے میں ہم نے قارئین کی خدمت میں ایک نئے اور دلچسپ مواد پیش کیا ہے۔

1000 روپے کی رقم جمع کروانے کے لیے ایک مہم چلا رہے ہیں۔ اس مہم میں ہم نے قارئین کی خدمت میں ایک نئے اور دلچسپ مواد پیش کیا ہے۔

پیر حاضری

پیر حاضری چھوڑنا گورنمنٹ پرائمری سکول رحیم آباد ہلاک فہرہ منٹ سوات کم اپریل 2013ء سے اسی روز کی ذی بونی سے بغیر کسی اطلاع پیر حاضری ہے۔ آپ کو گھر کے پتے پر وقتاً فوقتاً اسی روز کی ذی بونی سے بغیر کسی اطلاع پیر حاضری ہے۔ آپ کو گھر کے پتے پر وقتاً فوقتاً اسی روز کی ذی بونی سے بغیر کسی اطلاع پیر حاضری ہے۔

INF (SW)107

4-11-2015

گلابی شہادتیں

ایک فوجی دستے اور دیگر اہل فوجیوں نے زلزلے سے متاثرہ علاقوں میں جان بچانے اور زخمیوں کو طبی امداد دینے کے لیے کام کیا۔



Annexure-D

Absence Notice

8

جلد 26 | تاریخ 04 نومبر 2015ء | نمبر 1437 | قیمت 12 روپے | شمارہ 294

جشن پاکستان اور غیر جمالی نے توئی زبان اردو میں ہاؤس کے گیت ہر اک لیا گیا
خطاب کیا ہے پارلیمانی (ہائی سٹیج 10 بجے نمبر 74) اجازت نہ دی گئی۔ (ہائی سٹیج)

مغرب کی وفات سے کسی اور روحانی خلاء پیدا ہوا ہے ہے یا آئی ایچ کے شیرازہ میں خطاب
شیرازہ (نہادہ آج) ہمیت علماء اسلام علیٰ صلح مروان اور ان کی رخصت سے ملی اور روحانی خلا پیدا ہو گیا
کے امیر و سابق کیمبروقی اسٹیبل سولانا محمد قاسم نے کہا ہے جو بڑے کراہت مشکل ہے ان حالات کا اظہار
ہے کہ حضرت شاہ سولانا غیر مل شاہ ایک عظیم مدنی انہوں نے دارالعلوم اسلامیہ کراچی میں گزراہ میں علماء
اور علمی شخصیت تھے ان کی وفات ایک عظیم سانحہ ہے علماء سے خطاب میں کیا۔

اور علاج انسانیت کا وظیفہ غیر محکوموں کے ترجمان نہیں دقت اور ناکارکنان اپنے مشن پر گامزن ہیں۔
قیس الامن جہان نے کہا ہے کہ جماعت المدعوہ انہوں نے کہا کہ جماعت المدعوہ کی گورننگ پر پابندی
و علاج انسانیت کا وظیفہ غیر پابندی کے حوالے سے کے شیلے تکالیف سمجھات سے رجوع کرینگے۔

نوٹس غیر حاضری

اب میں ملی چوکیدار گورنمنٹ پرائمری سکول رحیم آباد بلاک نمبر 2 ضلع سمات کم اپریل 2014ء
سے مسلسل سرکاری ڈیوٹی سے غیر حاضری اطلاع غیر حاضر ہے اب کو گھر کے پتہ پر دانا تو کا انفرادی
نوٹس غیر حاضری بھی بھیجے گئے جس میں اب کو جلد از جلد ڈیوٹی کیلئے حاضر ہونے اور غیر حاضری کی
وجہ بیان کرنے کا کہا گیا ہے لیکن حال اب اپنے خلیفہ سکول ڈیوٹی پر حاضر ہونے اور ان سب کی
طرف سے کوئی جواب موصول ہوا لہذا اب بذریعہ اخبار اب کو آخری بار مطلع کیا جاتا ہے کہ اس
نوٹس کے اشاعت کے چودہ دن کے اندر اندر اپنے ڈیوٹی پر حاضر ہو جائیں اور ڈیوٹی کے
آدمیوں کو ہر اپنے غیر حاضری کے وجوہات بیان کریں بصورت دیگر اب کے خلاف غیر
محکوموں سے برتاؤ (خصوصی اختیارات) آرڈی نیشن 2011 ملازمت سے
برخواستگی کیا جاسکتا ہے اور بعد میں کوئی مدد قبول نہیں کیا جائیگا۔

حافظ عبدالرحیم ڈسٹرکٹ ایجوکیشن آفیسر (مردان) ضلع سمات
INE(SW)107

اظہار وجوہ نوٹس غیر حاضری

کوٹوال سٹیٹ پبلک ایجوکیشن آفس آر پشاور ڈسٹرکٹ 4618 تاریخ 02-10-2015
مندرجہ ذیل درجہ چھام کے ملازمین
(1) مسٹر محمد اسحاق خان چوکیدار گورنمنٹ گرلز پرائمری سکول باڈل ایف۔ آر پشاور
(2) مسٹر گل محمد چوکیدار گورنمنٹ گرلز پرائمری سکول ہاشی ٹیل ایف۔ آر پشاور
پبلک ایجوکیشن انتظامیہ کے سامنے فزیکل اور پبلیکیشن کیلئے دوہرہ حاضر ہونے کے احالہ کر
آپ کو دفتر حذرا کے وساطت سے نوٹس بھیجے گئے جس کی تفصیل یہ ہے۔

زمنہ افضل
ایجنس میں
اجلاس میں
الاک وقت
ان کی وفات کو
دیا۔
گروپ
الایف
5 نومبر کے
بہترین نہیں
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انکسٹریٹ سٹیٹ ایجوکیشن آفیسر (مردان) ضلع سمات
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برائے سٹیٹیک میٹریل، پارکنگ، کمرشل، تہ بازار اور ریوے بلڈنگ
پاکستان ریلوے پشاور ڈویژن اپنے قلمبے آئینوں، مقامات اور قلمبے تاریخوں پر
(جس کی کاپی تھیں ریلوے اور پشاور کی جے ڈی کی ویب سائٹ پر موجود ہیں) کو نوٹس
پلاٹ نمبر 4618، تہ بازار، سٹیٹیک، ریلوے بلاک اور گورنمنٹ پشاور اور ان سب کی کمرشل
مقام کے لئے نظام مام لیز پروویڈ کا ارادہ رکھتا ہے۔ تمام فراہم کنندہ حضرات بخلائی جو کہ
سورہ 2015-11-23 سے شروع ہو کر 2015-12-15 تک جاری رہے گی، میں حصہ لے سکتے
ہیں۔ یوں ہی شمولیت کیلئے سٹیل ایک ہزار روپے (Rs. 1,000/-) (5% کا پیسہ) اور
کیپٹل انڈسٹریل ڈیولپمنٹ کارڈ کی حد تک کاپی ہونی کے وقت آئین سٹیٹیک کو دیں گے اور اسکے علاوہ
بڑے سٹیٹیک ڈیولپمنٹ میں دیئے گئے ریٹ کے مطابق سی ڈی آر (CDR) کی کاپی سٹیٹیک ڈیولپمنٹ سے
جو کہ ڈیولپمنٹ آفیسر پاکستان ریلوے پشاور کے نام موصول ہوتی ہے پہلے آئین سٹیٹیک کے
پس جمع کرنا ہوگا۔
نوٹ: مکمل معلومات پاکستان ریلوے ویب سائٹ www.pakrail.com اور پی آر آے کے
ویب سائٹ www.ppra.org.pk پر موصول ہوتی ہیں۔ پاکستان ریلوے پشاور ڈویژن کے

کوٹوال سٹیٹ پبلک ایجوکیشن آفس آر پشاور ڈسٹرکٹ 4618 تاریخ 02-10-2015
مندرجہ ذیل درجہ چھام کے ملازمین
(1) مسٹر محمد اسحاق خان چوکیدار گورنمنٹ گرلز پرائمری سکول باڈل ایف۔ آر پشاور
(2) مسٹر گل محمد چوکیدار گورنمنٹ گرلز پرائمری سکول ہاشی ٹیل ایف۔ آر پشاور
پبلک ایجوکیشن انتظامیہ کے سامنے فزیکل اور پبلیکیشن کیلئے دوہرہ حاضر ہونے کے احالہ کر
آپ کو دفتر حذرا کے وساطت سے نوٹس بھیجے گئے جس کی تفصیل یہ ہے۔

Annexure-E
4-11-2015
Absence Notice

کوٹوال سٹیٹ پبلک ایجوکیشن آفس آر پشاور ڈسٹرکٹ 4618 تاریخ 02-10-2015
مندرجہ ذیل درجہ چھام کے ملازمین
(1) مسٹر محمد اسحاق خان چوکیدار گورنمنٹ گرلز پرائمری سکول باڈل ایف۔ آر پشاور
(2) مسٹر گل محمد چوکیدار گورنمنٹ گرلز پرائمری سکول ہاشی ٹیل ایف۔ آر پشاور
پبلک ایجوکیشن انتظامیہ کے سامنے فزیکل اور پبلیکیشن کیلئے دوہرہ حاضر ہونے کے احالہ کر
آپ کو دفتر حذرا کے وساطت سے نوٹس بھیجے گئے جس کی تفصیل یہ ہے۔

کوٹوال سٹیٹ پبلک ایجوکیشن آفس آر پشاور ڈسٹرکٹ 4618 تاریخ 02-10-2015
مندرجہ ذیل درجہ چھام کے ملازمین
(1) مسٹر محمد اسحاق خان چوکیدار گورنمنٹ گرلز پرائمری سکول باڈل ایف۔ آر پشاور
(2) مسٹر گل محمد چوکیدار گورنمنٹ گرلز پرائمری سکول ہاشی ٹیل ایف۔ آر پشاور
پبلک ایجوکیشن انتظامیہ کے سامنے فزیکل اور پبلیکیشن کیلئے دوہرہ حاضر ہونے کے احالہ کر
آپ کو دفتر حذرا کے وساطت سے نوٹس بھیجے گئے جس کی تفصیل یہ ہے۔

OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER (MALE) DISTRICT
SWAT

No. 4263-67

Dated: 26/8/2015

9

District Education Officer (M)
Saidu Sharif Swat

Annex-F

Subject:

ENQUIRY AGAINST MR. SAID ALI CHOWKIDAR GPS SHERARI
CIRCLE MINGORA

Memo:

Reference to your office letter No. 6840 dated 23-07-2015

After the very long and troublesome efforts the following information are given received from the original service book and other official record of Mr. Said Ali Chowkidar GPS Sharari please.

1. Mr. Said Ali has been appointed against the post of Naib Qasid at GPS Gulkada Swat vide order no 24993-96/A - 46/C -IV dated 8/11/1993.
2. On 1-7-1993 he has been shown at GMS Banjot Swat.
3. In his original Service Book he has been shown Chowkidar at GGHS Charbagh on dated 1-7-2008 required entries have been made in his original service Book but unsigned by the Head Mistress.
4. Then on 1-4-2014 he has been a Chowkidar at GGMS Malook abad and on 14-4-2012 he has been expressed Chowkidar of GPS Rahim abad.
5. And from GPS Rahim Abad Block No. 2 Mr. Said Ali Chowkidar has transfer to GPS Sherarai Order no 3711-13 dated 22-1-2013 (order copy is Annexure A) and required entries has not been entered in his original service book (original service book attached as Annexure B).
6. Here according to the service book Mr. Said Ali is once again a Chowkidar of GPS Rahim Abad Block No. 1 and earn leave has been sanctioned to him w.e.f 1-4-2013 to 31-3-2015 (730 days) order no 6000-4 dated 31-3-2013 (order copy Annexure C).

R/S According to service book of the said chowkidar has been remained on earn leave in different periods as under

1. W.e.f 1-10-1998 to 30-9-2000 (730 days) Order no-8993 - 94 dated 27-10-1998.
2. W.e.f 30-4-2003 to 30-4-2006 (1095 days) with out pay vide DEO Swat Order no 1073 - 25/63 dated 19-04-2003.
3. For the 3rd time the above leave has been extended upto 30-4-2008 (724 days) vide EDO Swat no 68-71/A-12/C-IV dated 3-7-2006.
4. At last his earn leave has been sanctioned vide DEO Male office no 6000/4 dated 31-1-2013 w.e.f 1-4-2013 to 31-3-2015 (730 days) with half pay sanctioned order Annexure D and still he is absent from the school.

Note: necessary entries have been made in the original service book but unsigned by the SDEO or other authority.

Annex-F

26/8/2015

copy
put up immediately
along with draft call
No. 4263-67
26/8/15

Respected sir,

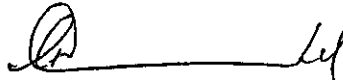
1. As far as I know the whole entries and record seems untrustable.
2. Now a days Mr. Said Ali is also abroad (according to the statement of residents of the area)
3. Some time his entries have not been signed by the competent authorities where he has been transferred.
4. Mr. Akhtar S/O Abdullah has been worked since 1-12-1988 at the GPS Sherari (Copy is Annexure E)

Recommendations

In the light of the above information collected is hereby recommended that strict disciplinary action may be taken against the said chowkidar.

Documents attached:

1. Original service book.
2. Transfer order.
3. Earn leave sanctioned order.
4. Charge report and appointment order of Mr. Akhtar s/o Abdullah permanent Chowkidar of GPS Sharari


Sub Divisional Education Officer (M)
Saidu Sharif Swat

Copy forwarded for information and necessary action to.

1. Deputy District Education Officer (M) Swat.
2. PA to-DEO.
3. Office copy.


Sub Divisional Education Officer (M)
Saidu Sharif Swat

To

The Director E&SE
Government of Khyber Pakhtunkhwa,
Peshawar.

Annexure
4

22
11

Subject: Appeal against the Notification Endst: No.
5952-59/P/File/Class-IV dated 20-11-2015

Respected Sir,

The appellant submits as under.

That the appellant was appointed as Naib Qasid on 08-11-1990. The appellant since then was performing his duties regularly.

That the appellant proceeded on leave of the kind sanctioned and was to end on 31-03-2015.

~~That the appellant submitted an application for the resumption of his duties on 14-04-2015, copy is attached.~~

That instead of resuming the duties the appellant was proceeded against and was considered as absent from duties.

That despite his efforts the appellant could not join his duties and to his surprise a major penalty of removal from service was imposed on the appellant vide Notification mentioned above.

It is therefore very humbly prayed that on acceptance of this appeal the appellant be reinstated back into service.

Appellant
Said Ali

Copy to District Education Officer (M)
Swat at Gulkada.

Departmental Appeal

4808
27/12/16

PESHAWAR HIGH COURT, MINGORA BENCH/ DAR-UL-QAZA, SWAT

D.B CAUSE LIST FOR TUESDAY, THE 3rd DECEMBER, 2019

BEFORE Mr. JUSTICE SYED ARSHAD ALI

Mr. JUSTICE WIQAR AHMAD

MOTION CASES

1. **C.M 1710-M/2019**
In W.P 1087/2018
{Early Hearing} Ibadullah
() Vs Govt. of Pakistan, through Secy.
Interior & others
2. **C.M 1735-M/2019**
In C.O.C 63/2019
In W.P 194/2019
{Early Hearing} Fazal Hussain & others
(Liaqat Ali) Vs Govt. of Khyber Pakhtunkhwa,
through Secy. Health & others
3. **Cr.M 357-M/2019**
In Cr.A 479/2019
{u/s 426 Cr.P.C} Johar Ali
(Shakeel Ahmad Khan Hashtnagri) Vs Amjad Ali & 1 other
4. **Cr.A 54-M/2018**
(Against Acquittal)
{u/s 320, 449, 148, 149,
109-PPC} Mst. Gul Sanga
(Qaisar Khan) Vs The State & others
5. **Cr.A 1-M/2019**
(Against Acquittal)
{u/s 302/ 324 / 34-PPC} Bakht Zarun
(Badi uz Zaman) Vs Bakht Sherawan & 1 other
6. **Cr.A 16-M/2019**
(Against Acquittal)
{u/s 364-A/363/34-PPC} Sultan Zeb
(Shamsher Ali Khan) Vs Lal Muhammad & others
7. **Cr.A 29-M/2019**
(Against Acquittal)
{u/s 436 / 34-PPC} Khan Said
(Rahimullah Swat) Vs Rahmat Khan & others

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|-----|--|--|--|
| 17. | W.P 581-M/2019
With Interim Relief (N)
{Service/Appointment}
{Other Notice} | Inayat Khan & 1 other
(Muhammad Nabi) | Vs Govt. of Khyber Pakhtunkhwa,
through Chief Secy. & others
(A.A.G) |
| 18. | C.O.C 81-M/2019
In W.P 581-M/2019
{Contempt of Court}
{Motion} | Inayat Khan
(Muhammad Nabi) | Vs Ikram Ullah Khan District Health
Officer Dir Upper |
| 19. | W.P 687-M/2019
With Interim Relief (N)
{General}
{Other Notice} | Farman Ahmad
(Muhammad Nabi) | Vs Govt. of Khyber Pakhtunkhwa,
through Chief E&SE. & others
(A.A.G) |
| 20. | W.P 1002-M/2019
With Interim Relief
{Retired Son Quota}
{Other Notice} | Gulzar Ali
(Syed Abdul Haq) | Vs Govt. of Khyber Pakhtunkhwa,
through Secy. Education & others
(A.A.G) |

OTHER NOTICE CASES

- | | | | |
|----|--|--|--|
| 1. | C.O.C 11-M/2018
In W.P 700/2016
{Contempt of Court} | Karam Ali & others
(Rahimullah Chitrali & Humaira
Shaukat) | Vs Rahat Ullah, District Police
Officer, Shangla & others
(Faridullah Khan & A.A.G)

(Date By Court) |
| 2. | C.O.C 50-M/2018
In W.P 588/2014
{Contempt of Court} | Ihsan Ullah Khan & others
(Akhtar Munir Khan) | Vs Hafiz Ibrahim, District Education
Officer, (Male) Lower Dir & others |
| 3. | C.O.C 108-M/2018
In W.P 320/2016
{Contempt of Court} | Mst. Noor Jehan
(In Person) | Vs Govt. of Khyber Pakhtunkhwa,
through Secy. Education & others
(A.A.G)

(Date By Court) |
| 4. | C.O.C 30-M/2019
In W.P 203/2014
{Contempt of Court} | Kamran Ali
(Ijaz Muhammad) | Vs Ibrar Muhammad & others
(A.A.G) |

14. **W.P 287-M/2016**
With C.M 256/2019
{u/s 29 (4) of KPK Forest ordinance 2002}
{Motion}
- Shah Zaman Khan**
(Muhammad Javaid Khan)
- Vs Govt. of Khyber Pakhtunkhwa,**
through Chief Secy. & others
15. **W.P 756-M/2018**
With Interim Relief
{General}
{Motion}
- Toti & others**
(Sana Ullah)
- Vs Govt. of Khyber Pakhtunkhwa,**
through Chief Secy. & others
16. **W.P 880-M/2019**
With Interim Relief &
With C.M 1245/2019
{General}
{Motion}
- M. Azam Khan & others**
(Gul Muhammad Khan Kattana)
- Vs Govt. of Khyber Pakhtunkhwa,**
through Secy. Forest & others
(A.A.G)
17. **C.O.C 42-M/2019**
In W.P 231/2017
{Contempt of Court}
- Sadbar**
(Farid Ullah Khan)
- Vs Govt. of Khyber Pakhtunkhwa,**
through Chief Secy. M. Salim Khan
(A.A.G)
18. **W.P 807-M/2017**
{General/ Quashment
of FIR}
- Zahir Khan**
(Malak Ahmad Jan)
- Vs Sher Badshah & others**
(Shaibar Khan & A.A.G)
19. **W.P 599-M/2018**
With Interim Relief
{General/ Quashment
of FIR}
- Fazal Wahid & 1 other**
(Hafiz Ashfaq Ahmad)
- Vs Fatih Khan & others**
(Muhammad Raziq Khan & A.A.G)
(Date By Court)
20. **W.P 637-M/2018**
With Interim Relief (N)
{Service/Re-Instatement}
- Naveeda Khan & 1 other**
(Sabir Shah)
- Vs Govt. of Khyber Pakhtunkhwa,**
through Secy. Health & others
(A.A.G)
21. **W.P 788-M/2018**
With Interim Relief
{Service/ Regularization}
- Habib-ur-Rahman & others**
(Abdul Qayum)
- Vs Federation of Pakistan through**
Finance Secretary & others
(Bilal Ahmad Durrani & D.A.G)
(Date By Court)

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA CAMP COURT AT SWAT

Said AliAppellant

Versus

Provincial Govt and others.....Respondents

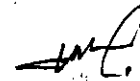
APPLICATION FOR ADJOURNMENT OF THE ABOVE
TITLED CASE

Respectfully sheweth:

- 1) That the above titled case is pending before this honorable tribunal wherein 03-12-2019 date of hearing is fixed.**
- 2) That counsel of the appellant Mr. Farid Ullah Khan Advocate is busy before the Honorable Peshawar High Court Mingroa Bench (Dar-Ul-Qaza) Swat, therefore unable to argue the above titled case to day. Copy of the cause list is attached.**

It is therefore very humbly prayed that on acceptance of this application the above titled case may kindly be adjourned.

Appellant



Said Ali

بہ الت جناب سرورس ٹریڈیوٹل خیبر پختونخوا مقام گل لہڑا سوان

سید علی نبی حکومت

د رُہ دست امراد تیرہ ملی تارہ ٹخی پیشی

حسب زیل عرض گزار ہے

جناب عالی

یہ د مقررہ بیلہ عنوان بیلہ عدالت حضور

میں زیر سماعت ہے جس میں آج تارہ ملی
پیشی مقرر ہے

یہ د سائل کا وسیلہ پشاور ہائی

کورٹ سینٹور لا شیخ داد العفراء سوان
میں معروف ہے اور عدالت حضور میں
پیشی ہونے سے قاصر ہے

سید علی
عمراد تیرہ ملی
سائل ~~یہ د سائل~~ (سید علی)



OFFICE OF THE DEPUTY DIRECTOR
FEDERAL INVESTIGATION AGENCY
IMMIGRATION BKIA PESHAWAR
PH: 091-9213372

No. Immigration BKIAP /19/414

Dated: 30 /08/2019

To,

The District Education Officer (M),
Swat

Subject:

**TRAVELLING HISTORY IN RESPECT OF SAID ALI NAIB QASID GPS NO.
1 GULKADA SWAT**

Kindly refer to your letter No. Endorsement No. 8910 dated 21.08.2019 on the subject noted above.

Enclosed please find herewith Travel History in the name of Said Ali Naib Qasid GPS. No. 1 Gulkada Swat CNIC No. 15602-9810505-1, provided by Assistant Director IBMS Peshawar Airport, for further necessary action.

Encl: (As above)

Mr. Fazal Wahab.
12/9/2019

Alectareem
ASSISTANT DIRECTOR
FIA IMMIGRATION BKIA PESHAWAR

2035
19-9-019



INTEGRATED BORDER MANAGEMENT SYSTEM
 FIAHQ G-9/4 PESHAWAR MOR, ISLAMABAD
 Fax No: 051-9262376, Tel No: 051-9107219
R-11 (TRAVEL HISTORY)



TRAVEL HISTORY FOUND ON: 1560298105051

Required By: District Education Officer, swat

Department: EDUCATION

Diary No: 8910/21/08/2019

Letter Number: travel history

Request Date: 21-Aug-2019

Query Date: 24-Aug-2019

TRAVELER'S CNIC/NIC

1560298105011

1560298105051

PERSONAL INFORMATION:

NAME SAID ALI

BIRTH DATE 01-JAN-1973

FATHER/HUSBAND NAME ABDUR RAZIQ

NATIONALITY Pakistan

TRAVEL DETAILS:

S.NO	TRAVEL DATE	FLIGHT NO	TRAVEL STATUS	PASSPORT NO	SITENAME
1	17-May-07 7:14:42	PK3262	arriving	KF923624	Peshawar International Airport
2	04-Nov-07 3:48:15	EY282	departing	KF923624	Peshawar International Airport
3	24-May-08 2:29:03	QR346	arriving	KF923624	Peshawar International Airport
4	08-Nov-08 3:29:23	QR347	departing	KF923624	Peshawar International Airport
5	14-Sep-09 13:05:47	SV718	arriving	KF923624	Benazir Bhutto International Airport Islamabad
6	28-Feb-10 8:38:11	SV707	departing	KF923624	Jinnah International Airport Karachi
7	14-Nov-11 7:48:43	PK3756	arriving	KF923824	Peshawar International Airport
8	09-Apr-12 10:18:48	PK783	departing	LB1805051	Benazir Bhutto International Airport Islamabad
9	08-Jan-13 7:08:18	GF784	arriving	LB1805051	Peshawar International Airport
10	09-Feb-13 5:09:05	GF771	departing	LB1805051	Benazir Bhutto International Airport Islamabad
11	22-Jan-15 5:16:33	MCT345	arriving	LB1805051	Benazir Bhutto International Airport Islamabad
12	17-Apr-15 10:11:24	MCT348	departing	LB1805051	Benazir Bhutto International Airport Islamabad
13	17-Oct-18 5:58:12	MCT345	arriving	LB1805051	Benazir Bhutto International Airport Islamabad
14	08-Jan-17 3:27:23	NL723	departing	LB1805052	Peshawar International Airport
15	02-Oct-18 3:40:08	NAS0315	arriving	LB1805052	Benazir Bhutto International Airport Islamabad

Time: 2:01:46 pm

(NOT FOR COURT USE)



OFFICE OF THE DEPUTY DIRECTOR
FEDERAL INVESTIGATION AGENCY
IMMIGRATION BKIA PESHAWAR
PH: 091-9213372

No. Immigration BKIAP /19/414

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Encl: (As above)

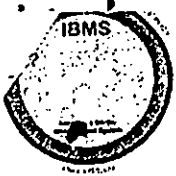
Mr. Fazal Wahab.

12/9/2019

Alecharany

ASSISTANT DIRECTOR
FIA IMMIGRATION BKIA PESHAWAR

2035
19-9-019



INTEGRATED BORDER MANAGEMENT SYSTEM
 FIAHQ G-9/4 PESHAWAR MOR, ISLAMABAD
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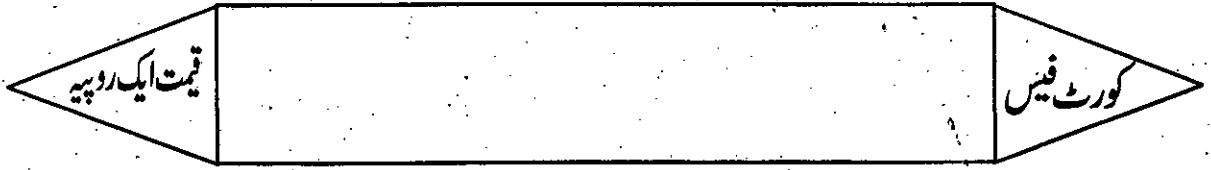
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15	02-Oct-18 3:40:08	NAS0315	arriving	LB1805052	Benazir Bhutto International Airport Islamabad

Time: 2:01:46 pm

Note: Computer Generated Report Based On Given Particulars.

PREPARED BY: _____

(NOT FOR COURT USE)



مورخہ ۱۷ مہینہ ۲۰۱۶
مقدمہ سپر علی بنام کورٹ منسٹ

دعویٰ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام مسروس ٹریبیونل حیدرآباد پٹنہ اور پٹنہ کے مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زرا اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ مذکور کے نسل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقررہ شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوا ایسے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سند رہے

المرقوم 24 مہ ۱۷

العبد سید گ واہ شاہ العبد
Said Ali appala

بمقام - پٹنہ ٹریبیونل کے لئے منظور ہے

Attested To Accepted by
Faridullah Khan

Faridullah Khan

