

18th July 2022

Learned counsel present. Mr. Noor Zaman, District
alongwith Mr. Hamid Mansoor, Assistant for official
respondents No. 1 to 5 present.

Comments on behalf of official respondents
submitted, copy of which handed over to learned
counsel for the appellant, who sought time for
preparation of arguments. To come up for arguments
on 19.09.2022 before the D.B at Camp Court
Abbottabad.



(Salah Ud Din)
Member(Judicial)



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

19.09.2022


Appellant present through counsel.

Kabir Ullah Khattak, Additional Advocate General
alongwith Hamid Mansoor, Assistant for respondents
present.

Former submitted rejoinder with a request for
adjournment. Adjourned. To come up for arguments on
14.11.2022 before D.B at Camp Court, Abbottabad.



(Fareeha Paul)
Member (E)
Camp Court, A/Abad



(Rozina Rehman)
Member (J)
Camp Court, A/Abad

1p

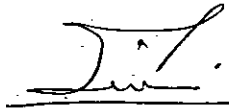
S.A No. 3990/2021

11.10.2021

Nemo for the appellant. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Muhammad Toseef, ADO (Litigation) for official respondents No. 1 to 5 present. None present on behalf of private respondent No. 6 despite issuance of notice through registered post, hence proceeded ex-parte.

Representative of official respondents seeks further time for submission of written reply/comments. Respondents are directed to furnish reply/comments within 10 days in office. In case they fail to submit reply/comments within stipulated time from today, they shall have to seek extension of time through written application citing sufficient reasons. Otherwise, their right for submission of reply/comments shall be deemed as struck off. To come up for arguments before the D.B on 14.02.2022 at Camp Court Abbottabad.

Notice for prosecution of the appeal be also issued to appellant as well as his counsel for the date fixed.



(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT ABBOTTABAD



CHAIRMAN
CAMP COURT ABBOTTABAD

13.06.2022

Appellant in person present.

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

Despite directions, comments were not submitted till today and again a request was made for adjournment in order to submit comments. Last chance is given on payment of cost Rs.3000/- with direction to submit comments alongwith cost well within 10 days of the receipt of notice, in office and file to come up for arguments on 18.07.2022 before D.B at Camp Court, Abbottabad.



(Rozina Rehman)
Member (J)
Camp Court, A/Abad

16.07.2021

Appellant present in person. Preliminary arguments heard.

In term of normal procedure, the Service Appeal seems to be time-barred but in view of particular legal position to be discussed herein-after, the bar of limitation for the time-being is immaterial. In wake of COVID, 19, the Government of Khyber Pakhtunkhwa for the first time declared Public Health Emergency in March, 2020 for three months which was extended from time to time for further term and presently it has been extended by the Government vide Notification No. SOG/HD/1-102/Covid-19/2020/3062, dated 30.06.2021 for the period from 01.07.2021 to 30.09.2021. The case of the appellant falls within the period of emergency. In view of Section 30 of the Khyber Pakhtunkhwa Epidemic Control and Emergency Relief Act, 2020, the limitation period provided under any law shall remain frozen. This appeal having been filed after promulgation of the said Act, is not affected by bar of limitation. Excluding the case of appellant from rigors of limitation, his appeal is fit for full hearing. Keeping the question of limitation relating to filing of instant appeal intact for determination during full hearing, this appeal, subject to all just and legal objections including objection of limitation is admitted for regular 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 in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 11.10.2021 before the D.B, at camp court Abbottabad.

Appellant Deposited
Security & Process Fee

2/8

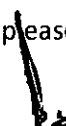


Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 3990/2021 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge		
1	2	3		
1-	24/03/2021	<p>The appeal of Mr. Muhammad Ilyas presented today by Malik Muhammad Asif 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>2-</p>	3-6-21	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>16-7-21</u>. Notices be issued to appellant/counsel for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p>

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

Service Appeal No. 3990 of 2021

Muhammad Ilyas APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa
through Secretary, Elementary and
Secondary Education, Peshawar
etc..... RESPONDENTS

SERVICE APPEAL

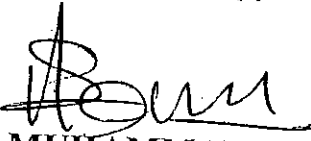
INDEX

S#	Particulars of documents	Annexure	Pages
1	Memo of Service appeal alongwith affidavit.	1-16
2	Correct addresses of the parties.	11
3	Copies of the modules No.1 and 2.	"A"	12-15
4	Copy of the order No.696 dated 12.08.2015.	"B"	16
5	Copies of purchased receipts.	"C"	17-23
6	Copies of the show cause notice and written reply.	"D"	24-25
7	Copy of the order.	"E"	26
8	Copy of the impugned order.	"F"	27
9	Copy of both the Writ Petition.	"G"	28-48
10	Copy of the departmental appeal and postal receipt and personally delivery appeal.	"H"	49-54
11	Wakalat Nama.	

Dated 22.03.2021

Muhammad Ilyas
... Appellant

Through


MALIK MUHAMMAD ASIF,
Advocate Supreme Court,
Of Pakistan.

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

Service Appeal No. _____ of 2021

Muhammad Ilyas son of Jehandad Khan
resident of Banda Peeran Marghazar, Tehsil
and District MansehraAPPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary, Elementary and Secondary Education, Peshawar.
2. Director, Elementary and Secondary Education, Peshawar.
3. Deputy Director (Establishment), Elementary and Secondary Education, KPK Peshawar Secretariat.
4. District Education Officer (Male), Mansehra.
5. District Accounts Officer, Mansehra.
6. Ghulam Jilani Chairman PTC Village Jalgali, Tehsil and District Mansehra
.....RESPONDENTS.

**SERVICE APPEAL UNDER SECTION 4
OF THE KPK SERVICE TRIBUNAL
ACT, 1974 AGAINST THE ORDER
BEARING ENDST. NO.44/F.NO.446/
SST(M) COMPLAINT MANSEHRA
DATED PESHAWAR THE 22.09.2020
DELIVERED TO THE APPELLANT ON
08.10.2020 WHEREBY AMOUNT OF
RS.7,17,950/- WAS ORDERED TO BE**

RECOVERED FROM THE APPELLANT
ON ACCOUNT OF MISAPPROPRIATION
IN PTC FUND AND APPELLANT WAS
ALSO COMPULSORY RETIRED FROM
SERVICE BY RESPONDENTS NO.2
AND 3.

PRAYER: -

On acceptance of the instant appeal, the recovery of alleged embezzled amount and compulsory retirement order dated 22.09.2020 delivered on 08.10.2020 may kindly be set aside and appellant be restored to his status as SST as he was before the impugned order with all back benefits.

Respectfully Sheweth!

Following are the relevant facts leading to the instant appeal are as under: -

1. That, the appellant was appointed as CT teacher in education department of Mansehra on 21.01.1986 and during service appellant acquired further education and associated in different courses of education and

was promoted to the status of SST, BPS-16 and by move over he was serving in BPS-17.

2. That, before the year 2015 Provincial Government had announced a policy for promoting education and providing facilities to Government school and for this purpose, parents and Teacher Council (PTC) was constituted and in the form of by laws module No.1 and 2 were made and circulated and financial arrangement and management of the council was also introduced in module No.2. In these modules, teacher of the school was appointed as Secretary and Chairman of the Council was selected to perform the financial management of the council.

(Copies of the modules No.1 and 2 are annexed as annexure "A").

3. That, on 12.08.2015 when appellant was already transferred to Government High Secondary School Jalgali of District Mansehra and he was made Secretary of PTC in that respect order was issued by the

D.E.O (Male) Mansehra on
12.08.2015.

*(Copy of the order No.696 dated
12.08.2015 is attached as annexure
"B").*

4. That, already PTC account was opened in the National Bank of Pakistan Shinkhari Branch of District Mansehra and in that account amount was lying, required to be handled with joint signature of Chairman and Secretary for encashment and investing the same in the projects approved by the PTC. The amount of Rs.8,00,000/- approximately was encashed from the bank in the year 2015-16 and cheque was signed by both the appellant and respondent No.6 as Secretary and Chairman of the Council and cheque was encashed. The project including construction of four walls of the school building, water supply scheme and sports were already approved by the council. For this purpose material was purchased by both the Secretary, Chairman and material was dumped near school building.

(Copies of purchased receipts are attached as annexure "C").

5. That, due to dispute of Chairman and members of the council who were local persons construction work could not be done.
6. That, illegally inquired was initiated by the D.E.O Mansehra under civil servants efficiency and discipline rules, 2011 and only show cause notice dated 11.06.2016 was issued to appellant and written reply of the same was made by the appellant on 20.06.2016.

(Copies of the show cause notice and written reply are attached as annexure "D").

7. That, appellant being Secretary to PTC in respect of financial matters of PTC was not actionable under Civil Servants Rules, rather on the basis of bye lays module No.2 third party was required to be constituted to probe into embezzlement of the PTC funds and order dated 02.07.2016 issued by D.E.O Mansehra on the basis of enquiry report for refund of conditional grant of Rs.9,63,600/-.

(Copy of the order is attached as annexure "E").

8. That, above stated order dated 02.07.2016 for refund of conditional grant issued to appellant was illegal and malafide so appellant filed Writ Petition No.698-A of 2016 before the Peshawar High Court, Bench which is still pending in which notices were issued to respondents who have made their appearance.
9. That, thereafter appellant was transferred to Government Middle School Nanoha in the year 2018 and after filing Writ Petition stated above which is pending since 2016 the impugned order dated 22.09.2020 delivered to the appellant on 08.10.2020 whereby an amount of Rs.7,17,950/- was ordered to be recovered from the appellant on account of misappropriation in PTC funds and appellant was also compulsory retired.

(Copy of the impugned order is attached as annexure "F").

10. That, against this order dated 22.09.2020 another Writ Petition

No.1550-A of 2020 was also filed in the Peshawar High Court, Bench Abbottabad which is still pending.

(Copy of both the Writ Petition are attached as annexure "G").

11. That, appellant being aggrieved from the departmental order dated 22.09.2020 filed departmental appeal before the Honourable Secretary Elementary and Secondary Education, KPK Peshawar on 16.10.2020 through post office and on 19.01.2021 again handed over copy of appeal in person vide diary No.787 which has not been decided as yet.

(Copy of the departmental appeal and postal receipt and personally delivery appeal are attached as annexure "H").

12. That, the appellant seeks indulgence of this Honourable Tribunal on the following grounds amongst others: -

GROUNDS

- a. That, the impugned order dated 22.09.2020 delivered on 08.10.2020 is illegal and null and void.

- b. That, vide impugned order two penalties minor and major, recovery of alleged embezzlement amount and compulsory retirement imposed being double jeopardy and quiet illegal and liable to be set aside.
- c. That, impugned order is malafide and unlawful. In the modules financial management has been provided and in such situation third party would made audit of the expenditure done by the PTC. In the alleged embezzlement amount no such audit or enquiry by the third party has been made and disciplinaries actions under civil servants laws against the appellant is without jurisdiction and unlawful.
- d. That, the appellant being Secretary of PTC is not actionable under Civil Servants Laws and rules because acts of PTC do not fall under the ambit of Civil Service Laws.
- e. That, two enquiries were initiated and two orders were issued against the appellant over the one and same allegation and such action is not legal in the eyes of law.

- f. That, all the matters of PTC including encashment of funds from the bank and purchasing of material for the projects was done with the joint signature of Secretary and Chairman appellant is being Secretary of the PTC had been illegally singled out for the action and such action in no way could be treated as lawful action.
- g. That, during the alleged enquiry no fair and legal opportunity was provided to the appellant and malafide and illegally two penalties have been imposed.

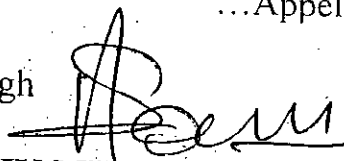
.....PRAYER.....

It is, therefore, most humbly prayed that the impugned order dated 22.09.2020 delivered on 08.10.2020 may kindly be set aside and appellant be restored to his status as SST with all back benefits.

Dated 22.03.2021

Muhammad Ilyas
...Appellant

Through



MALIK MUHAMMAD ASIF,
Advocate Supreme Court,
Of Pakistan.

AFFIDAVIT

I, Muhammad Ilyas son of Jehandad Khan resident of Banda Peeran Marghazar, Tehsil and District Mansehra, appellant, do hereby solemnly affirm and declare on oath that the contents of the foregoing Service Appeal are true and correct and nothing has been concealed from this Honourable Tribunal.

Dated 22.03.2021

Muhammad Ilyas
(DEPONENT)



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

Service Appeal No. _____ of 2021

Muhammad IlyasAPPELLANT

VERSUS

Government of Khyber Pakhtunkhwa
through Secretary, Elementary and
Secondary Education, Peshawar
etc.....RESPONDENTS

SERVICE APPEAL

CORRECT ADDRESSES OF THE PARTIES

APPELLANT

Muhammad Ilyas son of Jehandad Khan resident
of Banda Peeran Marghazar, Tehsil and District
Mansehra.


RESPONDENTS

1. Government of Khyber Pakhtunkhwa through
Secretary, Elementary and Secondary Education,
Peshawar.
2. Director, Elementary and Secondary Education,
Peshawar.
3. Deputy Director (Establishment), Elementary
and Secondary Education, KPK Peshawar
Secretariat.
4. District Education Officer (Male), Mansehra.
5. District Accounts Officer, Mansehra.
6. Ghulam Jilani Chairman PTC Village Jalgali,
Tehsil and District Mansehra.

Dated 22.03.2021

Muhammad Ilyas
...Appellant

Through


MALIK MUHAMMAD ASIF,
Advocate Supreme Court,
Of Pakistan.

12

ماڈیول - 1



تربیتی کتابچہ

Ann 'A'

ایک روزہ تربیت

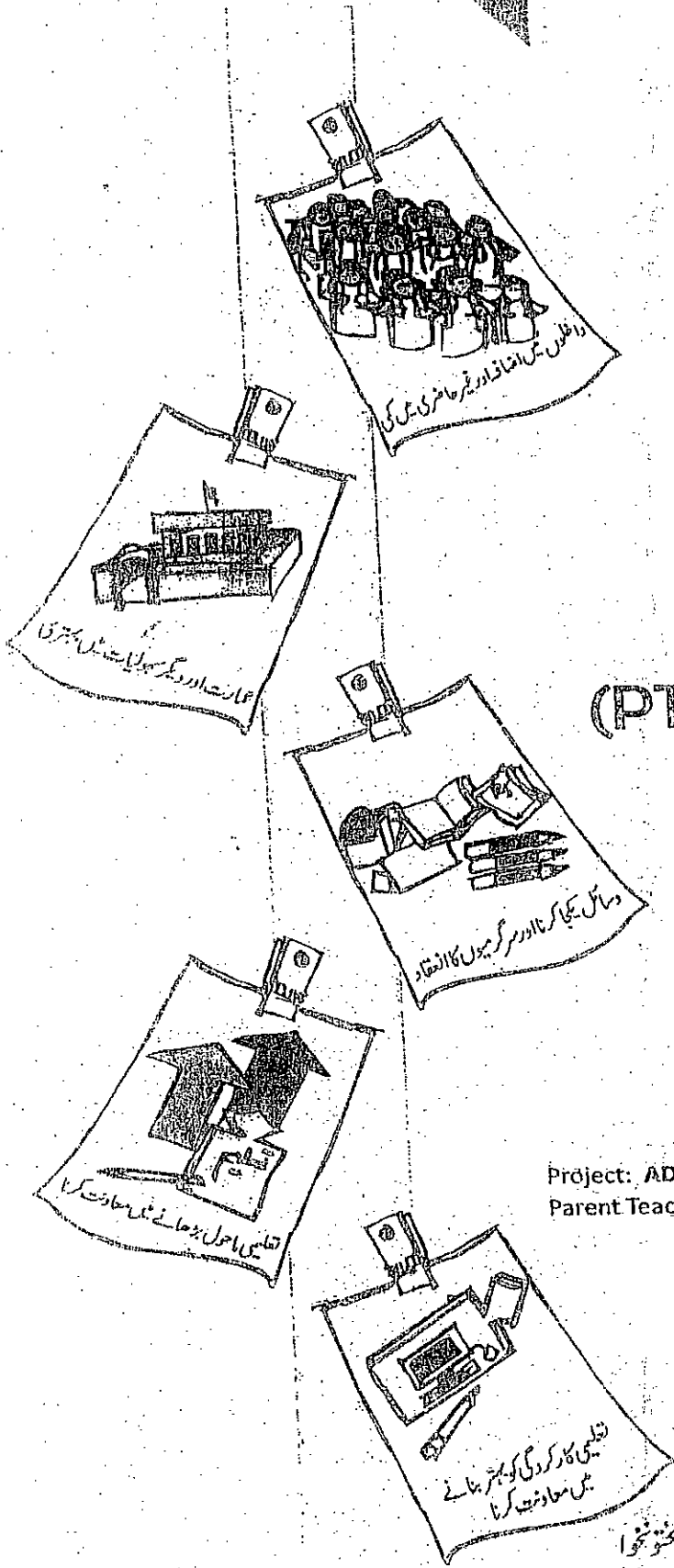
والدین اور اساتذہ کونسل (PTC)

کی تشکیل اور کردار

برائے پی ٹی سی ممبران

Project: ADP-NO/178/141026-Continues Capacity Development of Parent Teacher Council

ڈائریکٹوریٹ آف ایجوکیشن، ایڈوائزری ایجنسی، ایجوکیشن ڈیپارٹمنٹ، گلگت بلتستان



عہدہ پیداروں کی ذمہ داریاں

13



چیئر پرسن / چیئر مین کی ذمہ داریاں

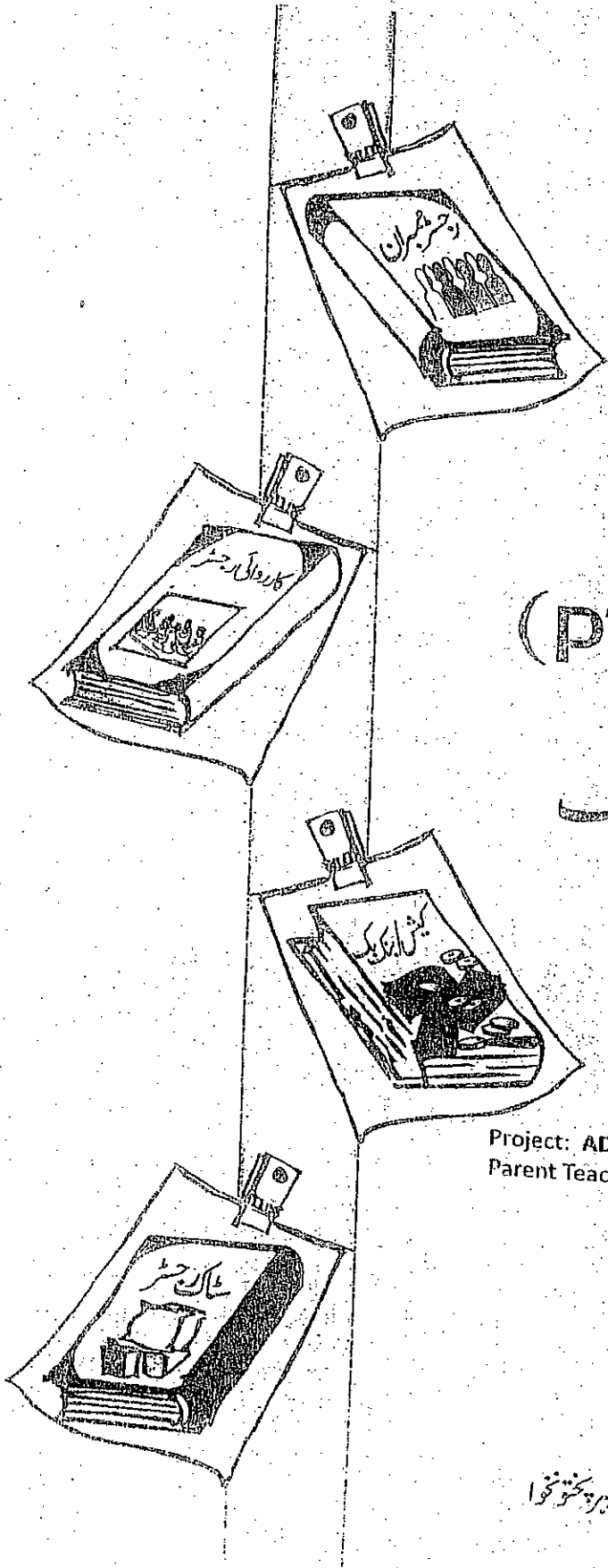
<p>اختیارات کے استعمال کو شفاف اور موثر مالی انتظام اور خریداری کے مراحل کو گائیڈ بک میں دیکھے گئے اصولوں کے مطابق یقینی بنائے۔</p>	<p>مقامی آبادی اور والدین کو اس طرح ان امور کی طرف مائل کرے کہ وہ اس تمام کاروائی میں اپنے ذاتی کام کے طور پر دلچسپی لیں۔</p>	<p>اجلاسوں کا انعقاد یقینی بنائے گا/گی۔</p>	<p>تمام اجلاسوں کی صدارت کرے گا/گی۔</p>
<p>بینک اکاؤنٹ کوسل کے سیکرٹری کے ساتھ مشترکہ طور پر چلائے گا/گی۔</p>	<p>مقامی آبادی، والدین اور ٹیکہ کی افسران کے ساتھ بہتر تعلقات تکمیل تاکہ سکول کی کارکردگی بہتر بنائی جاسکے۔</p>	<p>نصابی استعداد کی ترقی کے لیے پی ٹی سی کی کارکردگی بہتر بنائے۔</p>	<p>نصابی استعداد کی ترقی کے لیے پی ٹی سی کی کارکردگی بہتر بنائے۔</p>

چیئر پرسن کی ذمہ داریاں

<p>پی ٹی سی کے اقدامات اور کئے گئے فیصلوں پر مفصل رپورٹ تیار کرنا۔</p>	<p>چیئر پرسن کی مشاورت سے اجلاس کا ایجنڈا تیار کرنا۔</p>	<p>وقت پر تمام ممبران کو اجلاس کے دعوت نامے تقسیم کرنا اور ان کی شمولیت کی یقینی بنانا۔</p>	<p>پی ٹی سی کے متعلق جملہ دستاویزات، رجسٹر، چیک بک اور رسیدات کو محفوظ رکھنا سیکرٹری کی ذمہ داری ہوگی۔</p>
<p>چیک پر چیئر پرسن، سیکرٹری، سنی ہیڈ، چیئر مین، سٹاڈنٹس، پرنسپل اور سکول کے ایک استاد اسٹاف کے دستخط ہونگے۔ بینک سے نکالی گئی رقم کو اخراجات کی فائل کے مطابق کس بک میں لکھا جائے گا اور ساتھ پی ٹی سی کے فیصلے کی نقل بھی لگائی جائے گی۔</p>		<p>سہ ماہی بنیادوں پر آمدن اور خرچ کے گوشوارے تیار کر کے پی ٹی سی کے اجلاس میں پیش کرنا اور دیوار یا سکول کے نوٹس بورڈ پر آویزاں کرنا۔</p>	



پتی کتابچہ



یک روزہ تربیت

والدین و اساتذہ کونسل (PTC)

کامائی انتظام اور ریکارڈ کینگ

برائے پی ٹی سی ممبران

Project: ADP-NO/178/141026-Continues Capacity Development of Parent Teacher Council

ڈائریکٹوریٹ آف ایجوکیشن، ایڈمکسٹری ایٹو سیکٹرز، ایجوکیشن خیرہ، سندھ





پی ٹی سی کی مالی انتظام کاری

پی ٹی سی کے لئے ضروری ہے کہ وہ شفاف، موثر اور بہترین مالی انتظام کو یقینی بنائے کہ وسائل طے کردہ مقصد کے لیے ہی استعمال میں لائے گئے ہیں پی ٹی سی ممبر کے ذاتی مفاد کے لیے خرچ نہیں کیا جاسکتا ایسی صورت میں باقاعدہ کارروائی کی جائے گی۔ مالی انتظام کے اصول یہ ہیں:

پی ٹی سی کے لیے اخراجات کا آڈٹ ضروری نہیں تاہم شفافیت کو یقینی بنانے کے لئے تیسری پارٹی کی طرف سے تصدیق (Third Party Validation) کو متعارف کروایا گیا ہے۔ یہ تیسری پارٹی حکومت یا پی ٹی سی نہیں ہو سکتی بلکہ کوئی آزاد ادارہ ہوگا جو کہ یہ کام سرانجام دے گا اور اسی طرح نگرانی یا آڈٹ کا عمل بھی رکھا گیا ہے جو کہ خصوصی طور پر تعیناتی کاموں کے لئے ہے اور وقتاً فوقتاً ہوتا ہے گا۔

پی ٹی سی درج ذیل حوالے سے اخراجات کرنے کی مجاز ہے:

<p>عارضی طور پر استاد/استانی کی تعیناتی۔</p>	<p>فرنیچر، ایشیٹری اور دیگر استعمال ہونے والی اشیاء اور ایسا سامان جو کہ سکول اور طلبہ کی بہتری کے لیے ضروری ہے۔</p>	<p>بنیادی سہولیات، کی فراہمی، بحالی و مرمت بشمول کمرے، چھت، دیواریں، لیٹرین، لائبریری اور شلٹرو وغیرہ۔</p>
<p>یونیورسٹی، بلز، بشمول بجلی، ٹیلیفون وغیرہ کی ادائیگی۔</p>	<p>سائنس لیبارٹری کے لیے سائنسی آلات کی خریداری۔</p>	<p>سکول میں بجلی اور پانی کی سہولیات کی فراہمی۔</p>
<p>غیر نصابی سرگرمیوں کے فروغ کے لیے کھیل کے سامان کی خریداری۔</p>	<p>سکول کے ساز و سامان/فرنیچر کی مرمت۔</p>	<p>پی ٹی سی ایجنٹس کے دن یا اجلاس پر ہونے والے خرچے (پرنامی اور شامل سکول کے لیے) 3000/- روپے اور ہائی سکول کے لیے 5000/- روپے۔</p>
<p>اجلاس میں 150/- روپے ماہانہ تک خرچ کیا جاسکتا ہے۔</p>		

16

17

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) MANSEHRA

No 596 /

Date 12.12.2016

To
The Manager
NBP Shikhar
Mansehra

Amendment - A
ANN "B" (16)

Subject: CHANGE NAME OF P.T.C CHAIRMAN/ SECRETARY

Memo:

Please read Mr. ~~_____~~ instead of Mr. ~~_____~~
Chairman & read Mr. Muhammad Ajees instead of Mr. Majid Starhzad
bearing P.T.C Account No 6371-8

The Specimen Signatures are as under:-

Name of Chairman: ~~_____~~
1. _____
2. _____
3. _____

Name of Secretary: Muhammad Ajees
1. [Signature]
2. [Signature]
3. [Signature]

Majid
13/12/16
DISTRICT EDUCATION OFFICER (M) C
(MALE) MANSEHRA
District Education Officer
(Male) Mansehra

ANN
چہان زیب خان بلڈنگ میٹریل سپلائرز

0302-3502481 چہان زیب خان
0346-5632004 عالم زیب خان
0333-3002992 منشی محمد طاہر

نزدیکل دوراہا * پروپرائیٹرز چہان زیب خان ایڈوکیٹس عالم زیب خان

کرش، بھری، خاکہ، اینٹ وغیرہ ہار عایت دستیاب ہے

17

Annexure - B

17

تاریخ

نم

96000/- 12 ڈسمبر 2015ء کو کتاب 8000/-

Chairman P.T.A.
Govt. High School
Jal Gali (Mansehra)

Head Master
Govt High School Jal Gali
Mansehra

96000/-

Jahan Zahra

Secretary P.T.A.
Govt. High School
Jal Gali (Mansehra)

18

17

18

چوہدری ایاز سیمٹ ڈیلر

28.12.2015

32

نمبر

مل نام

تعداد

50 لورڈ جی سیمٹ

Signature

25500

50 لوری

25500 روپے

Choudhary Ayaz Khan
Cement & Steel Dealer
Main Road Shinkhari

Choudhary Ayaz Khan
Cement & Steel Dealer
Main Road Shinkhari

Signature
Chairman P.T.A.
Govt. High School
Jal Gali (Mansehra)

Signature
Secretary P.T.A.
Govt. High School
Jal Gali (Mansehra)

			<i>Signature</i>
			Secretary P.T.A. Govt. High School Jal Gali (Mansehra)
68000			

0333-936087

عابد خان بلنگ میٹرل ایڈز بلاک فیکٹری

تاریخ: 19/05/2024

عابد خان
0315-5644704

یاسین خان
0314-5640704

19

رقم	وزن	تفصیل	تعداد
117800	38	6x8x16: 3100	
80000	5000	سیریز الی گھنٹا	
107000			

A. Jeyaraj

Chandran
J.P.A. School

Chandran
J.P.A. School

use/...

پاک فیکٹری اینڈ بلڈنگ میٹریل سپلائرز

فاری نمبر 0321-9687544
فون نمبر 0312-2237052



نزد بازار ہول اجھڑیاں

26

ہمارے اس بلڈنگ مٹریل اور بلڈنگ مٹریل سے ارباب و عوام کو بہتر اور کم قیمت پر مٹریل کی سہولت ملے گی۔

تاریخ: _____ نمبر: 11

رقم	تاریخ	تفصیل	نمبر
36000	36	بلڈنگ 1000 6x8x16	
20000	4000	سرایہ 20000	
24000	8000	3 ٹکے 24000	
80000	نہیں		
80000	الٹا		
99	تایا		

Chairman P.T.A.
Govt. High School
Jal Gal (Manshra)

Head Master
Govt High School Jalgal
Manshra

Secretary P.T.A.
Govt. High School
Jal Gal (Manshra)

Signature

22

مدارسہ بلاک ٹیچری اینڈ بلڈنگ میٹریل سپلائی

فون: 0321-9687544
 کلر: 0321-2237052

وزیر اعلیٰ اور سیکرٹری اعلیٰ

ادارے میں ایس ایم ایف، کمرش، بجری، خاک، پتھر، رنگ و نمبرہ بازار سے پارامیٹرز طلب ہیں نیز کھانے کی کھولت بھی موجود ہے۔

تاریخ: 23-3-2006

35
 نام خریدار: حکومت پاکستان

رقم	نوع	تفصیل	نمبر
30000	30	648416	1000
20000	20000	بلوں سے جانے کے ضروری	
5000	نوکری		
	ایم ایف		
	بٹا		

Chancel
 Head Master
 Govt High School (Jalgali
 Manshra)

Chairman P.T.A.
 Govt. High School
 Jal Gali (Manshra)

Secretary P.T.A.
 Govt. High School
 Jal Gali (Manshra)

(Signature)

23

24

عابد خان بلڈنگ میٹریل اینڈ بلاک فیکٹری

ہمارے ہاں ہر قسم کی بجری، کمرش، خاکہ، اینٹ، پتھر اور ہر قسم بلاک بازار سے پارےایت خرید کر مائیں

عابد خان

0315-5644704

یا سٹین خان

0314-5640704

23

نمبر
بل نام

تعداد	تفصیل	وزن	روپے
	بلاک 6x8x16 500	38	20,400/1
	رولڈ بھٹہ ڈھنگی		20,000/2
	Head Master Govt High School Jalgal Mausahra		
	Chairman P.T.A. Govt High School Jalgal (Mausahra)		
	دستخط	ٹوٹل	40,400/2

شکلیاری روڈ بھٹہ دورا ہاٹا سمرہ



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)

DISTRICT MANSEHRA

No

7070

Date

11/6

/2016

GHSS

To

Mr. Muhammad Ilyas SST/Incharge
GHSS Jalgali.

Subject:

SHOW CAUSE NOTICE

ANN D

1. The District Education Officer (M) Elementary & Secondary Education District Mansehra, under the Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011 do hereby serve you Mr. Muhammad Ilyas SST/Incharge GHSS Jalgali.
 - (iv). As per complaint received from Chairman & Members PTC of GHSS Jalgali Mansehra regarding misuse/embezzlement in of PTC funds under conditional grant.
 - (v). An inquiry committee was constituted by this office Endst: No.2089 dated 27-04-216.
 - (vi). In the case of inquiry I am satisfied as per Rule 7 of the Khyber Pakhtunkhwa Government Servants (E & D) Rules, 2011 that you have committed the following acts/omissions specified under rule 03 of the said rules.
 - a) Misconduct
 - b) Corruption
 - c) Inefficiency
5. I am satisfied that you are guilty of misconduct and inefficiency as specified in rules 3 of the said rules. Thus you have rendered yourself liable to be proceeded against under the said rules
6. In exercise of the powers conferred by the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, formal enquiry and serve you with the instant show cause notice with the direction to submit your defence in writing within 07 (Seven) days of the receipt of this notice as to why one of the major penalty of rules-4 of the said rule should not be imposed upon you and also intimate whether you desire to be heard in person.
7. In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defence to offer and an ex-parte decision will be taken against you.

DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

Endst: No. _____/Estt:(M)/Showcase/

Dated Mansehra the _____/2016

Copy forwarded for information to:

1. The Secretary to Govt: of Khyber Pakhtunkhwa E&SE Department Peshawar.
2. The Director E&SE Khyber Pakhtunkhwa Peshawar.
3. The Deputy Commissioner Mansehra.
4. THE Principal GHSS Jalgali Mansehra.
5. The DMO IMU Mansehra.
6. Office File.

DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

BEFORE THE DISTRICT EDUCATION OFFICER
(MALF) MANSEHRA

Subject: **REPLY TO SHOW CAUSE**

Respected Sir,

An inquiry committee was constituted under the supervision of Mr. Saeed Khan, Principal Higher Secondary School Battal bearing No. 2089 dated 27.04.2013. The report findings of the said committee are not provided to me which is a discriminatory act and is malice on the part of Raja Jehangir AD-I. The said Jehangir in my absence due to transfer from Jalgali to Higher Secondary School Baffa, he submitted report against me due to previous ill-will/quarrel.

It is, therefore, most humbly requested that the inquiry already conducted by Saeed Khan, Principal, Govt. Higher Secondary School Battal relating to the same issue may kindly be held valid and be acted upon.

It is, also requested that the inquiry conducted by Raja Jehangir AD-I may kindly be declared invalid on account of personal grudge and vendata and the petitioner may kindly be exonerated from the alleged allegation.

Dated 20.06.2016

MUHAMMAD ILYAS
Son of Jehandad Khan
Resident of Banda Peeran
Tehsil & District Mansehra

Copy to: -

- 1) The Secretary to Govt. of Khyber Pakhtunkhwa E&SE Department, Peshawar.
- 2) The Director E&SE Khyber Pakhtunkhwa Peshawar.
- 3) The Deputy Commissioner, Mansehra
- 4) The Principal, GHSS Jalgali Mansehra
- 5) The DMO IMU Mansehra
- 6) The Principal, GHSS Baffa.

Annexure - J

(24) 10/1

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA

No. 7987 /Estt: (M)

Date 02/7 /2016

To

Mr. Muhammad Ilyas, SST,
GHSS Jalgali

ANN E

(26)

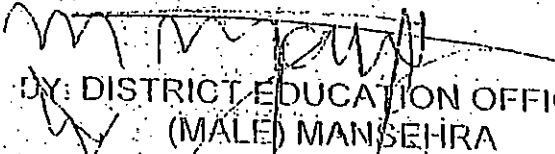
Subject:

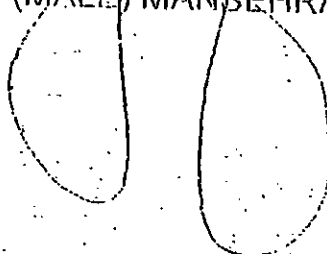
REFUND OF CONDITIONAL GRANT RS.963600/-

Memo:

I am directed to inform you that, After proceeding of inquiries against you on a conditional grant it has proved that you have miss used Rs.963600/- (Nine hundred sixty three thousand & six hundred rupees) which is clear embezzlement.

You are therefore directed to refund the above amount and be deposited into Govt. Treasury within seven days after issue of this letter under intimation to this office.


BY: DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA



27

Ann F

**DIRECTORATE OF ELEMENTARY & SECONDARY
EDUCATION KHYBER PAKHTUNHWA, PESHAWAR**

NOTIFICATION.

Consequent upon the recommendations of the Inquiry report bearing No. 33 dated 06-02-2020 following issuance of show cause, the Competent Authority has been pleased to impose major penalty of Compulsory Retirement under E& D Rules (2011) against Mr. Muhammad Ilyas SST GHSS Jalgali District Mansehra on the account of misappropriation in PTC Fund and the embezzled amount of Rs. 717950/- be recovered from his retirement benefits as reported by DEO(M) Mansehra vide No. 8290 dated 22-05-2018 and No. 3824-26 dated 07-05-2020 respectively.

5331

21/10/2020

DIRECTOR

Elementary & Secondary Education
Khyber Pakhtunkhwa

Endst. No. 446/SST (M) Complaint Mansehra Dated Peshawar the 21/10/2020

Copy of the above is to the:-

1. District Education Officer (M) Mansehra.
2. District Account Officer Mansehra.
3. Principal concerned.
4. Official concerned.
5. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
6. Master File.

Signature

Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa

28

ANN 'G'

BEFORE THE PESHAWAR HIGH COURT,
BENCH ABBOTTABAD

W.P No. 1550-A of 2020

Muhammad Ilyas son of Jehandad Khan
resident of Banda Peeran Marghazar, Tehsil
and District Mansehra **PETITIONER**

VERSUS

1. Secretary, Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. Director, Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Director (Establishment) Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar Secretariat.
4. District education Officer (Male), Mansehra.
5. District Accounts Officer, Mansehra.
6. Ghulam Jilani, Chairman PTC Village Jal Gali, Tehsil and District Mansehra
..... **RESPONDENTS.**

WRIT PETITION UNDER ARTICLE
199 OF THE CONSTITUTION OF
ISLAMIC REPUBLIC OF PAKISTAN,
1973, AGAINST THE ORDER ENDST.
NO.44/F.NO.446/SST(M) COMPLAINT
MANSEHRA DATED PESHAWAR
THE 22.09.2020 DELIVERED TO THE
PETITIONER ON 08.10.2020 WHEREBY

29

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AMOUNT OF RS.7,17,950/- WAS ORDERED TO BE RECOVERED FROM THE PETITIONER ON ACCOUNT OF MISAPPROPRIATION IN PTC FUND AND PETITIONER WAS ALSO COMPULSORY RETIRED BY RESPONDENTS NO.2 AND 3.

PRAYER: -

On acceptance of the instant Writ Petition, the recovery of alleged embezzled amount and compulsory retirement order of the petitioner dated 22.09.2020 be declared as illegal and null and void and petitioner may kindly be restored to his status SST as he was before the impugned order with all back benefits.

Respectfully Sheweth!

Following are the relevant facts giving rise to the instant Writ Petition: -

1. That, the petitioner was appointed as CT Teacher in Education Department of District Mansehra on 22.01.1986 and during service,

petitioner acquired further education and associated in different courses of education and was promoted to SST.

2. That, before the year 2015 Provincial Government had announced a policy for promoting education and providing facilities to Government Schools and for this purpose, Parent Teachers Counsel (PTC) was constituted and for this purpose in the form of bylaws module No.1 and 2 were made and circulated and financial arrangement of the counsel was also introduced in module No.2. In these modules, teacher of the school was appointed as Secretary and one Chairman of the Local area was selected to perform the financial management of the counsel.

(Copies of the modules No.1 and 2 are attached as annexure "A").

3. That, on 12.08.2015, when petitioner was already transferred to Government higher Secondary School Jal Gali of District Mansehra was also made Secretary of PTC and

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order was issued by D.E.O (Male) Mansehra.

(Copy of the order No.696 dated 12.08.2015 is attached as annexure "B").

4. That, already account of PTC was opened in National Bank of Pakistan Shinkhari Branch of District Mansehra in which amount was lying and the account of PTC was required to be handled with joint signature of Chairman and Secretary for the purpose of investing the amount in projects approved by the PTC. The above stated amount was drawn in fiscal year 2015 and 2016 with joint signature of petitioner as Secretary and respondent No.6 as Chairman and for the purpose of construction of the project material was also purchased by both of them jointly and material was dumped near the school building.

(Copies of purchased receipt are attached as annexure "C").

5. That, due to dispute of Chairman and members of the counsel who

are local persons construction work
could not be progressed and inquiry
was illegally initiated against the
petitioner by the D.E.O and show
cause notice was issued on
11.08.2016 under Civil Servants
efficiency and disciplinary rules
2011 and written reply by the
petitioner was made on 30.08.2016.

(Copies of the show cause notice and
written reply are attached as
annexure "D").

6. That on 02.07.2016 D.E.O
Manshira on the basis of inquiry
report issued a letter to petitioner
for refund of conditional grant of
Rs. 9,63,600/-

(Copy of the order is attached as
annexure "E").

7. That petitioner as Secretary to PTC
in respect of financial matter of PTC
was not actionable under civil
servant rules, rather on the basis of
bylaws module No. 2 third party was
required to be constituted to probe
into any financial matter of
embellishment so petitioner filed
W.P. No. 698-V/2016 before the

32 5

are local persons construction work could not be progressed and inquiry was illegally initiated against the petitioner by the D.E.O and show cause notice was issued on 11.06.2016 under Civil Servants efficiency and disciplinary rules 2011 and written reply by the petitioner was made on 19.06.2016.

(Copies of the show cause notice and written reply are attached as annexure "D").

6. That, on 02.06.2016 D.E.O Mansehra on the basis of inquiry report issued a letter to petitioner for refund of conditional grant of Rs.9,63,600/-.

(Copy of the order is attached as annexure "E").

7. That, petitioner as Secretary to PTC in respect of financial matter of PTC was not actionable under civil servant rules, rather on the basis of bylaws module No.2 third party was required to be constituted to probe into any financial matter of embezzlement so petitioner filed W.P No.698-A/2016 before the

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Peshawar High Court, Bench
Abbottabad which is still pending.

*(Attested copy of the Writ Petition is
attached as annexure "F").*

8. That, thereafter petitioner was transferred to Government Middle NANOHA of Mansehra in the year 2018 and after filing of Writ Petition stated above which is pending in hearing since 2016, no other show cause notice was issued to petitioner neither petitioner is involved in any disciplinary proceedings and in the meantime the petitioner was transferred to Government High School Geerwal Mansehra on 08.10.2020 impugned order was delivered to the petitioner vide which alleged embezzled amount of Rs.7,17,950/- was imposed against the petitioner and also compulsory retired. The inquiry reports and the reports of D.E.O Mansehra mentioned in the order dated 22.09.2020 are not known to the petitioner.

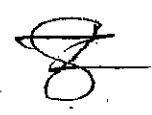
*(Copy of the order dated 22.09.2020
and relieving order dated 08.10.2020
are attached as annexure "G").*

Hence, the petitioner seeks indulgence of this Honourable Court on the following grounds amongst others: -

GROUNDS

- a. That, the impugned order is without lawful authority, illegal and null and void as such not maintainable and liable to be set aside.
- b. That, action taken in the impugned order is based on malafide because the previous order dated 02.07.2016 was relating to same matter which was passed by respondent No.4 was not cancelled by any relevant authority and in the existing of this order, subsequent order which is impugned herein is not having any legal status.
- c. That, previous order dated 02.07.2016 was challenged by the petitioner in W.P No.698-A of 2016 before this Honourable Court which is still pending and during pendency of previous order,

35



subsequent order which is impugned herein is based on malafide.

- d. That, the fund mentioned in the impugned order is relating to Parent Teachers Counsel (PTC) and financial management of such fund is auditable by the third party provided in the modules and in these circumstances, efficiency and disciplinary rules of 2011 are not applicable and no action can be taken under these rules against the petitioner being Secretary of PTC.
- e. That, in the inquiry and report mentioned in the impugned order; petitioner was not involved nor any show cause notice was issued to him and all these proceedings and action was taken in the absence of the petitioner by violating the natural principle of law.
- f. That, the fund relating to PTC was deposited in the NBP Shinkhari Branch in the joint account of Secretary and Chairman of PTC and amount was also drawn with joint signature of these two persons and

36

9

material for the project was also purchased by these two persons and which was dumped at the site of project and no any misappropriation had taken place neither in this respect, any inquiry was conducted by any authority and petitioner was illegally and petitioner was illegally single out in the impugned order.

.....PRAYER.....

It is, therefore, most humbly prayed that on acceptance of the instant Writ Petition, the recovery of alleged embezzled amount and compulsory retirement order of the petitioner dated 22.09.2020 be declared as illegal and null and void and petitioner may kindly be restored to his status SST as he was before the impugned order with all back benefits.

Interim Relief

It is further prayed that the operation of the impugned order Endst. No.44/F.No.446/SST(M) complaint Mansehra dated Peshawar the 22.09.2020 delivered

37

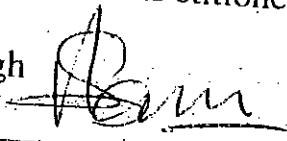
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to the petitioner on 08.10.2020 may
please be suspended till the disposal of
the titled Writ Petition.

Dated 08.12.2020

Muhammad Ilyas
...Petitioner

Through

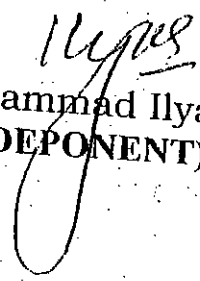


MALIK MUHAMMAD ASIF,
Advocate Supreme Court
Of Pakistan.

AFFIDAVIT.

I, Muhammad Ilyas son of Jehandad
Khan resident of Banda Peeran
Marghazar, Tehsil and District
Mansehra, petitioner, do hereby
solemnly affirm and declare on oath
that the contents of the foregoing
Writ Petition are true and correct and
nothing has been concealed from this
Honourable court.

Dated 08.12.2020


Muhammad Ilyas
(DEPONENT)

38

**BEFORE THE PESHAWAR HIGH COURT,
BENCH ABBOTTABAD**

(E)

W.P. No. 698-A/2016

Muhammad Ilyas son of Jehandad Khan, resident of Marghazar Banda Peeran at present S.S.T Teacher Government Higher Secondary School Jal Galli, Presently Secretary PTC, Tehsil and District Mansehra.....Petitioner

Versus

- 1) Ghulam Jillani, Chairman PTC Village Jal Galli, Tehsil and District Mansehra.
 - 2) District Education Officer (Male) Mansehra.
 - 3) Deputy District Education Officer (Male) Mansehra.
 - 4) Saeed Khan, Principal, Government Higher Secondary School, Battal Mansehra.
 - 5) Raja Jehangir, AD-I, DO Office, Mansehra.
 - 6) Abdul Waheed Khan, Incharge/SST Teacher Government Higher Secondary School Jal Galli.
 - 7) Muhammad Haneef, PTI, Government Higher Secondary School Jal Galli, Tehsil and District Mansehra.
 - 8) Nouman Clerk, DEO Office Mansehra
 - 9) Manager, National Bank of Pakistan Shinkiari Branch, Tehsil and District Mansehra
- Respondents

59

(7)

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973 TO THE EFFECT THAT LETTER NO. 7987/ESTT:(M) DATED 02.07.2016 ISSUED BY RESPONDENT NO. 3 FOR REFUND OF CONDITIONAL GRANT RS. 963,600/- IS BEING UNLAWFUL AND WITHOUT JURISDICTION IS NULL AND VOID AND ON THE BASIS OF THIS ORDER NO PROCEEDING AND PROCESS OF RECOVERY COULD BE INITIATED AGAINST THE PETITIONER.

PRAYER: -

On acceptance of instant writ petition letter No. 7987/Estt:(M) dated 02.07.2016 may kindly be declared as null and void.

May it please your lordship!

Following are the relevant facts giving rise to instant writ petition are arrayed as under: -

- 1) That, petitioner is SST Teacher of Grade-17 who was posted as Head Master of Higher Secondary School of Jal Galli about 02 years ago.
- 2) That, since the year 2011 a new system in the Government School was started for promoting standard of Education and providing facilities to the students and in this respect

No.1550-A of 2020 was also filed in the Peshawar High Court, Bench Abbottabad which is still pending.

(Copy of both the Writ Petition are attached as annexure "G").

11. That, appellant being aggrieved from the departmental order dated 22.09.2020 filed departmental appeal before the Honourable Secretary Elementary and Secondary Education, KPK Peshawar on 16.10.2020 through post office and on 19.01.2021 again handed over copy of appeal in person vide diary No.787 which has not been decided as yet.

(Copy of the departmental appeal and postal receipt and personally delivery appeal are attached as annexure "H").

12. That, the appellant seeks indulgence of this Honourable Tribunal on the following grounds amongst others: -

GROUNDS

- a. That, the impugned order dated 22.09.2020 delivered on 08.10.2020 is illegal and null and void.

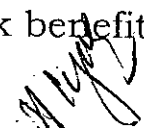
- b. That, vide impugned order two penalties minor and major, recovery of alleged embezzlement amount and compulsory retirement imposed being double jeopardy and quiet illegal and liable to be set aside.
- c. That, impugned order is malafide and unlawful. In the modules financial management has been provided and in such situation third party would made audit of the expenditure done by the PTC. In the alleged embezzlement amount no such audit or enquiry by the third party has been made and disciplinaries actions under civil servants laws against the appellant is without jurisdiction and unlawful.
- d. That, the appellant being Secretary of PTC is not actionable under Civil Servants Laws and rules because acts of PTC do not fall under the ambit of Civil Service Laws.
- e. That, two enquiries were initiated and two orders were issued against the appellant over the one and same allegation and such action is not legal in the eyes of law.

- f. That, all the matters of PTC including encashment of funds from the bank and purchasing of material for the projects was done with the joint signature of Secretary and Chairman appellant is being Secretary of the PTC had been illegally singled out for the action and such action is no way could be treated as lawful action.
- g. That, during the alleged enquiry no fair and legal opportunity was provided to the appellant and malafide and illegally two penalties have been imposed.

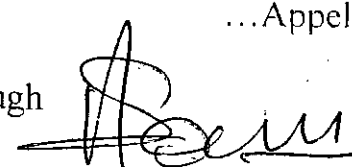
.....PRAYER.....

It is, therefore, most humbly prayed that the impugned order dated 22.09.2020 delivered on 08.10.2020 may kindly be set aside and appellant be restored to his status as SST with all back benefits.

Dated 22.03.2021


Muhammad Ilyas
...Appellant

Through


MALIK MUHAMMAD ASIF,
Advocate Supreme Court,
Of Pakistan.

AFFIDAVIT

I, Muhammad Ilyas son of Jehandad Khan resident of Banda Peeran Marghazar, Tehsil and District Mansehra, appellant, do hereby solemnly affirm and declare on oath that the contents of the foregoing Service Appeal are true and correct and nothing has been concealed from this Honourable Tribunal.

Dated 22.03.2021

Muhammad Ilyas
(DEPONENT)

M. Ilyas
ATTESTED



24-3-2021

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

Service Appeal No. _____ of 2021

Muhammad IlyasAPPELLANT

VERSUS

Government of Khyber Pakhtunkhwa
through Secretary, Elementary and
Secondary Education, Peshawar
etc.....RESPONDENTS

SERVICE APPEAL

CORRECT ADDRESSES OF THE PARTIES

APPELLANT

Muhammad Ilyas son of Jehandad Khan resident
of Banda Peeran Marghazar. Tehsil and District
Mansehra.

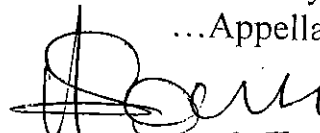
RESPONDENTS

1. Government of Khyber Pakhtunkhwa through
Secretary, Elementary and Secondary Education,
Peshawar.
2. Director, Elementary and Secondary Education,
Peshawar.
3. Deputy Director (Establishment), Elementary
and Secondary Education, KPK Peshawar
Secretariat.
4. District Education Officer (Male), Mansehra.
5. District Accounts Officer, Mansehra.
6. Ghulam Jilani Chairman PTC Village Jalgali,
Tehsil and District Mansehra.

Dated 22.03.2021

Muhammad Ilyas
...Appellant

Through



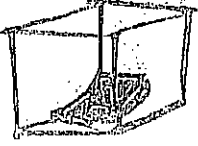


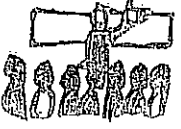
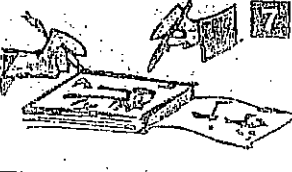


MALIK MUHAMMAD ASIF,
Advocate Supreme Court,
Of Pakistan.

عہد پیداروں کی ذمہ داریاں۔

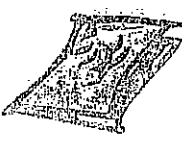


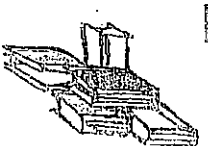
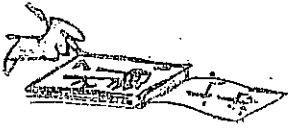

13

25

چیزیں / چیزیں کی ذمہ داریاں

			
<p>اختیار امت کے استعمال کو شفاف اور موثر مالی انتظام اور خریداری کے مراحل کو گائیڈ بک میں ویسے کیے گئے اصولوں کے مطابق پیش بنائے۔</p>	<p>مقامی آبادی اور والدین کو اس طرح ان امور کی طرف مائل کرے کہ وہ اس تمام کارروائی میں اپنے ذاتی کام کے طور پر دلچسپی لیں۔</p>	<p>اجلاسوں کا انعقاد پیش بنائے گا/گی۔</p>	<p>تمام اجلاسوں کی صدارت کرے گا/گی۔</p>
			
<p>بینک اکاؤنٹ کو نسل کے سیکرٹری کے ساتھ مشترکہ طور پر چلائے گا/گی۔</p>	<p>مقامی آبادی، والدین اور نسل کی افسران کے ساتھ بہتر تعلقات رکھیں تاکہ سکول کی کارکردگی بہتر بنائی جاسکے۔</p>	<p>نظمی استعداد کی ترقی کے لیے پی ٹی سی کی کارکردگی بہتر بنائے۔</p>	

چیزیں / چیزیں کی ذمہ داریاں

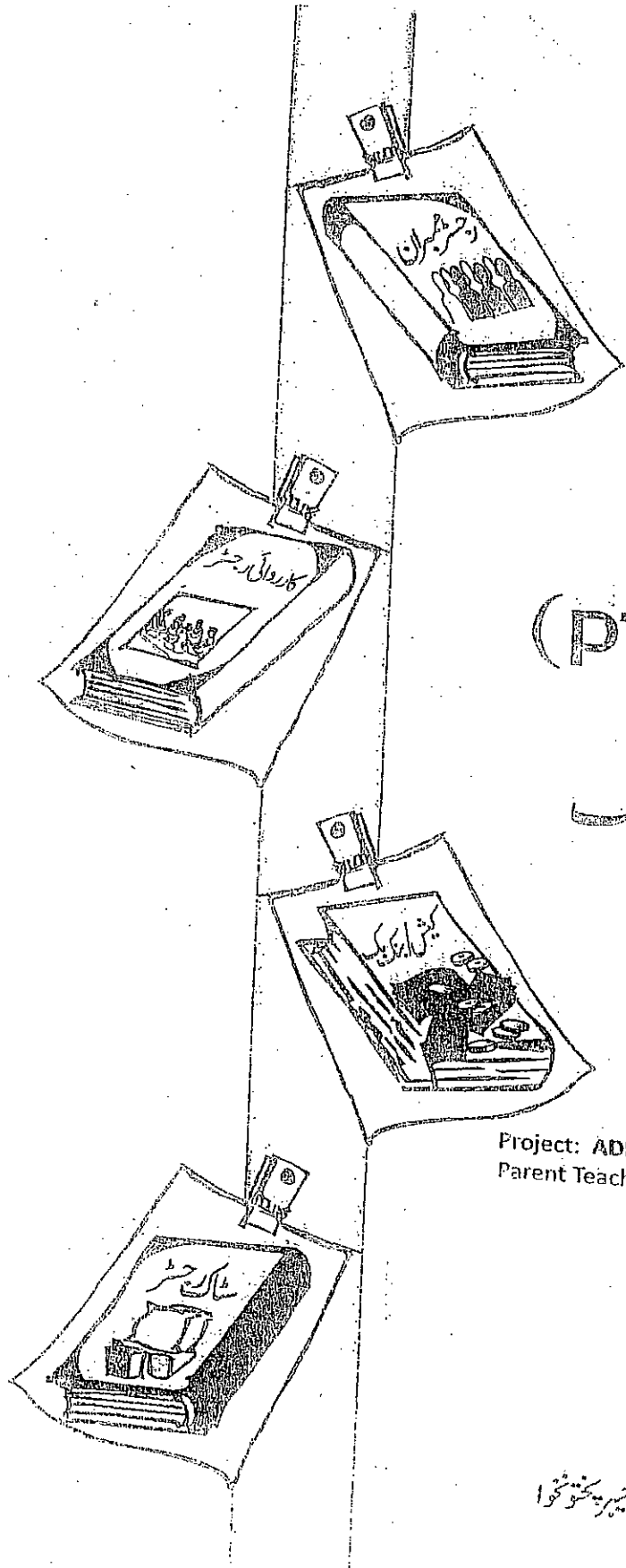
			
<p>پی ٹی سی کے اقدامات اور نسل کے گئے فیصلوں پر مفصل رپورٹ تیار کرنا۔</p>	<p>چیزیں کی مشاورت سے اجلاس کا ایجنڈا تیار کرنا۔</p>	<p>وقت پر تمام چیزیں کو اجلاس کے دعوت نامے تقسیم کرنا اور ان کی شمولیت کی پیش بنانا۔</p>	<p>پی ٹی سی کے متعلق جملہ دستاویزات، رجسٹر، چیک بک اور رسیدات کو محفوظ رکھنا سیکرٹری کی ذمہ داری ہوگی۔</p>
<p>چیک پر چیزیں، سیکرٹری، پی ٹی سی، ہیڈ ٹیچر، ہیڈ اسٹاٹسٹ، ہیڈ ماسٹرس، پرنسپل اور سکول کے ایک استاد اسٹانی کے دستخط ہونگے۔ بینک سے نکالی گئی رقم کو اخراجات کی فائل کے مطابق کیس بک میں دکھایا جائے گا اور ساتھ ہی پی ٹی سی کے فیصلے کی کاپی بھی لگائی جائے گی۔</p>		<p>سہ ماہی بنیادوں پر آمدن اور خرچ کے گوشوارے تیار کر کے پی ٹی سی کے اجلاس میں پیش کرنا اور یو آر یا سکول کے نوٹس بورڈ پر آویزاں کرنا۔</p>	

ماڈیول-2

Annexure-D

14

ترتیبی کتابچہ



ایک روزہ تربیت

والدین و اساتذہ کو نسل (PTC)

کامیابی انتظام اور ریکارڈ کیپنگ

برائے پی ٹی سی ممبران

Project: ADP-NO/178/141026-Continues Capacity Development of Parent Teacher Council

ڈائریکٹوریٹ آف ایجوکیشن، ایڈمنسٹریشن اینڈ سیکولر ایجوکیشن، خیبر پختونخوا



پی ٹی سی کی مالی انتظام کاری

پی ٹی سی کے لئے ضروری ہے کہ وہ شفاف، موثر اور بہترین مالی انتظام کو یقینی بنائے کہ وسائل طے کردہ مقصد کے لیے ہی استعمال میں لائے گئے ہیں پی ٹی سی ممبر کے ذاتی مفاد کے لیے خرچ نہیں کیا جاسکتا ایسی صورت میں باقاعدہ کاروائی کی جائے گی۔ مالی انتظام کے اصول یہ ہیں:

پی ٹی سی کے لیے اخراجات کا آڈٹ ضروری نہیں تاہم شفافیت کو یقینی بنانے کے لیے تیسری پارٹی کی طرف سے تصدیق (Third Party Validation) کو متعارف کروایا گیا ہے۔ یہ تیسری پارٹی حکومت یا پی ٹی سی نہیں ہو سکتی بلکہ کوئی آزاد ادارہ ہوگا جو کہ یہ کام سرانجام دے گا اور اسی طرح نگرانی یا آڈٹ کا عمل بھی رکھا گیا ہے جو کہ خصوصی طور پر تعمیراتی کاموں کے لئے ہے اور وقتاً فوقتاً ہونا رہے گا۔

پی ٹی سی درج ذیل حوالے سے اخراجات کرنے کی مجاز ہے:

 <p>iii</p> <p>عارضی طور پر استاد/استانی کی تعیناتی۔</p>	 <p>iv</p> <p>فرنیچر، ایشیئری اور دیگر استعمال ہونے والی اشیاء اور ایسا سامان جو کہ سکول اور طلبہ کی بہتری کے لیے ضروری ہے۔</p>	 <p>v</p> <p>بناواری سہولیات کی فراہمی، بحالی و مرمت بشمول کمرے، چھت، دیواریں، لیسٹرن، لائبریری اور ٹیلر وغیرہ۔</p>
 <p>vi</p> <p>یونیٹی بلز بشمول بجلی، ٹیلیفون و گیس وغیرہ کی ادائیگی۔</p>	 <p>vii</p> <p>سائنس لیبارٹری کے لیے سائنسی آلات کی خریداری۔</p>	 <p>viii</p> <p>سکول میں بجلی اور پانی کی سہولیات کی فراہمی۔</p>
 <p>ix</p> <p>غیر نمصابی سرگرمیوں کے فروغ کے لیے سکول کے سامان کی خریداری۔</p>	 <p>x</p> <p>سکول کے ساز و سامان / فرنیچر کی مرمت۔</p>	 <p>xi</p> <p>پی ٹی سی ایکشن کے دن یا اجلاس پر ہونے والے خرچے (پرانی اور نئے سکول کے لیے) 3000/- روپے اور پانی سکول کے لیے 5000/- روپے۔</p>
 <p>xii</p> <p>اجلاس میں 150/- روپے یا ان تک خرچ کیا جاسکتا ہے۔</p>		

16 FF

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) MANSEHRA

No 696 / 1

Date 12.5.18 / 2018

To

The Manager
NBP Shiklon
Mansehra.

Annexure - A
ANN "B" (16)

Subject: CHANGE NAME OF P.T.C. CHAIRMAN/ SECRETARY

Memo:

Please read Mr. ~~_____~~ instead of Mr. ~~_____~~

Chairman & read Mr. Muhammad Elyas instead of Mr. Majid Shahzad
bearing P.T.C Account No 6371-8

The Specimen Signatures are as under:-

Name of Chairman ~~_____~~
1. _____
2. _____
3. _____

Name of Secretary Muhammad Elyas
1. Elyas
2. Elyas
3. Elyas

Majid
DISTRICT EDUCATION OFFICER (M)
(MALE) MANSEHRA

Reflected

عابد خان بلڈنگ میٹریل اینڈ بلاک فیکٹری

پارٹ اینڈ پورٹ سٹریٹ، نزدیکی کلاں، لاہور۔ فون: 0315-5644794

عابد خان

یاسین خان

0315-5644794

0314-5640704

20

19

رقم	تاریخ	تفصیل	نمبر
117800/-	38	6x8x16: 3100/2	19
30000	5000/-	کراچی ڈیسٹریبیوٹرز	
197800/-	بٹ		

A. Deyar

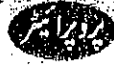
Chaudhary
F.A. School
(Muzra)

Chaudhary
Govt. School
(Muzra)

Subscribed

پاک ٹیلیگرافی اینڈ بلڈنگ میٹریل سپلائی

تاریخ: 0321-9687544
 فون: 0312-2237052



خود شالامار ہونٹل ایجنسیز

20

ہمارے پاس ہالو بلک، ایڈس، کرش، بچکا، خاک، پتھر، رنگ و غیر ہالازار سے اہمیت و زیاب ہیں نیز پیمانے کی کھات بھی موجود ہے۔

تاریخ: _____ (20) _____
 نمبر: 11
 نام خریدار: _____

روپے	وزن	تفصیل	نمبر
36000	36	بلوٹن 1000 6x8x16	
20000	4000	کھراپہ 20000	
24000	8000	3 ٹک 24000	
80000	وزن		
80000	ایمانت		
199	بٹا		

Chairman P.T.A.
 Govt. High School
 Jal Gali (Mansehra)

Head Master
 Govt High School Jalgal
 Mansehra

Secretary P.T.A.
 Govt. High School
 Jal Gali (Mansehra)

دستخط

23

24

عابد خان بلڈنگ میٹریل اینڈ بلاک فیکٹری

ہمارے ہاں ہر قسم ریت، بھری، گریس، خاک، اینٹ، پتھر اور ہر قسم بلاک بازار سے ارغانت خرید کر مہیا ہیں

عابد خان

یاسین خان

0315-5644794

0314-5640704

23

تاریخ

نمبر

بل نام

تعداد	تفصیل	وزن	روپے
	بلوک 6x8x16.000	38	20,400/-
	ریت اور گریس		20,000/-
	Head Master Govt High School Jalgal Mansobra		
	Chairman P.T.A. Govt High School Jal Gal Mansobra		
40,400	ٹوٹل		

شکایاری روڈیفہ دورا ہا نامسبرہ



24
OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)

DISTRICT MANSEHRA

No 7070 Date 11/6/2016

To

Mr. Muhammad Ilyas SST/Incharge
GHSS Jalgali.

Subject:

SHOW CAUSE NOTICE

ANN D

1. The District Education Officer (M) Elementary & Secondary Education District Mansehra, under the Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011 do hereby serve you Mr. Muhammad Ilyas SST/Incharge GHSS Jalgali.
 - (iv). As per complaint received from Chairman & Members PTC of GHSS Jalgali Mansehra regarding misuse/embezzlement in of PTC funds under conditional grant.
 - (v). An inquiry committee was constituted by this office Endst: No.2089 dated 27-04-216.
 - (vi). In the case of inquiry I am satisfied as per Rule 7 of the Khyber Pakhtunkhwa Government Servants (E & D) Rules, 2011 that you have committed the following acts/omissions specified under rule 03 of the said rules.
 - a) Misconduct
 - b) Corruption
 - c) Inefficiency
5. I am satisfied that you are guilty of misconduct and inefficiency as specified in rules 3 of the said rules. Thus you have rendered yourself liable to be proceeded against under the said rules
6. In exercise of the powers conferred by the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, formal enquiry and serve you with the instant show cause notice with the direction to submit your defence in writing within 07 (Seven) days of the receipt of this notice as to why one of the major penalty of rules-4 of the said rule should not be imposed upon you and also intimate whether you desire to be heard in person.
7. In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defence to offer and an ex-parte decision will be taken against you.

DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

Endst: No. _____/Estt:(M)/Showcase/

Dated Mansehra the _____/2016

Copy forwarded for information to:

1. The Secretary to Govt: of Khyber Pakhtunkhwa E&SE Department Peshawar.
2. The Director E&SE Khyber Pakhtunkhwa Peshawar.
3. The Deputy Commissioner Mansehra.
4. THE Principal GHSS Jalgali Mansehra.
5. The DMO IMU Mansehra.
6. Office File.

sel -
DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

46
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BEFORE THE DISTRICT EDUCATION OFFICER
(MALI) MANSEHRA

Subject: REPLY TO SHOW CAUSE

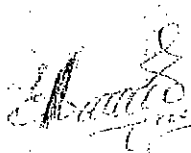
Respected Sir,

An inquiry committee was constituted under the supervision of Mr. Saeed Khan, Principal Higher Secondary School Battal bearing No. 2089 dated 27.04.2013. The report findings of the said committee are not provided to me which is a discriminatory act and is malice on the part of Raja Jehangir AD-I. The said Jehangir in my absence due to transfer from Jalgali to Higher Secondary School Baffa, he submitted report against my due to previous ill-will/quarrel.

It is, therefore, most humbly requested that the inquiry already conducted by Saeed Khan, Principal, Govt. Higher Secondary School, Battal relating to the same issue may kindly be held valid and be acted upon.

It is, also requested that the inquiry conducted by Raja Jehangir AD-I may kindly be declared invalid on account of personal grudge and vendata and the petitioner may kindly be exonerated from the alleged allegation.

Dated 20.06.2016


MUHAMMAD ILYAS
Son of Jehandad Khan
Resident of Banda Peeran
Tehsil & District Mansehra.

Copy to: -

- 1) The Secretary to Govt. of Khyber Pakhtunkhwa E&SE Department, Peshawar.
- 2) The Director E&SE Khyber Pakhtunkhwa Peshawar.
- 3) The Deputy Commissioner, Mansehra.
- 4) The Principal, GHSS Jalgali Mansehra.
- 5) The DMO IMU Mansehra.
- 6) The Principal, GHSS Baffa.

Annexure - J

(24) 27

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA

No. 7987 /Estt: (M)

Date 02/7 /2016

To

Mr. Muhammad Ilyas, SST,
GHSS Jalgali

ANN E

(26)

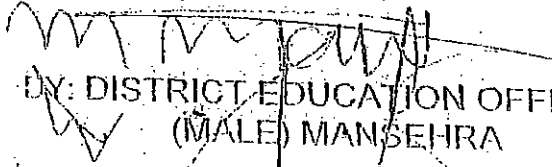
Subject

REFUND OF CONDITIONAL GRANT RS.963600/-

Memo:

I am directed to inform you that, After proceeding of inquiries against you on a conditional grant it has proved that you have miss used Rs.963600/- (Nine hundred sixty three thousand & six hundred rupées) which is clear embezzlement.

You are therefore directed to refund the above amount and be deposited into Govt. Treasury within seven days after issue of this letter under intimation to this office.


BY: DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA





27

Ann

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**DIRECTORATE OF ELEMENTARY & SECONDARY
EDUCATION KHYBER PAKHTUNHWA, PESHAWAR**

NOTIFICATION.

Consequent upon the recommendations of the Inquiry report bearing No.33 dated 06-02-2020 following issuance of show cause, the Competent Authority has been pleased to impose major penalty of Compulsory Retirement under E& D Rules (2011) against Mr. Muhammad Ilyas SST GHSS Jalgali District Mansehra on the account of misappropriation in PTC Fund and the embezzled amount of Rs. 717950/- be recovered from his retirement benefits as reported by DEO(M) Mansehra vide No. 8290 dated 22-05-2018 and No.3824-26 dated 07-05-2020 respectively.

5331

21/12/2020

DIRECTOR

Elementary & Secondary Education
Khyber Pakhtunkhwa

Endst. No. 446 /F.No. 446/SST (M) Complaint Mansehra Dated Peshawar the 22 /12 /2020

Copy of the above is to the:-

1. District Education Officer (M) Mansehra.
2. District Account Officer Mansehra.
3. Principal concerned.
4. Official concerned.
5. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
6. Master File.

Signature

Deputy Director (Estab)

Elementary & Secondary Education
Khyber Pakhtunkhwa

28

ANN '57

BEFORE THE PESHAWAR HIGH COURT,
BENCH ABBOTTABAD

W.P No. 1550-A of 2020

Muhammad Ilyas son of Jehandad Khan
resident of Banda Peeran Marghazar, Tehsil
and District Mansehra PETITIONER

VERSUS

1. Secretary, Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. Director, Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Director (Establishment) Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar Secretariat.
4. District education Officer (Male), Mansehra.
5. District Accounts Officer, Mansehra.
6. Ghulam Jilani, Chairman PTC Village Jal Gali, Tehsil and District Mansehra

..... RESPONDENTS.

WRIT PETITION UNDER ARTICLE
199 OF THE CONSTITUTION OF
ISLAMIC REPUBLIC OF PAKISTAN,
1973, AGAINST THE ORDER ENDST.
NO.44/F.NO.446/SST(M) COMPLAINT
MANSEHRA DATED PESHAWAR
THE 22.09.2020 DELIVERED TO THE
PETITIONER ON 08.10.2020 WHEREBY

29

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AMOUNT OF RS.7,17,950/- WAS ORDERED TO BE RECOVERED FROM THE PETITIONER ON ACCOUNT OF MISAPPROPRIATION IN PTC FUND AND PETITIONER WAS ALSO COMPULSORY RETIRED BY RESPONDENTS NO.2 AND 3.

PRAYER: -

On acceptance of the instant Writ Petition, the recovery of alleged embezzled amount and compulsory retirement order of the petitioner dated 22.09.2020 be declared as illegal and null and void and petitioner may kindly be restored to his status SST as he was before the impugned order with all back benefits.

Respectfully Sheweth!

Following are the relevant facts giving rise to the instant Writ Petition: -

1. That, the petitioner was appointed as CT Teacher in Education Department of District Mansehra on 22.01.1986 and during service,

petitioner acquired further education and associated in different courses of education and was promoted to SST.

2. That, before the year 2015 Provincial Government had announced a policy for promoting education and providing facilities to Government Schools and for this purpose, Parent Teachers Counsel (PTC) was constituted and for this purpose in the form of bylaws module No.1 and 2 were made and circulated and financial arrangement of the counsel was also introduced in module No.2. In these modules, teacher of the school was appointed as Secretary and one Chairman of the Local area was selected to perform the financial management of the counsel.

(Copies of the modules No.1 and 2 are attached as annexure "A").

3. That, on 12.08.2015, when petitioner was already transferred to Government higher Secondary School Jal Gali of District Mansehra was also made Secretary of PTC and

31

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order was issued by D.E.O (Male) Manshehra.

(Copy of the order No.696 dated 12.08.2015 is attached as annexure "B").

4. That, already account of PTC was opened in National Bank of Pakistan Shinkhari Branch of District Manshehra in which amount was lying and the account of PTC was required to be handled with joint signature of Chairman and Secretary for the purpose of investing the amount in projects approved by the PTC. The above stated amount was drawn in fiscal year 2015 and 2016 with joint signature of petitioner as Secretary and respondent No.6 as Chairman and for the purpose of construction of the project material was also purchased by both of them jointly and material was dumped near the school building.

(Copies of purchased receipt are attached as annexure "C").

5. That, due to dispute of Chairman and members of the counsel who

32

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are local persons construction work could not be progressed and inquiry was illegally initiated against the petitioner by the D.E.O and show cause notice was issued on 11.06.2016 under Civil Servants efficiency and disciplinary rules 2011 and written reply by the petitioner was made on 19.06.2016.

(Copies of the show cause notice and written reply are attached as annexure "D").

6. That, on 02.07.2016 D.E.O Mansehra on the basis of inquiry report issued a letter to petitioner for refund of conditional grant of Rs.9,63,600/-.

(Copy of the order is attached as annexure "E").

7. That, petitioner as Secretary to PTC in respect of financial matter of PTC was not actionable under civil servant rules, rather on the basis of bylaws module No.2 third party was required to be constituted to probe into any financial matter of embezzlement so petitioner filed W.P No.698-A/2016 before the

Peshawar High Court, Bench Abbottabad which is still pending.

(Attested copy of the Writ Petition is attached as annexure "F").

8. That, thereafter petitioner was transferred to Government Middle NANOHA of Mansehra in the year 2018 and after filing of Writ Petition stated above which is pending in hearing since 2016 no other show cause notice was issued to petitioner neither petitioner is involved in any disciplinary proceedings and in the meantime the petitioner was transferred to Government High School Geerwal Mansehra on 08.10.2020 impugned order was delivered to the petitioner vide which alleged embezzled amount of Rs.7,17,950/- was imposed against the petitioner and also compulsory retired. The inquiry reports and the reports of D.E.O Mansehra mentioned in the order dated 22.09.2020 are not known to the petitioner.

(Copy of the order dated 22.09.2020 and relieving order dated 08.10.2020 are attached as annexure "G").

Hence, the petitioner seeks indulgence of this Honourable Court on the following grounds amongst others: -

GROUNDS

- a. That, the impugned order is without lawful authority, illegal and null and void as such not maintainable and liable to be set aside.
- b. That, action taken in the impugned order is based on malafide because the previous order dated 02.07.2016 was relating to same matter which was passed by respondent No.4 was not cancelled by any relevant authority and in the existing of this order, subsequent order which is impugned herein is not having any legal status.
- c. That, previous order dated 02.07.2016 was challenged by the petitioner in W.P No.698-A of 2016 before this Honourable Court which is still pending and during pendency of previous order,

subsequent order which is impugned herein is based on malafide.

- d. That, the fund mentioned in the impugned order is relating to Parent Teachers Counsel (PTC) and financial management of such fund is auditable by the third party provided in the modules and in these circumstances, efficiency and disciplinary rules of 2011 are not applicable and no action can be taken under these rules against the petitioner being Secretary of PTC.
- e. That, in the inquiry and report mentioned in the impugned order, petitioner was not involved nor any show cause notice was issued to him and all these proceedings and action was taken in the absence of the petitioner by violating the natural principle of law.
- f. That, the fund relating to PTC was deposited in the NBP Shinkiari Branch in the joint account of Secretary and Chairman of PTC and amount was also drawn with joint signature of these two persons and

material for the project was also purchased by these two persons and which was dumped at the site of project and no any misappropriation had taken place neither in this respect, any inquiry was conducted by any authority and petitioner was illegally and petitioner was illegally single out in the impugned order.

.....PRAYER.....

It is, therefore, most humbly prayed that on acceptance of the instant Writ Petition, the recovery of alleged embezzled amount and compulsory retirement order of the petitioner dated 22.09.2020 be declared as illegal and null and void and petitioner may kindly be restored to his status SST as he was before the impugned order with all back benefits.

Interim Relief

It is further prayed that the operation of the impugned order Endst. No.44/F.No.446/SST(M) complaint Mansehra dated Peshawar the 22.09.2020 delivered

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to the petitioner on 08.10.2020 may
please be suspended till the disposal of
the titled Writ Petition.

Dated 08.12.2020

Muhammad Ilyas
...Petitioner

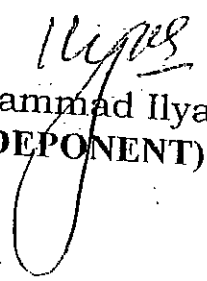
Through 

MALIK MUHAMMAD ASIF,
Advocate Supreme Court
Of Pakistan.

AFFIDAVIT.

I, Muhammad Ilyas son of Jehandad
Khan resident of Banda Peeran
Marghazar, Tehsil and District
Mansehra, petitioner, do hereby
solemnly affirm and declare on oath
that the contents of the foregoing
Writ Petition are true and correct and
nothing has been concealed from this
Honourable court.

Dated 08.12.2020


Muhammad Ilyas
(DEPONENT)

38

BEFORE THE PESHAWAR HIGH COURT,
BENCH ABBOTTABAD

WR. no. 698-A/2016

(P)

Muhammad Ilyas son of Jehandad Khan, resident of Marghazar Banda Peeran at present S.S.T Teacher Government Higher Secondary School Jal Galli, Presently Secretary PTC, Tehsil and District Mansehra.....Petitioner

Versus

- 1) Ghulam Jilani, Chairman PTC Village Jal Galli, Tehsil and District Mansehra.
 - 2) District Education Officer (Male) Mansehra.
 - 3) Deputy District Education Officer (Male) Mansehra.
 - 4) Saeed Khan, Principal, Government Higher Secondary School, Battal Mansehra.
 - 5) Raja Jehangir, AD-I, DO Office, Mansehra.
 - 6) Abdul Waheed Khan, Incharge/SST Teacher Government Higher Secondary School Jal Galli.
 - 7) Muhammad Haneef, PTI, Government Higher Secondary School Jal Galli, Tehsil and District Mansehra.
 - 8) Nouman Clerk, DEO Office Mansehra
 - 9) Manager, National Bank of Pakistan Shinkiari Branch, Tehsil and District Mansehra
-Respondents



WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973 TO THE EFFECT THAT LETTER NO. 7987/ESTT:(M) DATED 02.07.2016 ISSUED BY RESPONDENT NO. 3 FOR REFUND OF CONDITIONAL GRANT RS. 963,600/- IS BEING UNLAWFUL AND WITHOUT JURISDICTION IS NULL AND VOID AND ON THE BASIS OF THIS ORDER NO PROCEEDING AND PROCESS OF RECOVERY COULD BE INITIATED AGAINST THE PETITIONER.

PRAYER: -

On acceptance of instant writ petition letter No. 7987/Estt:(M) dated 02.07.2016 may kindly be declared as null and void.

May it please your lordship!

Following are the relevant facts giving rise to instant writ petition are arrayed as under: -

- 1) That, petitioner is SST Teacher of Grade-17 who was posted as Head Master of Higher Secondary School of Jal Galli about 02 years ago.
- 2) That, since the year 2011 a new system in the Government School was started for promoting standard of Education and providing facilities to the students and in this respect

40

(S)

parents teacher councils were constituted for which seven members are elected among the parents of students and one person from the locality as Chairman and Head Teacher of the school is nominated as Secretary and PTC performs with the help of members through Chairman Secretary.

3) That, PTC was already in existence when petitioner was transferred to this school and account of PTC was already opened in National Bank of Pakistan Shinkhari Branch as a joint account in the name of Chairman and Secretary of PTC. On transfer of petitioner to this school, petitioner was made Secretary in replacement of previous Secretary who was transferred to other school and in the bank account name of the petitioner was also entered in joint account.

(Copy of letter No. 696 dated 12.08.2015 issued by respondent No. 2 is annexed as Annexure "A").

4) That, after transfer of petitioner in Higher Secondary School Jal

41

(D)
4

Galli a project of construction of outer wall of school building construction of wash room and construction of water supply scheme was assigned.

- 5) That, for construction of above stated projects an amount of Rs. 800,000/- approximately was encashed with the joint signature of Chairman and Secretary and from this amount construction material cement, khaka and crush etc were purchased with the signature of Chairman and Secretary through purchase receipts.

(Copies of all these receipts are annexed as Annexure "B").

- 6) That, all this material was transported and dumped near the building of school situated village Jal Galli.
- 7) That, village Jal Galli is native village of present MNA Sardar Yousaf, Chairman of PTC and members and the entire inhabitants of Village Jal Galli are Gujjar by caste and they are belonging to the caste of MNA. When all the material was



dumped near the building of school thereafter Chairman of PTC and near relative of MNA raised the demand that construction work has to be given to contractor for the construction of project. Since they are having ill intention to usurp the amount and sensing this petitioner refused and said that construction work will be carried out on the daily wages for which a meson a labours will be deployed under the joint supervision of Chairman and Secretary of PTC. But the Chairman and other local persons refused and pick-up quarrel with the petitioner and threatened him with dire consequences.

- 8) That, in the meantime under the influence of MNA respondent No. 1 Secretary, illegally and without jurisdiction constituted an alleged inquiry committee which gave its finding through letter No. 2089 dated 27.04.2016 for which petitioners no nothing at all nor he was informed.



9) That, PTC is non governmental council which function through Chairman and Secretary and with joint responsibility projects are started and completed responsibilities and liability of Chairman and Secretary are provided in booklet module-1.

(Photostat copy of module-I is annexed as Annexure "C").

10) That, in booklet Module-2 management of financial matter of PTC has been provided for verification of it third party has to be constituted.

(Photo copy of this booklet is annexed as Annexure "D").

11) That, PTC being non governmental council and its functions and liabilities does not fall in the ambit of Civil Servant Acts and Rules.

12) That, inquiry committee constituted by respondent No. 2 was illegal and without jurisdiction and in this respect show cause notice issued to petitioner vide letter No. 7070 dated 11.06.2016.

(Copy of show cause notice is annexed as Annexure "E").

44

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13) That, written reply of this show cause notice was given by petitioner on 19.06.2016.

(Copy of reply of show cause notice is annexed as Annexure "F").

14) That, in the meantime, petitioner was transferred from Government Higher Secondary School Jal Galli to Government Higher Secondary School Baffa on 19.05.2016.

(Copy of transfer order is annexed as Annexure "G").

15) That, on the interference of MNA referred above on 03.06.2016 transfer of petitioner was withdrawn and again posting was made at Government Higher Secondary School Jal Galli.

(Copy of withdrawal transfer letter is annexed as Annexure "H").

16) That, in the absence of petitioner the secret inquiry which was conducted perhaps by respondents Nos. 4 to 5 letter No. 7987/Estt:(M) dated 02.07.2016 issued by respondent No. 3 for refund of amount Rs. 963,600/-.

(Copy of letter is annexed as Annexure "I").

Following are the grounds amongst others on the basis which petitioner

45

(8)

seeks indulgence of this Honourable Court: -

GROUNDS: -

- A) That, PTC is non governmental council and its functions cannot be questioned by DEO, Deputy DEO or any government official under civil servant act and rules.
- B) That, letter No. 7987 dated 02.07.2016 issued by respondent no. 3 for refund of amount Rs. 963,600/- to petitioner is illegal and null and void.
- C) That, show cause notice issued on 11.06.2016 bearing No. 7070 by respondent No. 2 to petitioner is also illegal and null and void.
- D) That, functions of Chairman and Secretary in financial matters and in all other matter of construction etc are joint and any one of them cannot be singled out for any action.
- E) That, action against petitioner initiated by respondent No. 1&2 including show cause notice and



refund of amount are malafidly illegal, null and void.

- F) That, it is natural principle of law that before concluding any inquiry against the civil servants fair opportunity is required to be provided and before taking any final action against him three show cause notices are required to be issued and full opportunity have been provided to such civil servant but in the instant case the natural principle of law was grossly violated.
- G) That, in the civil servants act and rules no law have been provided for chalking and controlling of function of PTC nor any separate law and rules have been made except the booklets which have been provided in the facts in which functions and power of Chairman and Secretary are equal and no one could be singled out for any disciplinary action.
- H) That, petitioner being Secretary of PTC has purchased construction material with the consent and approval of

47

(10)

Chairman and transported the material to the site, but due to illegal influence of MNA and non cooperation of Chairman and other members of PTC construction work could not be done and for this no liability could be imposed on the petitioner for this Chairman PTC and others member are responsible for it.

- I) That, in the meantime on the ill-will of Chairman and members of PTC many blocks have been found broken and some material also have been displaced by them.
- J) That, action initial by respondents Nos. 2&3 against petitioner based on malafide and unlawful is null and void.

It is, therefore, requested that an acceptance of instant writ petition letter No. 7987/Estt:(M) dated 02.07.2016 may kindly be declared as null and void.

INTERIM RELIEF

That the fact and circumstances stated in the petition provides that action against the petitioner demanding refund of amount Rs. 963,600/- is illegal and petitioner is hopeful for succeeding in the petition and balance of convenience also lies in

48

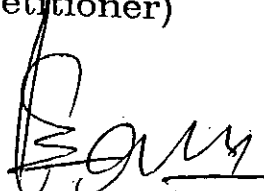
favour of petitioner, so petitioner seeks suspension of letter refund of above stated amount and staying respondents Nos. 2&3 from taking any further action against the petitioner.

(H)

Dated 25.07.2016

Muhammad Ilyas
(Petitioner)

Through: -



MALIK MUHAMMAD ASIF
Advocate Supreme Court of
Pakistan (Mansehra)

VERIFICATION

I, MUHAMMAD ILYAS SON OF JEHANDAD KHAN, RESIDENT OF MARGHAZAR BANDA PEERAN AT PRESENT S.S.T TEACHER GOVERNMENT HIGHER SECONDARY SCHOOL JAL GALLI, PRESENTLY SECRETARY PTC, TEHSIL AND DISTRICT MANSEHRA DO HEREBY VERIFY THAT THE CONTENTS OF FORE-GOING WRIT PETITION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND NOTHING HAS BEEN CONCEALED OR SUPPRESSED FROM THIS HONOURABLE COURT.

MUHAMMAD ILYAS
(DEPONENT)



49

Ann H

Before the Honorable Secretary Elementary and Secondary Education KPK, Peshawar Sectriate.

Muhammad Iylas S/O Jahandad Khan R/O Bandan Piran Marghzar Tehsil and Distt Mansehra.

.....Appellant

Versus

Director Elementary and Secondary Education KPK Peshawar SectriateRespondent

Departmental Appeal under Rule 3 of the KPK Civil servants (Appeal) Rules, 1986 against the order endst no 44/F.No 446/SST (M) Complaint Mansehra dated Peshawar the 22/9/2020. Delivered to Petitioner on 08-10-2020. Whereby on the basis of illegal Report of enquiry no 33 Dated 06-02-2020 . Appellant was held responsible for embezzlement amount of Rs = 7, 17950/= and compulsory retired form service along with recovery of embezzled amount

prayer,

on acceptance of Departmental appeal the compulsory retirement order of appellant along with recovery of embezzled amount may kindly be set-aside and appellant by restored as to his post SST in education department District Mansehra with back benefits .

Respectfully Sheweth:-

Following are the relevant facts.

1. That Appellant was appointed as CT, Teacher in education Department of district Mansehra on 22-01-1986 and during service appellant acquired further education and Associated in different courses of education and was promoted to SST.
2. That before the year 2015 Provincial government had announced a policy for promoting education and providing

50

- facilities to government schools and for this purpose parents, teachers councils(PTC) was Constituted. And for this Purpose in the form of bylaws module no 1 and 2 were made and circulated and financial management of the council was also introduced in module no 2. In these Modules teacher of the school was appointed as secretary and Chairman of the local area was selected. (copies of modules 1 and 2 are attached)
3. That on 12-08-2015 when appellant was already transfer to government higher Secondary school Jall Gali of District Mansehra was also made secretary of PTC and order was issued by DEO (M) Mansehra (Copy of the order no 696 Dated 12-08-2015 is attached).
 4. That already account of PTC was opened in NBP of shinkari branch of District Mansehra .
 5. That account of PTC was opened in NBP Shinkari branch Mansehra in which was transfer by the Government and the amount in the account was drawn with Joint signature of Chairman and Secretary for the purpose of investing the amount in Projects approved by the PTC. And the above stated amounts was drawn in fiscal Year 2015 and 2016 with Joint Signature of appellant as secretary and local Person as Chairman and for the purpose of Construction for the Project material was also Purchased by Secretary and Chairman Jointly and material was dumped near the School building .
 6. That due to dispute of Chairman and member of the Council who are local persons construction work could not by progressed and enquiry was illegally initiated against the appellant by the concerned District Education Officer and show cause notice was issued to appellant on 11-02-2016 Under Civil servants efficiency and Discipline rule 2011 and written reply by the appellant on 19-6-2016. (Copies of

51

show cause notice and reply to show cause notice are attached).

7. That on 02-06-2016 DEO (M) Mansehra on the basis of enquiry issued to a letter to appellant for refund of Conditional grant Rs. 9, 63, 600/= ~~(Copy of this order is attached)~~
8. That appellant as secretary to PTC in respect of financial matters of PTC was not actionable under civil servant rules. Rather on the basis of by Laws/module 2 third party was to be constituted to probe in to any financial matter of embezzlement So appellant filed writ Petition No 698-A of 2016. Before Peshawar High Court Abbottabad bench which is still pending . (Copy of write petition is attached)
9. That enquires⁷ report of DEO (M) Mansehra mentioned in the impugned order dated 22-9-2020 are not known to appellant and he was not associated in any such illegal enquiry .

GROUNDS

- A. That impugned order dated 22-09-2020 Whereby appellant has been compulsory retired from the service and illegal embezzled amount is also to be recovered is illegal , null and void and liable to be set-side.
- B. That the enquiry report dated 06-02-2020 and report of DEO Mansehra Dated 07—5-2020 are illegal. Appellant was never informed to participate in these enquires mention in the impugned order .
- C. That only enquiry in which only one show cause notice were issued to appellant and refund of conditional grant Rs=9,36,600/= was passed by DEO Mansehra was challenge in WP stated above which is still pending.
- D. That any irregularity found in financial matters of PTC are required to be resolved through, appointment of third party as

52

arbitrator and Civil servant Efficiency and discipline rule do not apply and as such the impugned order from removed from service recovery of *alleged* emblazed amount and the *alleged* enquiries referred there in are illegal .

E. It is therefore prayed that impugned order Dated 22-9-2020 delivered to appellant on 08-10-2-2020 may kindly be set-aside declare unlawful and appellant be restored to his status as SST with all back benefits.

Ilyas

Dated 10-10-2020

Muhammad Ilyas (SST)Appellant

Cell no. 0345-9638862

(54) P

No. 1348

For Insurance Notices see reverse.
Stamps affixed except in case of
or _____
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Rs. 105 Ps.

Post Office Guide or on which no
acknowledgement is due.

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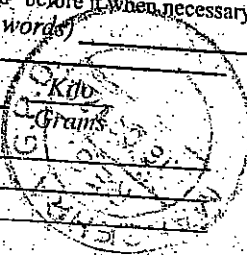
Initials of Receiving Officer S. S. S. S. Write here "letter", "postcard", "packet" or "parcel"
with the word "insured" before it when necessary.

If insured.

Insured for Rs. (in figures) 1000 (in words) one thousand

Insurance fee Rs. _____ Ps. _____ Weight 100 Kilo
Name and address of sender _____ Grams

16/10/20



وکالت نامہ

بعدالت جناب سرسید صاحب

محمد الیاس صاحب منجانب گورنمنٹ آف کراچی

محمد الیاس بنام گورنمنٹ آف کراچی

دعویٰ یا جرم رد سبیل باعث تحریر آنکہ

ہذا محمد الیاس صاحب

مندرجہ بالا عنوان میں اپنی طرف سے پیروی و جواب دہی بنام

گورنمنٹ آف کراچی کے لیے شرط وکیل مقرر کیا ہے میں ہر پیشی پر خود یا بذریعہ مختار خاص روز بعدالت حاضر ہونار ہوں

گا اور بوقت پکارے جانے پروکیل صاحب موصوف کو اطلاع دیکر حاضر کروں گا اگر کسی پیشی پر منظر حاضر نہ ہوا اور غیر حاضری

کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب

موصوف صدر مقام کچہری کے علاوہ کسی اور جگہ کچہری کے مقررہ اوقات سے پہلے یا بروز تعطیل پیروی کرنے کے مجاز نہ ہوں

گے۔ اگر مقدمہ مقام کچہری کے کسی اور جگہ سماعت ہونے پر بروز کچہری کے اوقات کے آگے یا پیچھے ہونے پر منظر کو کوئی

نقصان پہنچے تو ذمہ دار یا اس کے واسطے کسی معاوضہ ادا کرنے، مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ

ہونگے کہ مجھے کل ساختہ پرداختہ صاحب مثل کردہ ذات خود منظور قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ اور درخواست

اجراء ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز روپیہ وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپرد

ثالثی و راضی نامہ و فیصلہ برخلاف کرنے و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ

درخواست حکم اتناعی یا ڈگری قبل از فیصلہ اجرائے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ پیروی مختار نامہ کرنے کا

مجاز ہوگا اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا ایمر سٹر کو بجائے اپنے ہمراہ مقررہ کریں اور ایسے مشیر

قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں

گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے

برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا ہے کہ یہ سند ہے۔ مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

مورخہ 24 مارچ ۱۹۲۱ء

Attested & Accepted

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

APPEAL No..... 3990 of 2021.

Mahammad Ilyas

Appellant/Petitioner

Versus

Through Secy: Edm: KPSC Pesh:

RESPONDENT(S)

Counsel

Notice to Appellant/Pettitioner

Malik Mohammad Asif
Advocate Supreme Court
of Pakistan at Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 16-7-2021 at 9:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Peshawar

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

APPEAL No. 3990 of 2021.

Mohammad Ilyas

Appellant/Petitioner

Versus

Through Secy: Edu: KPSC Pesh

RESPONDENT(S)

✓
Notice to Appellant/Petitioner

*Mohammad Ilyas S/o
Jehandad Khan R/o Banda
Deeran Marghazar Tehsil Dera
Manshira*

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 16-7-2021 at 9:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Peshawar

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

TIB

No.

Appeal No. 3990 of 2021

Mohammad Iqbal Appellant/Petitioner

Versus

Through Secy. Edn. K.P.S.T. Pesh. Respondent

Respondent No. 4

Notice to: —

Distt. Education Officer (male)
Mansehra.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 11/10/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this.....

Day of August 2021

25/8

at Camp Court A Head.

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

TB

Appeal No.....3990..... of 2021

.....Muhammad Ilyas..... Appellant/Petitioner
 Versus

.....Through Secy: Echr. K.P...... Respondent

Respondent No.....5.....

Notice to: - Distt. Accounts office, Mansehra.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....11/12/2021.....at 8.00 A.M. If you wish to urge anything against the appellent/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....25/11.....

Day of.....August.....2021

at Camp Court A Head

Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

T B

Appeal No. 3770 of 20 21

Mahammad Ilyas Appellant/Petitioner
Versus

Through Secy. Govt. Peshawar Respondent

Respondent No. 6

Notice to: —

Ghulam Jilani Chairman P.T.C.
Village Jalga Tehsil & Distt.
Manshera

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....25th

Day of.....August.....2021

at Camp Court A Alaud

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

Appeal No. 3990 of 20 21

TB

Appellant/Petitioner

Mohammad Iqbal

versus

Through *Sayyid Ehsan* Respondent

Respondent No. 1

Notice to: —

Govt. of KPK Through Sayyid Ehsan
D. Shaukat

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 11/10/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of ~~appeal~~ appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated.....

Given under my hand and the seal of this Court, at Peshawar this.....

Day of.....20

August

25/11

at Camp Court A. Abad

[Signature]
27/10/21

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

TB

Appeal No. 3990 of 20 21

Appellant/Petitioner
Mahammad Idgas

Respondent
Through Secy: Establishment No. 3

Notice to: —

Deputy Director Establishment
Et. & Sec. Edn. K.P.T.C. Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 11/10/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No. dated~~

Given under my hand and the seal of this Court, at Peshawar this 25/10/2021

Day of August 20 21

at Camp Court A Road

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

713

No.

3990

20

APPEAL No..... of 20

Muhammad Ilyas

Appellant/Petitioner

Versus

Through Geny. Edm. Capt. J. S. Sh.

RESPONDENT(S)

Counsel

Notice to Appellant/Petitioner

*Malik Mohammod Asif
Advocate Supreme Court
of Pakistan at Abbottabad*

Take notice that your appeal has been fixed for Preliminary hearing, replication/affidavit/counter affidavit/record/arguments/order before this Tribunal on 19/2/2021 at 9:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Camp Court A. A. A. A.

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

113

APPEAL No.....3990..... of 20 21

Muhammad Ilyas

Appellant/Petitioner

Versus

Through Sayy. Edm. K.P.C. Pesh.

RESPONDENT(S)

Notice to Appellant/Petitioner

Muhammad Ilyas S/o
Jehanda Khan R/o Banda
Peeran Marghazar Tehsil
Distt. Manshera

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 14/2/2021 at 9:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Camp Court A Road

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No. Regel

TB A/Abad

APPEAL No. 3990 of 20 24

Mohammad Iyas

Appellant/Petitioner

Versus

Through Secy: (ESSE) Regel

RESPONDENT(S)

Resp No 6

Notice to Appellant/Petitioner

Ghulam Jilani PTC Village
Jalgali tehs Distt
Mansehra

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 18-7-22 at 5:30 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at camp court
A/Abad.

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

TB A/Abad

No.

APPEAL No. 3990 of 2021

Mohammad Ilyas

Appellant/Petitioner

Versus

Through Secy: (ESSE) Pesh

RESPONDENT(S)

Resp: No 3 Deputy Director (Establishment)
Notice to Appellant/Petitioner (ESSE) Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 18-7-2022 at 8:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at camp court

A/Abad

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

TB AIA

APPEAL No..... 3990 of 20 21.

Mohammad Uyas

Appellant/Petitioner

Versus

Secy: (ESSE) Pesh

RESPONDENT(S)

Resp: No 2
Notice to Appellant/Petitioner..... Director (ESSE)
Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 18-7-22 at 8:30 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Camp Court

A. Ishaq

[Signature]

[Signature]
Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No. Legal

TB A/Abad

APPEAL No. 3975 of 20 21

Mohammad Ilyas

Appellant/Petitioner

Versus

Amogh Singh (ESSF) Pass

RESPONDENT(S)

Resp No 6
Notice to Appellant/Petitioner

Shoham Jilani PTC Village
Jalgali tehs Distt
Manshera

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 18-7-22 at 8:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at camp court
A/Abad

Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No. *Regd*

APPEAL No. *3990* of 20 *TB A/Abad*

Mohammad Ilyas

Appellant/Petitioner

Versus

Through Secy. (ESSE) Pesh

RESPONDENT(S)

Resp No 5
Notice to Appellant/Petitioner *DIST Accounts officer*
Mansehra

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *18-7-22* at *8:00 AM*

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at camp court

A/Abad

[Signature]
Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No. *Regd*

APPEAL No. *3990* of 20 *TB A/Abad*

Mohammad Ilyas

Appellant/Petitioner

Versus

Through Secy. (ESSE) Pesh

RESPONDENT(S)

Resp No 5
Notice to Appellant/Petitioner *DISTT Accounts officer*
Manselaha

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *18-7-22* at *8:00 AM*

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at camp court

A/Abad



[Signature]
Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

Resd
No.

TB AlAbad

APPEAL No.....3990..... of 20

Mohammad Ilyas

Appellant/Petitioner

Versus

Through Secy: (ESSE) Resd

RESPONDENT(S)

Resd No. 4
Notice to Appellant/Petitioner DIST Education officer
(Male) Mansehra

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 18-7-22 at 8:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at camp court
AlAbad

R

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No. Resd

TB A/Abad

APPEAL No. 3990 of 20

Mohammad Ilyas

Appellant/Petitioner

Versus

Through Secy: (E&SE) Resd

RESPONDENT(S)

Notice to Respondent Appellant/Petitioner

DIST Education officer
(Mide) Mansehra

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 18-7-22 at 8:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at comp court
A/Abad

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

TB A/Abad

No.

APPEAL No. *3990* of 20 *21*.

Mohammad Ilyas

Appellant/Petitioner

Versus

Muzh Sery (E&SE) Pesh

RESPONDENT(S)

Resp: No 3

Notice to Appellant/Petitioner

*Deputy Director (Establishment
(E&SE) Peshawar*

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *18-7-2022* at *8:00 AM*.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

*at camp court
A/Abad*

[Signature]

Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

TB AIA

APPEAL No. 3990 of 20 21

Mohammad Ilyas

Appellant/Petitioner

Versus

Secy: (ESSE) Pesh

RESPONDENT(S)

Resp: No 2

Notice to Appellant/Petitioner

Director (ESSE)

Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 18-7-22 at 8:00 AM.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at camp court

A. Ilyas

[Signature]

[Signature]

Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

TR Al Abad

No.

APPEAL No. *3990* of 20 *21*

Mohammad Ilyas

Appellant/Petitioner

Versus

Through Secy: (E&SE) Pesh

RESPONDENT(S)

Resp No 1

Notice to Appellant/Petitioner *Govt of KPK Through*

Secretary (E&SE) Pesh

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *18-7-22* at *8:50 AM*

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

*at camp court
Al Abad.*



Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

TR Al Abad.

No.

APPEAL No.....*3990*..... of 20 *21*

Mohammad Ilyas

Appellant/Petitioner

Versus

Through Secy. (E&SE) Pesh

RESPONDENT(S)

ROSPINO 1
Notice to Appellant/Petitioner *Govt of KPK Through*

Secretary (E&SE) Pesh

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *18-7-22* at *8:50 AM*

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at camp court
Al Abad.

S

[Signature]
Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.