

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 3846/2020

BEFORE: MR. KALIM ARSHAD KHAN ... CHAIRMAN
MISS. FAREEHA PAUL ... MEMBER(E)

Abdul Malik, S/O Khan Gul, R/O Village Satbani, Tehsil Balakot, District Mansehra, Ex-CT Teacher posted at GMS Sari Manoor, District Mansehra.
.... (Appellant)

Versus

1. Director Elementary & Secondary Education Peshawar.
2. District Education Officer (Male) Mansehra.

.... (Respondents)

Mr. Malik Ashfaq Ahmad Jillani
Advocate

...

For appellant

Mr. Muhammad Adeel Butt
Addl. Advocate General

...

For respondents

Date of Institution.....30.04.2020
Date of Hearing.....17.10.2022
Date of Decision.....17.10.2022

JUDGEMENT

KALIM ARSHID KHAN, CHAIRMAN: A Division Bench of this Tribunal had, in a similar matter, on 22.07.2022, delivered a judgment in different service appeals including Service Appeal No.5793/2022 titled “Khani Zaman Vs. Elementary & Secondary Education Peshawar” the operative part of the judgment is given as under:-


“A perusal of the record would show that a scrutiny committee was constituted for scrutinizing the documents of the appellants as well as others for determining of their eligibility for appointment in light of the Sacked Employees Act, 2012. The scrutiny committee recommended the appellants for their appointment and has mentioned in its report that the scrutiny committee checked the record of all the candidates one by one. A meeting of the District Selection Committee was then held under the Chairmanship of DEO (Male) Mansehra, wherein the appellants were recommended for appointment on their respective posts and thus their appointment Notifications were

issued by the competent Authority. The minutes of Departmental Selection Committee are available on record, wherein it is mentioned that the committee had made through deliberation and had perused the record minutely. The appellants were, however later on issued show cause notices on the ground that upon verification, fake and fabricated documents were found in their service record. Final show cause notices were then issued to the appellants without mentioning there in that regular inquiry was dispensed with. It appears that the main allegations against the appellants were that their names had been inserted in the respective termination orders by way of tempering. The question of tempering being factual in nature was required to have been ascertained through a regular inquiry but the same has not been done. The departmental Authority was required to have adduced evidence in support of the allegations against the appellants by providing Opportunity of cross-examination. Although it is mentioned in the impugned Notifications that proceedings were conducted under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 but the mandatory provisions of the same were not complied with. In these circumstances, conducting of de-novo inquiry in the matter is necessary for reaching a just and right conclusion.

In view of the above discussion, the appeal in hand as well as connected Service Appeal bearing No.5892/2020 titled "Ejaz Ahmad Vs. Secretary, Elementary and Secondary Education Department Peshawar and two others", Service Appeal bearing No. 8634/2020 titled "Rafaqat Ali Versus Secretary, Elementary and Secondary Education Department Peshawar and two others" and Service Appeal bearing No. 8635/2020 titled "Zardad Khan Versus Secretary, Elementary and Secondary Education Department Peshawar and two others" are allowed by setting-aside the impugned orders and the appellants are reinstated in service for the purpose of de-novo inquiry. The departmental Authority shall conduct de-novo inquiry strictly in accordance with the relevant law/rules within a period 90 days of receipt of copy of this judgment and the result be intimated to this Tribunal through Registrar. Needless to mention that the appellants shall be associated with the inquiry proceeding and fair be provided to them to defend themselves. Keeping in view peculiar facts and circumstances of the cases, the issue of salary and back benefits shall be subject to outcome of de-novo inquiry".

3. This appeal being similar in nature is also disposed off accordingly. Consign.

4. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 17th day of October, 2022.*


(FAREEHA PAUL)
Member (E)


(KALIM ARHAD KHAN)
Chairman

Service Appeal No. 3846/2020

1. Mr. Malik Ashfaq Ahmad Jillani, Advocate for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present. Arguments heard and record perused.
2. Vide our detailed judgement containing 02 pages, we arrived at a conclusion that the appeal in hand is allowed by setting aside the impugned order and the appellant is reinstated in service for the purpose of de-novo inquiry. The departmental Authority shall conduct de-novo inquiry strictly in accordance with the relevant law/rules within a period 90 days of receipt of copy of this judgment and the result be intimated to this Tribunal through Registrar. Needless to mention that the appellants shall be associated with the inquiry proceedings and fair opportunity be provided to them to defend themselves. Keeping in view peculiar facts and circumstances of the cases, the issue of salary and back benefits shall be subject to outcome of de-novo inquiry". Consign.
3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 17th day of October, 2022.*


(FAREEHA PAUL)
Member (E)


KALIM ARHAD KHAN)
Chairman


19.04.2022

Malik Ashfaq, Advocate, as proxy for learned counsel for the appellant present. Mr. Noor Zaman Khattak, District Attorney for the respondents present.

Malik Ashfaq, proxy stated at the bar that learned counsel for the appellant has telephonically contacted him that as he is busy in some domestic engagement, therefore, adjournment may be granted. Adjourned. To come up for arguments on 14.06.2022 before the D.B at Camp Court Abbottabad.



(Rozina Rehman)
Member (J)
Camp Court Abbottabad



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

14.06.2022


Junior to counsel for appellant present.

Noor Zaman Khan Khattak, learned District Attorney for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 15.08.2022 for arguments before D.B at Camp Court, Abbottabad.



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




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

20.05.2021 Due to cancellation of tour, Bench is not available. Therefore, case to come up for the same as before on 27.09.2021.


Reader


27.09.2021 Junior to counsel for the appellant and Mr. Muhammad Riaz Khan Paindakhel, Asstt AG alongwith Tauseef Alam, ADEO for the respondents present.

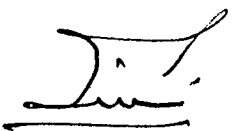
Respondents have furnished reply/comments. Placed on file. Case to come up for arguments on 17.01.2022 before the D.B at Camp Court, Abbottabad.


Chairman
Camp Court, A/Abad

17.01.2022 Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

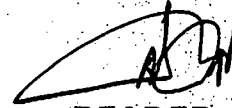
Appellant requested for adjournment on the ground that his counsel is unable to attend the Tribunal today due to death of his relative. Adjourned. To come up for arguments on 19.04.2022 before the D.B at Camp Court Abbottabad.


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


(Salah-ud-Din)
Member (J)
Camp Court A/Abad

19 .01.2021

Due to COVID-19, the case is adjourned for the same on 18.02.2021 before ~~D.B.~~

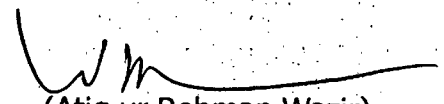

READER

18.02.2021

Counsel for the appellant present.

Noor Zaman Khattak learned District Attorney alongwith Muhammad Touseef ADO for respondents present.

Written reply/comments on behalf of respondents not submitted. Representative of respondents requested for time to submit reply/comments. Granted. To come up for reply/comments on 20.05.2021 before S.B at Camp Court, Abbottabad.


(Atiq ur Rehman Wazir)
Member (E)
Camp Court, A/Abad

16.11.2020

Mr. Malik Ashfaq Ahmed Jillani, Advocate, for appellant is present. The learned counsel for the appellant emphasized that on appointment by competent authority against the post of C.T he alongwith others were terminated from service however, subsequently, the Government of Khyber Pakhtunkhwa enacted Sacked Employees Act, 2012, according to which all sacked employees were reinstated into service however, his request in this regard was not entertained forcing him to agitate the matter before the Hon'ble Peshawar High Court through invocation of its constitutional jurisdiction in consequence appellant alongwith others were reinstated into service in pursuance thereof he assumed the charge at GHS Seri Mansoor but to his utter surprise he was served with a show-case notice which he appropriately replied. That without holding any regular or proper inquiry his reappointment order was withdrawn. He agitated his claim in the departmental appeal before the next higher authority but it remained un-responded.

The point so agitated at the bar needs consideration. The appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 19.01.2021 before S.B at Camp Court, Abbottabad.

Appellant Deposited
Security & Process Fee

24/12/20



(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT ABBOTTABAD

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 3845 /2020

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|--|
| 1 | 2 | 3 |
| 1- | 30/04/2020 | <p>The appeal of Abdul Malik presented today by Mr. Abdul Saboor Khan Advocate, may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> |
| 2- | | <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on at camp court, Abbottabad on <u>16-11-20</u>.</p> <p style="text-align: right;"> Chairwoman</p> |

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No 3848 of 2020

Abdul Malik.....Appellant

VERSUS

Director Elementary and Secondary
Education Peshawar etcRespondents

APPEAL

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Dated 30.03.2020

Abdul Malik
(Appellant)

Through:-

ABDUL SABOOR KHAN
&
MALIK ASHFAQ AHMED JILLANI
ADVOCATES HIGH COURT

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWARDiary No. 327Dated 30/4/20203848
Service appeal No ____ of 2020

Abdul Malik, son of Khan Gul, resident of
village Satbani, Tehsil Balakot District
Mansehra, Ex-CT Teacher posted at GMS
Sari Manoor, District Mansehra

.....**Appellant****VERSUS**

Filed to-day

Registrar

30/4/2020

- 1) Director Elementary and secondary
Education Peshawar.
- 2) District Education officer (Male)
Mansehra

.....**Respondents**

APPEAL UNDER SECTION 4 OF KPK
SERVICE TRIBUNAL, ACT, 1974 AGAINST
THE IMPUGNED ORDER BEARING NO.
17751-55 DATED 09.11.2019, PASSED BY
RESPONDENT NO. 02 WHEREBY RE-
APPOINTMENT ORDER OF THE
APPELLANT BEARING ENDST NO.10268-
74 DATED 20.06.2019 UNDER SACKED
EMPLOYEES ACT, 2012 WAS WITHDRAWN
FROM THE DATE OF RE-APPOINTMENT.

PRAYER:-

On acceptance of the instant service appeal, the impugned order bearing No **17751-55** dated **09.11.2019**, passed by respondent No. 02 may kindly be set-aside declaring it as illegal, void and against the law and facts on the subject and appellant be re-instated into service with all back benefits.

Respectfully Sheweth:-

1. That, appellant was appointed in a prescribed manner by competent authority against the post of **CT** vide appointment order dated **20.10.1996**.

(Copy of appointment order dated 20.10.1996 is annexed as Annexure "A").

2. That, appellant and many others were terminated from service vide **termination order No. 16052-189** dated **07.07.1996**, appellant figures at serial No. **23** of the said termination order.
3. That, Govt. of KPK enacted sacked employees Act, 2012, whereby all the terminated employees were to be re-instated into service. Appellant being terminated on **07.07.1996** on irregular appointment fully covered under the

above Act applied for his re-appointment which was not acceded to by respondent No. 02 forcing the appellant and others to invoke the constitutional jurisdiction of Honourable Peshawar High Court and in the light of the judgment/order of Honourable Peshawar High court Abbottabad bench appellant and 09 others were re-instated into the service vide appointment order dated **20.06.2019**.

(copy of re-appointment order dated 20.06.2019 is annexed as Annexure "B").

4. That, consequent upon appointment order dated **20.06.2019**, appellant took over charge at GHS Seri Mansoor and performed duty as Teacher over there since reappointment dated **20.06.2019** till impugned order dated **09.11.2019**.

(copies of extracts of attendance register are annexed as annexure "C").

5. That, to the utter surprise, appellant was served a showcase notice dated **12.08.2019**, to which appellant submitted a detailed and comprehensive reply, but copy whereof could not be retained.

(copy of show cause notice dated 12.08.2019 is annexed as annexure "D").

6. That, no regular and proper inquiry was ever conducted in this case and without any evidence, the re-appointment order of the appellant bearing endorsement No. **10268-74** dated **20.06.2019**, was withdrawn from the date of re-appointment dated **20.06.2019** on the flimsy grounds mentioned therein.

(copy of impugned order dated 09.11.2019 is Annexed as Annexure "E").

7. That, appellant filed Departmental appeal with respondent No. 01 on dated **28.11.2019** which was not responded to within the statutory period.

(copies of Departmental appeal dated 28.11.2019 are annexed as Annexure "F").

8. That, being aggrieved from the impugned order bearing No. **17751-55** dated **09.11.2019**, appellant having no other remedy files the present service appeal before this Honourable Tribunal for interference inter alia, on the following amongst other grounds.

GROUNDS:-

- A) That, appellant being sacked employee was re-appointed by respondent No. 02 vide re-appointment order dated **20.06.2019**, on the direction of Honourable Peshawar High Court Bench Abbottabad.
- B) That, the re-appointment order was issued after the recommendation of Departmental selection committee and scrutiny committee tasked with to scrutinize the previous service record of the appellant.
- C) That, no regular and proper inquiry was held by respondent No. 02 before imposing major penalty upon the appellant hence, the impugned order is liable to be laid to rest on this sole legal ground.
- D) That, no such plea was ever taken by the Department in the earlier round of litigation before Honourable Peshawar High Court, so the Department is legally estopped to urge by now.
- E) That, no concrete material worth name was ever collected by the Department before passing the impugned order.

- F) That, appellant provided all the attested and verified documentary proof to respondent No. 02 but was not considered for no reason at all because the department had already made up its mind to terminate the appellant from service.
- G) That, the most vital aspect of the matter is that appellant provided attested copies of all relevant documents and service record to respondent No. 02 which were checked and verified and thereafter re-appointment order dated **20.06.2019**, was issued.
- H) That, the allegations mentioned in the impugned order are artificial, conjectural, based on surmises and tainted with mala fide.
- I) That, only fake report of head master GMS Hilkot has been made a ground to withdraw the re-appointment order of the appellant, but said head master never appeared to own the said alleged letter.
- J) That, after having scrutinized the documents and service record of the appellant there was neither any justification, nor legal authority vesting in any one to get the same re-

scrutinized by the said so called Head Master so the alleged correspondence with the said Head Master is without lawful authority, without jurisdiction and of having no legal effect.

- K) That, Had the proper inquiry been held by the Department, the ultimate result would have been different and by non-holding of the inquiry has also prejudiced the case of the appellant.
- L) That, appellant had a long unblemished service record at her credit and he has been removed from service with a single stroke of pen without observing due process of law and having the allegations proved.
- M) That, the impugned order on its very face value, is illegal, unlawful, without lawful authority, without jurisdiction and of having no legal effect.
- N) That, the Department its self displayed the list of all the sacked Employees after enactment of the Act, so it is absurd to declare the termination order of the appellant fake.
- O) That, all the allegations mentioned in the impugned order are false, baseless, having no leg to stand. All the

documents and service record of the appellant are genuine, attested and verified.

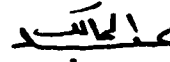
PRAYER:-

On acceptance of the instant service appeal, the impugned order bearing No **17751-55** dated **09.11.2019**, passed by respondent No. 02 may kindly be set-aside declaring it as illegal, void and against the law and facts on the subject and appellant be re-instated into service with all back benefits.

Dated 30.03.2020

Abdul Malik
(Appellant)

Through:-



ABDUL SABOOR KHAN
&
MALIK ASHFAQ AHMED JILLANI
ADVOCATES HIGH COURT

VERIFICATION :

I, Abdul Malik, son of Khan Gul, resident of village Satbani, Tehsil Balakot District Mansehra, Ex-CT Teacher posted at GMS Sari Manoor, District Mansehra, do hereby solemnly affirm and declare that the contents of fore-going Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this Honorable Tribunal.

Abdul Malik
(DEPONENT)



BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No _____ of 2020

Abdul Malik.....**Appellant**

VERSUS

Director Elementary and Secondary
Education Peshawar etc**Respondents**

APPEAL

AFFIDAVIT

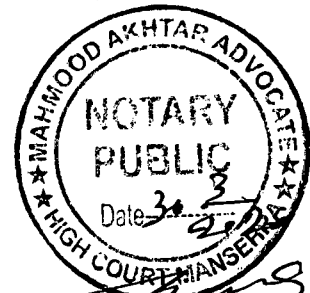
I, Abdul Malik, son of Khan Gul, resident of village Satbani, Tehsil Balakot District Mansehra, Ex-CT Teacher posted at GMS Sari Manoor, District Mansehra, do hereby solemnly affirm and declare on oath that the no such subject matter appeal has ever been filed before this honorable court nor pending nor decided. That the contents of fore-going affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this Honourable tribunal.

Dated 30.03.2020

**Abdul Malik
(DEPONENT)**

Abdul Malik

ATTESTED



BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No ____ of 2020

Abdul Malik.....**Appellant**

VERSUS

Director Elementary and Secondary
Education Peshawar etc**Respondents**

APPEAL

CORRECT ADDRESSES OF THE PARTIES

APPELLANT:

Abdul Malik, son of Khan Gul, resident of village Satbani, Tehsil Balakot District Mansehra, Ex-CT Teacher posted at GMS Sari Manoor, District Mansehra

RESPONDENTS:

- 1) Director Elementary and secondary Education Peshawar.
- 2) District Education officer (Male) Mansehra

Dated 30.03.2020

Abdul Malik
(Appellant)

Through:-

عبدالملک

ABDUL SABOOR KHAN
&
MALIK ASHFAQ AHMED JILLANI
ADVOCATES HIGH COURT

Malik Ashfaq Ahmed Jillani

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Amma A

OFFICE OF THE DIV: DIRECTOR OF EDUCATION (S) HAZARA ABBOTTABAD

OFFICE ORDER NO. 128

DATED 20/10/1996

APPOINTMENT:

The following candidates are hereby appointed against vacant At/ CT/SV/DM/PET position the Schools mentioned against each their names belows in R-S fixed or R-3 (Rs.1605- 97-3060) in case of trained plus usual allowances as admissible to them under the rules w.e.f. the date of their taking over charge on the following terms, and conditions.

| S/No. | Name of candidate With Father's Name Address. | Qualification on | School Where appointed | Remarks |
|-------|--|------------------|-----------------------------|----------------|
| 1. | Abdul Malik S/O Khan Gul Village Sut Bany Balakot | | FACT GMS Hillkot | Ag:CT in BPS-9 |
| 2. | Zardad Khan S/O Hatiat-Tullah R/O V; Barar Kot | | FA CT GMS Ghari Habib Ullah | Do/ |
| 3. | Shah Zaman S/o Baga R/O Village Balakot Distt: Mansehra. | | FA GMS Dandi Kenth | Do/ |

NOTE:- NO/TA/ DA & TG is allowed.

Charge reports should be sent to all concerned.

CONDITIONS.

- i) The appointments are purely on temporarily basis and liable for termination at any time w/out any notice or a signing reason.
- ii) They/He/ She/ should produce their /his/her Age & Health Certificate from the Medical Supdt: concerned.
- iii) The head of Institutions is required to check all the original Education /professional documents before adding charge to them.
- iv) They are required to get verify their academic Certificates from university concerned.
- v) In case they he/she wish to resign from service they/he/she have to give on month's notice or for effect on month's pay in local of short notice.
- vi) The appointment shall automatically stand cancelled if the /he/she failed to join the post within 15 days of issue of this letter.
- vii) They Candidate should not be handed over charge if their his/her age exceed 32 years or below 12 years.

(FAZAL-UR-REHMAN KHAN)
DIV: DIRECTOR OF EDUCATION (S)
HAZARA DIV: ABBOTTABAD.

Endost No. 27560-7/ Appt/Trf: Date A/abad the 20/10/1996
Copy to the:-

1. P/S to Hon:Minister for education NWFP.
2. Director of Secondary Education Peshawar.
3. District Education officer (M) (F) Secy: _____
4. Principal headmaster / Headmistress Mansehra.
5. Candidates Concerned
6. ADE Local Director.
7. Office order File.

DIV: DIRECTOR OF EDUCATION (S)
HAZARA DIV: ABBOTTABAD.

Tariq Khan

A Hested
Casey

P-12
Ann B

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA.

APPOINTMENT

In pursuance of Khyber Pakhtunkhwa Sacked Employees (Appointment) 2012 and Consolidate Judgment passed by Honorable Peshawar High Court Abbottabad Bench Abbottabad vide Dated 24-05-2016, 27-03-2018, 03-04-2018 & 07-03-2019 in W/P No 516-A/2013, 676-A/2015, 20-A/2014, 216-A/2015, 1155-A/2015, 702-A/2014, 115-A/2014, and orders of Honorable High Court in COC No. 22-A/2016, COC No. 47-A/2016, COC No. 58-A/2016, COC No. 93-A/2016, COC 14/2019, and recommendation of the Departmental Selection Committee the appointment of the following candidates are hereby ordered against the vacant post of **CERTIFIED TEACHER (CT) BPS-15 (Rs.16120-13330-56020)** plus usual allowances as admissible under the rules, under the existing policy of the Provincial Government, on the terms and condition given below with effect from the date of their taking over charge:-


| S. # | Name | Father's Name | Date Of Birth | Domicile | Permanent Address | Place of posting | Remarks |
|------|----------------|---------------|---------------|------------|---|---------------------|---------------------|
| 1 | M. PERVAIZ | DURIAMAN | MANSEHRA | 05-06-1963 | VILLAGE PATHANI P/O SERI PERHINNA TEHSIL & DISTRICT MANSEHRA. | GHS CHINARKOT | AGAINST VACANT POST |
| 2 | M. NAWAZ | M. MUMTAZ | MANSEHRA | 01-02-1972 | VILLAGE DADAR NOORI MAIDAN P/O DHARYAL TEHSIL & DISTRICT MANSEHRA. | GHS MAITHAL JABBORI | AGAINST VACANT POST |
| 3 | MUHAMMAD SAJID | M. SADIQ | MANSEHRA | 01-03-1971 | VILLAGE & P/O UPPER CHANNAE TEHSIL & DISTRICT MANSEHRA | GMS BAI PAIEN | AGAINST VACANT POST |
| 4 | SHER AFZAL | SHER MUHAMMD | MANSEHRA | 28-03-1972 | VILLAGE RAHAMKOT TEHSIL OCHI DISTRICT MANSEHRA 1 | GMS KHANIAN KHAIKI | AGAINST VACANT POST |
| 5 | RAFAQAT ALI | KHANIZAMAN | MANSEHRA | 10-5-1972 | VILLAGE AND P/O KANSHIAN TEHSIL BALAKOT DISTRICT MANSEHRA | GHS BAILA MANOOR | AGAINST VACANT POST |
| 6 | EJHAZ AHMED | M. QASIM | MANSEHRA | 02-03-1973 | VILLAGE KANSHIAN P/O DALAKOT TEHSIL BALAKOT DISTRICT MANSEHRA | GMS BATANGI | AGAINST VACANT POST |
| 7 | MUNIR AHMED | HAFIZULLAH | MANSEHRA | 01-01-1969 | VILLAGE NARAL P/O GARHI HABIBULLAH TEHSIL BALAKOT DISTRICT MANSEHRA | GHS KHAIIRABAD | AGAINST VACANT POST |
| 8 | ZARDAD KHAN | HADAYTULLAH | MANSEHRA | 03-07-1965 | VILLAGE BASS MAIRA BARARKOT P/O GARHI HABIBULLAH TEHSIL BALAKOT DISTRICT MANSEHRA | GMS GHORY KHAIIR | AGAINST VACANT POST |
| 9 | ABDUL MALIK | KHAN GUL | MANSEHRA | 06-02-1976 | VILLAGE KHABA KHATTA GALI P/O SAT BANI TEHSIL BALAKOT DISTRICT MANSEHRA | GMS SERI MANOOR | AGAINST VACANT POST |
| 10 | SHAH ZAMAN | BAGA | MANSEHRA | 05-05-1977 | VILLAGE BATSANGRA TEHSIL BALAKOT DISTRICT MANSEHRA | GHS PARAS | AGAINST VACANT POST |

TERMS & CONDITIONS.

1. NO TA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Their Appointment are subject are condition that, their certificates/document and domicile be verify from the concerned authority before releasing their salary in the light of Section 3 of the said ACT.
4. They will be governed by such rules & regulation enforce and as may be prescribed by the Government time to time for the category of the Government savant to which they belong.
5. Their appointment has been made in pursuance of Khyber Pakhtunkhwa, Sacked Employee (appointment) ACT 2012. Hence under Section 5 of the said ACT they shall not be entitled to any claim of the seniority, promotion and back benefits.
6. Their appointment has been made in pursuance of Khyber Pakhtunkhwa, Sacked Employee (appointment) ACT 2012. Hence Section 4 of the said ACT period during which they remained dismissed, removed or terminated from services, till the date of their appointment shall have been deemed atomically relaxed.
7. Their Appointment is subject to the condition that the certificates/documents must be verified from the concerned authorities by the DEO. Anyone found producing bogus Certificate will be reported to the law enforcing agencies for further action.
8. Their services are liable to termination on one month's prior notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
9. Their pay will not be drawn until and unless a certificate to the effect by DEO is issued that his certificates/degrees are verified from the concerned board/university.
10. The Principal / Headmaster School concern is directed to submit their Degrees /Certificates etc to this offic for verification from Board /University/Institutions before any payment made to them.

OR

- P-13
11. They should join their post within 15 days of the issuance of this notification. In case of failure to join the post within 15 days of the issuance of this notification, his appointment will expire automatically and no subsequent appeal etc shall be entertained.
 12. Health and Age Certificate should be produced from the Medical Superintendent King Abdullah Teaching Hosp. Mansehra before taking over charge.
 13. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
 14. Their services shall be terminated at any time, in case his performance is found unsatisfactory during their probation period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
 15. In case of having less qualification which ever is prescribed Academic BA for CT as well as classical certificate as profession the candidate must attain prescribed qualification for his post i.e. Academic & Professional within 3 years after issuance of this appointment order, failing which their appointment order shall stand terminated automatically, without any further notice.
 16. Before handing over charge once again their documents must be checked by Head of institution and convey deficiencies in qualification to DEO office.
 17. Before handing over charge they will sign an affidavit by stating that they will not claim seniority or back benefits/service and they will acquire required qualification within stipulated period of time, failing which they will have no objection on their removal.
 18. The competent authority reserve to right to rectify the error / omission, if any noted /observed at any stage in instant order issued erroneously.
 19. The candidates appointed against the school(s) falling in summer vacation shall be handed over the charge w.e.f 01-09-2019 on opening of school after summer vacation.
 20. Their documents if found fake/bogus at any stage, their appointment order shall be withdrawn and legal action be taken against him....


DISTRICT EDUCATION OFFICER,
(MALE) MANSEHRA

Endst: No. 16268-74/CT/Sacked Apptt./2019/Dated Mansehra the 20/6/2019

Copy forwarded for information to the:-

1. Registrar Honorable Peshawar High Court A. J. Durrani Bench.
2. Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. PS to Secretary Khyber Pakhtunkhwa E&SE Department Peshawar.
4. District Accounts Officer Mansehra.
5. District Monitoring Officer Mansehra.
6. Budget & Account Officer Local Office.
7. Officials Concerned.
8. Office Order File

Sd/-
DY: DISTRICT EDUCATION OFFICER,
(MALE) MANSEHRA

| خ | آمد | دستخط | روائی | دستخط | آمد | دستخط | روائی | دستخط | آمد | دستخط | روائی | دستخط |
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Head Master GHS
San Manager

| قسمت | حال | سابقہ | میزان | حال | سابقہ | میزان | حال | سابقہ | میزان | حال | سابقہ | میزان |
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عبدالخالق صاحب
شمن جہانگ صاحب
عثمان خالد صاحب
T.T

| تاریخ | C-T | | | C-T | | | D.M | | | T.T | | |
|-------|---------------|-----------|-----------|------|-------|-------|------|-------|-------|------|-------|-------|
| | آدم | دستخط | رواگی | آدم | دستخط | رواگی | آدم | دستخط | رواگی | آدم | دستخط | رواگی |
| 1 | 7/30 | عبدالخالق | عبدالخالق | 7/30 | SAM | 1/35 | 7/30 | Usman | 1/35 | 7/30 | Usman | |
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| 3 | 7/30 | عبدالخالق | عبدالخالق | 7/30 | SAM | 1/35 | 7/30 | Usman | 1/35 | 7/30 | Usman | |
| 4 | 7/30 | عبدالخالق | عبدالخالق | 7/30 | SAM | 11/30 | 7/30 | Usman | 11/30 | 7/30 | Usman | |
| 5 | 7/30 | عبدالخالق | عبدالخالق | 7/30 | SAM | 1/35 | 7/30 | Usman | 1/35 | 7/30 | Usman | |
| 6 | 7/30 | عبدالخالق | عبدالخالق | 7/30 | SAM | 11/30 | 7/30 | Usman | 11/30 | 7/30 | Usman | |
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| 18 | 7/30 | عبدالخالق | عبدالخالق | 7/30 | SAM | 11/30 | 7/30 | Usman | 11/30 | 7/30 | Usman | |
| 19 | 7/30 | عبدالخالق | عبدالخالق | 7/30 | SAM | 1/35 | 7/30 | Usman | 1/35 | 7/30 | Usman | |
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| 21 | 7/30 | عبدالخالق | عبدالخالق | 7/30 | SAM | 1/35 | 7/30 | Usman | 1/35 | 7/30 | Usman | |
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| 24 | 7/30 | عبدالخالق | عبدالخالق | 7/30 | SAM | 11/30 | 7/30 | Usman | 11/30 | 7/30 | Usman | |
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Handwritten notes on the left side of the page, including names like 'Usman' and dates like '2019'.

Handwritten signature and stamp: 'Head Master GMS San Manager'.

| رقم خدمت | حال | سابقہ | میزان | حال | سابقہ | میزان | حال | سابقہ | میزان |
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ماہی پر جاضری مہینہ

تورنت میں سول سیر 19 ستمبر
 بابت ماہ

| خامیز خان صاحب | | | شان خالد صاحب | | | من جہانگ صاحب | | | عبدالمالک صاحب | | | عہدہ |
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| P-E-T | | | D-M | | | C-T | | | C-T | | | تاریخ |
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Head Master
 Head Manbor

قسمت
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 استحقاق
 بیاری
 میزان کل

| خانم نازیہ صاحبہ P.E.T | | | عثمان خالد صاحب D.M | | | تسلیں جمالیہ صاحبہ C.T | | | نام و سید نام صاحبہ C.T | | | تاریخ |
|---------------------------|--------|------|------------------------|--------|------|---------------------------|--------|------|----------------------------|--------|------|-------|
| دستخط | روایتی | آمد | دستخط | روایتی | آمد | دستخط | روایتی | آمد | دستخط | روایتی | آمد | |
| Khani | 12/20 | 8/20 | ON Duty | | | SAM | 12/20 | 8/20 | SAM | 12/20 | 8/20 | 1 |
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| Khani | 2/20 | 8/20 | Usman | 2/20 | 8/20 | SAM | 2/20 | 8/20 | SAM | 2/20 | 8/20 | 4 |
| Khani | 2/20 | 8/20 | Usman | 2/20 | 8/20 | SAM | 2/20 | 8/20 | SAM | 2/20 | 8/20 | 5 |
| Khani | 2/20 | 8/20 | Usman | 2/20 | 8/20 | SAM | 2/20 | 8/20 | SAM | 2/20 | 8/20 | 6 |
| Khani | 2/20 | 8/20 | Usman | 2/20 | 8/20 | SAM | 2/20 | 8/20 | SAM | 2/20 | 8/20 | 7 |
| Khani | 2/20 | 8/20 | Usman | 2/20 | 8/20 | SAM | 2/20 | 8/20 | SAM | 2/20 | 8/20 | 8 |
| Khani | 2/20 | 8/20 | Usman | 2/20 | 8/20 | SAM | 2/20 | 8/20 | SAM | 2/20 | 8/20 | 9 |
| C/Leave | | | | | | | | | | | | |
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| Khani | 2/20 | 8/20 | Usman | 2/20 | 8/20 | SAM | 2/20 | 8/20 | SAM | 2/20 | 8/20 | 11 |
| Khani | 2/20 | 8/20 | Usman | 2/20 | 8/20 | SAM | 2/20 | 8/20 | SAM | 2/20 | 8/20 | 12 |
| Khani | 2/20 | 8/20 | Usman | 2/20 | 8/20 | SAM | 2/20 | 8/20 | SAM | 2/20 | 8/20 | 13 |
| Khani | 2/20 | 8/20 | Usman | 2/20 | 8/20 | SAM | 2/20 | 8/20 | SAM | 2/20 | 8/20 | 14 |
| Khani | 2/20 | 8/20 | Usman | 2/20 | 8/20 | SAM | 2/20 | 8/20 | SAM | 2/20 | 8/20 | 15 |
| Khani | 2/20 | 8/20 | Usman | 2/20 | 8/20 | SAM | 2/20 | 8/20 | SAM | 2/20 | 8/20 | 16 |
| Khani | 2/20 | 8/20 | Usman | 2/20 | 8/20 | SAM | 2/20 | 8/20 | SAM | 2/20 | 8/20 | 17 |
| Khani | 2/20 | 8/20 | Usman | 2/20 | 8/20 | SAM | 2/20 | 8/20 | SAM | 2/20 | 8/20 | 18 |
| Khani | 2/20 | 8/20 | Usman | 2/20 | 8/20 | SAM | 2/20 | 8/20 | SAM | 2/20 | 8/20 | 19 |
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| Khani | 2/20 | 8/20 | Usman | 2/20 | 8/20 | SAM | 2/20 | 8/20 | SAM | 2/20 | 8/20 | 21 |
| Khani | 2/20 | 8/20 | Usman | 2/20 | 8/20 | SAM | 2/20 | 8/20 | SAM | 2/20 | 8/20 | 22 |
| Khani | 2/20 | 8/20 | Usman | 2/20 | 8/20 | SAM | 2/20 | 8/20 | SAM | 2/20 | 8/20 | 23 |
| Khani | 2/20 | 8/20 | Usman | 2/20 | 8/20 | SAM | 2/20 | 8/20 | SAM | 2/20 | 8/20 | 24 |
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| Khani | 2/20 | 8/20 | Usman | 2/20 | 8/20 | SAM | 2/20 | 8/20 | SAM | 2/20 | 8/20 | 26 |
| Khani | 2/20 | 8/20 | Usman | 2/20 | 8/20 | SAM | 2/20 | 8/20 | SAM | 2/20 | 8/20 | 27 |
| Khani | 2/20 | 8/20 | Usman | 2/20 | 8/20 | SAM | 2/20 | 8/20 | SAM | 2/20 | 8/20 | 28 |
| Khani | 2/20 | 8/20 | Usman | 2/20 | 8/20 | SAM | 2/20 | 8/20 | SAM | 2/20 | 8/20 | 29 |
| Khani | 2/20 | 8/20 | Usman | 2/20 | 8/20 | SAM | 2/20 | 8/20 | SAM | 2/20 | 8/20 | 30 |
| Khani | 2/20 | 8/20 | Usman | 2/20 | 8/20 | SAM | 2/20 | 8/20 | SAM | 2/20 | 8/20 | 31 |

WITH DRAWN ORDER ON 17/11/2019
 ENDST NO 17757-55

WITH DRAWN ORDER ON 17/11/2019
 ENDST NO 17757-55

Head Master GMS
 San Manoor

Head Master GMS
 San Manoor

| میزان | سابقہ | حال | میزان | سابقہ | حال | میزان | سابقہ | حال | میزان | سابقہ | حال | قسمت |
|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|----------|
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Head Master GMS
 San Manoor



Attended
Reply

SHOW CAUSE NOTICE

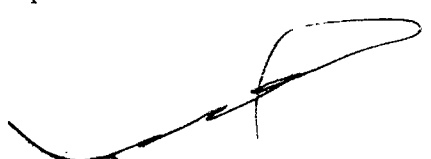
P-19
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I, Mr. Khan Muhammad District Education Officer (M) Mansehra, as competent authority under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you Mr. Abdul Malik S/o Khan Gul CT GMS Seri Manoor District Mansehra as follows:-

- i. Whereas a Showcause Notice was issued vide this office No.14311 dated 29-08-2019 & you have failed to submit your reply within time.
- ii. Whereas the Final Showcause with same charges is resubmitted to yourself for early reply.
- iii. Whereas Mr. Abdul Malik CT was reappointed and posted at GMS Seri Manoor District Mansehra under sacked Employee Act 2012 vide this office Endst No.10268-74 dated 20-06-2019, On the basis of documents provided by you as per direction of Honourable Peshawar High Court Abbottabad Bench vide his judgment dated 03-04-2018.
- iv. Whereas according to the Terms and Condition NO.20 of the appointment order is that "their documents if found fake/bogus at any stage, their appointment order shall be withdrawn and legal action be taken against him"
- v. Whereas after issuing of appointment order the competent authority sent a letter to the Head Master GMS Hilkot Mansehra for re-verification of record of Mr. Abdul Malik CT GMS Hilkot vide letter No.10703 dated 25-06-2019.
- vi. After verification of your documents/service record, fake and fabricated documents have been found in your service record.
- vii. Whereas, as per report of the Head Master GMS Hilkot vide dated 18-07-2019 with the remarks that "you have never attend the school and nor remained on the strength of the GMS Hilkot, no such record was found of the said person in our official record of school for the period 1996-1997,"
- viii. Whereupon the initial inquiry constituted by the officers 06-08-2019, the said committee submitted report to this office on 07-10-2019, with the remarks that no record was found in school hence the case is fake, so the appointment order may be withdrawn. It shows that you have committed misconduct /illegality thus violated E&D rule, 2011.
- ix. I am satisfied that you found guilty of misconduct, inefficiency and committed illegal act as specified in rule 3 of the said rules. Thus you have rendered yourself liable to be proceeded against under the said rules.

2. In exercise of the powers conferred by the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, the competent authority is hereby pleased to serve you with the show cause notice with the direction to submit your defense in writing within 07 (seven) days of the receipt of this notice as to why one of the major penalty of rule-4 of the said rules should not be imposed upon you.

3. In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defense to offer and an ex-parte decision will be taken against you.


COMPETENT AUTHORITY

Abdul Malik S/o Khan Gul CT
GMS Seri Manoor
District Mansehra

Affected
Asif

P-20
Annex D



OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DISTRICT MANSEHRA

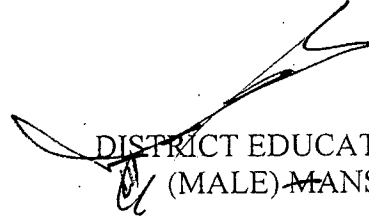
No 15699 /Lit/ Date 21/9/2019

To

The Head Master,
GMS Seri Manoor Manshra.

Subject: **FINAL SHOW CAUSE NOTICE.**
Memo;

Show cause notice in R/O Mr. Abdul Malik CT GMS Seri Manoor Mansehra is attached herewith with the direction to serve the same to the concerned teacher and return one copy to this office as token of receipt duly received by him.


DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA



OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DISTRICT MANSEHRA

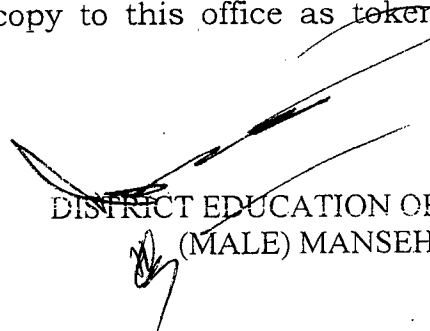
No 15699 / lit/Date 21/9/2019

To

The Head Master,
GMS Seri Manoor Mansehra.

Subject: **FINAL SHOW CAUSE NOTICE.**
Memo;

Show cause notice in R/O Mr. Abdul Malik CT GMS Seri Manoor Mansehra is attached herewith with the direction to serve the same to the concerned teacher and return one copy to this office as token of receipt duly received by him.


DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA



Arrested
Arrested
OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA

Phone # 0997-382271

Fax # 0997-382244

E-mail Address: edoedu_mansehra@yahoo.com

P-21
Amx
E

NOTIFICATION

Mr. Abdul Malik S/O Khan Gul CT (MS Seri Manoor Mansehra. WHEREAS Mr. Abdul Malik CT (MS Seri Manoor Circle Mansehra was proceeded against under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 on account of fake and fabricated documents have been found in service record and tempering in documents was proved.

- i. Whereas Mr. Abdul Malik CT was reappointed and posted at GSM Seri Manoor District Mansehra under sacked Employee Act 2012 vide this office vide Endst No. 10268-74 dated 20-06-2019. On the basis of documents provided by you as per direction of Honourable Peshawar High Court Abbottabad Bench vide his judgment dated 03-04-2018.
- ii. Whereas according to the Terms and Condition NO.20 of the appointment order is that "their documents if found fake/bogus at any stage, their appointment order shall be withdrawn and legal action be taken against him."
- iii. Whereas after issuing of appointment order the competent authority sent a letter to the Head Master GSM Hilkot Mansehra for verification of record of Mr. Abdul Malik CT (MS Hilkot) vide letter No.10703 dated 25-06-2019.
- iv. After verification of your documents/service record, fake and fabricated documents have been found in your service record.
- v. Whereupon the initial inquiry conducted by the officer on 06-08-2019, the said committee submitted report to this office on 12-08-2019, with the remarks that Mr Abdul Malik tempered/forged his name at serial No.23 in Termination order vide Endst No. 16052-189 dated 07-07-1996 and no record was found in school record the case is fake, so the appointment order may be withdrawn. It shows that you have committed misconduct /illegality thus violated E&D rule, 2011.
- vi. Whereas, as per report of the Head Master GSM Hilkot vide dated 18-07-2019 with the remarks that "Mr. Abdul Malik CT has never ever been appointed vide Endst No.27560-71 dated 20-10-1996 at GSM Hilkot, whereas the appointment documents in r/o Mr Abdul Malik CT are fake, some unscrupulous elements are trying to submit the fake record of sacked employee in your office, His First appointment order, charge report arrival report, acquaintance role, attendance register, log book and appointment order file were checked no such record was found of the said person in our school for the period 1996-1997.
- vii. Whereas as per report dated 12-08-2019, a showcause notice was issued to concerned vide this office No. 14311 dated 29-08-2019, but failed to reply within time Respondent department issue final show cause notice vide office No.15694 dated 21-09-2019 and received reply of showcause on 14-10-2019.
- viii. Whereas, he was called for personal on 01-11-2019, while attending the office of undersigned on 04-11-2019 and heard.
- ix. Whereas the competent authority District Education Officer (M) E&SE Mansehra after having considered the charges and evidence on record, perusal of reply of show cause notice & Personal hearing is of the view that the charges against the accused Teacher have been proved. Therefore the appointment order vide Endst No.10268-74 dated 20-06-2019 in r/o Mr. Abdul Malik CT GSM Seri Manoor Mansehra is hereby **WITHDRAWN** from the date of issue of re-appointment order (Ab-initio Withdrawn) with immediate effect.

Sd/-
DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

Endst: No. 17751-55 /F.No.Final Showcause/Appointt: 2019 (M)//Dated 27/11 /2019

Copy forwarded for information to the:

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. District Monitoring Officer (IMU) Mansehra.
3. District Account Officer Mansehra.
4. Head Master GSM Seri Manoor.
5. Mr. Abdul Malik s/o Khan Gul Residence of village satbani Tehsil & P/O Balalot District Mansehra
6. Office File.

DY: DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

To,

Attested
Rajoy

(1)

P-22
Annex F

The Director,
E&SE Education Department,
Khyber Pakhtunkhwa Peshawar

Subject: APPEAL FOR RE-INSTANTMENT AGAINST IMPUGNED NOTIFICATION ENDST: NO. 17686-92 DATED 07.11.2019 ISSUED BY DEO (MALE) MANSEHRA WHEREIN APPOINTMENT ORDER OF APPELLANT WAS WITHDRAWN FROM THE DATE OF APPOINTMENT.

Respected Sir,

- 1) That, appellant was appointed against vacant post of CT and posted at GMS HILKOT. (Copy of appointment order vide dated 20/10/96 is attached).
- 2) That, appellant joined duties and continued in job, meanwhile appellant in the year 1997, vide dated 07-07-1997, appellant was terminated.
- 3) That, in the year 2012 Government of KPK promulgated Khyber Pakhtunkhwa Sacked Employee Act (Appointment) 2012, wherein appellant applied vide that Act for re-instatement.
- 4) That, appellant being sacked employee DEO(M) Mansehra conducted a scrutiny committee for scrutiny committee for scrutiny of documents of appellant, the said documents i.e. application alongwith relevant documents of appellant for re-instatement was referred for appointment to Departmental Selection Committee in the light of recommendations of DSC, appointment order of appellant was issued vide Endst. No. 10268-74 dated 20.06.2019 by DEO (M) Mansehra. (Copy of appointment order is attached).
- 5) That, appellant took over charge that post of CT at GMS SERIMAN (Mansehra) as per reinstatement order vide dated 20.06.2019 and is devotedly serving with his utmost endeavour and to the best his ability from the date of his appointment. (Copy of charge report is attached).
- 6) That, appellant being sacked employee was appointed after checking/scrutiny of application and relevant document as per record in office

concerned and on the recommendations of Departmental Selection Committee, as per judgment of Honourable Peshawar High Court, Bench Abbottabad appellant was appointed by DEO(M) Mansehra but inspite of all relevant and reliable facts, the DEO(M) Mansehra issued baseless, without approving relevant record in office concerned, without adopting codel formalities, explanation, show cause etc, on the basis of so-called report of which is depict as Para No. V of Notification dated 07.11.2019 i.e. Head Master of GMS HILKOT, the place of first appointment vide dated 24.04.1996 wherein the record of official no available in GMS HILKOT, Notification Endst. No. 17751-55 dated 07.11.2019 wherein upon the appointment order vide dated 20.06.2019 was withdrawn, from the date of appointment. (Copy of Notflicatlon dated 07.11.2019 is attached).

7) That, the appellant being sacked employee was appointed in due course and after adopting all codel formalities and after inquiry by concerned quarter and on recommendations of DSC and Scrutiny Committee of document as per record of office concerned and furthermore attested copies of all relevant documents has been produced before DEO(M) Mansehra time and again, which were verified and checked thereafter appointment order dated 20.06.2019 was issued by DEO(M) Mansehra.

8) That, DEO(M) Mansehra deliberately ignored the recommendations of DSC, on the basis of so called report of Head Master GMS HILKOT (Mansehra) and so-called allegations issued impugned Notification vide dated 07.11.2019, which is against the rules, policy, norms of justice and spirit f judgment of Honourable Peshawar High Court, Abbottabad Bench was issued vide Endst. No. 17751-55 dated 07.11.2019 which is liable to be set-aside.

9) That, appellant has filed a writ petition No. 944-1/19 dated 26-8-19 before Honourable Peshawar High Court Bench Abbottabad against the illegal process of department against the law, withdrawal of appointment order vide dated 07.11.2019 which is subjudice for adjudicate, during pending adjudication of writ petition the appointment order vide dated 20.06.2019 was withdrawal order vide dated 07.11.2019 which is against the law and spirit of judgment of

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Honourable High Court. (Copy of writ petition is attached).

It is, therefore, most graciously requested that on acceptance of appeal, the impugned Notification vide dated 09.11.2019 may kindly be set-aside and appellants may graciously be reinstated into Government Service with immediate effect.

Dated 28.11.2019

Yours Sincerely,

Abdul Malik
S/o
Khan Gul
ML
28.11.2019

Address
Village Sat Bani P/O
Balakot Phes Balakot
Distt. Manshera.
cel NO: 0345-9611940

وکالت نامہ

بعدالت جناب KPK سروس ٹریبونل پشاور کیمپ کورٹ ایبٹ آباد

حکومت KPK وغیرہ

بنام

عبدالملک

سروس اپیل

اپیلانٹ

باعث تحریر آنکہ!

منجانب:

عبدالصبور خان، ملک اشفاق احمد جیلانی ایڈووکیٹس ہائی کورٹ

اندریں مقدمہ عنوان بالا اپنی طرف سے برائے بیروی و جواب دی بمقام پشاور ہائی کورٹ

کو بدیں شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختیار خاص رڈیز و عدالت حاضر ہوتا رہوں گا اور بوقت پکارے جانے وکیل 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 پکھری کے علاوہ کسی اور جگہ پکھری کے مقررہ اوقات سے پہلے یا بروز تعطیل بیروی کرنے کے مجاز نہ ہونگے اگر مقدمہ مقام پکھری کے آگے یا پیچھے سماعت ہونے پر منظر کو کوئی نقصان پہنچے تو صاحب موصوف ذمہ دار نہ ہوں گے اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی، اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے کا، ہر قسم کا بیان دینے اور سپرد ثالثی و راضی نامہ و دستبرداری و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا فیصلہ ڈگری و اجراءے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ فیس کرنے کا مجاز ہوگا۔ بصورت ضرورت بدوران مقدمہ یا اپیل و نگرانی کسی دوسرے وکیل یا بیرسٹر کو بجائے خود یا اپنے ہمراہ مقرر 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 تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ مجھے کل ساختہ پرداختہ مثل ذات خود منظور و قبول ہوگا۔ لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے۔ مضمون وکالت نامہ سن لیا اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

مورخہ 30.03.2020

عبدالملک ولد خان گل ساکنہ ست بنی تحصیل بالا کوٹ ضلع مانسہرہ سابقہ ملازم CT ٹیچرز GMS سیری منور۔

..... اپیلانٹ

عبدالملک

Attested & Accepted

Abdul Saboor Khan & Malik Ashfaq Ahmed Jilani
Advocates High Court



(original copy)

BEFORE THE HONOURABLE KPK SERVICE TRIBUNAL PESHAWAR
CAMP COURT ABBOTTABAD.

Service Appeal No.3846-A/2020

Abdul Malik.....APPELLANT.

VERSUS


1. Director Elementary & Secondary Education KPK Peshawar.
2. District Education Officer (Male) Mansehra.....**RESPONDENTS.**

PARAWISE COMMENTS / WRITTEN REPLY ON BEHALF OF RESPONDENTS

NO 1 & 2

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DISTRICT EDUCATION OFFICE
(MALE) MANSEHRA.

BEFORE THE HONOURABLE KPK SERVICE TRIBUNAL PESHAWAR
CAMP COURT ABBOTTABAD.

Service Appeal No.3846-A/2020 ①

Abdul Malik.....APPELLANT.

VERSUS

1. Director Elementary & Secondary Education KPK Peshawar.
2. District Education Officer (Male) Mansehra.....**RESPONDENTS.**

PARAWISE COMMENTS / WRITTEN REPLY ON BEHALF OF RESPONDENTS

NO 1 & 2

PRELIMINARY OBJECTIONS:-

1. That the Appellant is not the "AGGRIEVED" person.
2. That the Appellant is estopped by his own conduct.
3. That the Appellant has not come to the Hon'ble Tribunal with clean hands.
4. That the Appellant has no cause of action/locus standi to file the instant appeal.
5. That instant Appeal is against the prevailing law and rules.
6. That the Appellant has concealed the material facts from this Hon'ble Tribunal, Hence not entitled for any relief and appeal is liable to be dismissed without any further proceeding.
7. That the appeal is groundless and based on malafide, ulterior motive, hence the same is liable to be dismissed.
8. The instant appeal is not maintainable in the present form and also in the present circumstances of the issue.
9. The instant appeal is time barred and liable to be dismissed.
10. That the demand of the appellant is against the law and facts hence the appellant is not entitled for any relief and appeal is liable to be dismissed on this score alone.
11. That the impugned order passed by the respondent Department according to rules and Law, hence appeal is liable to be dismissed.
12. That the appellant is deception / tempered / fakely prepared the record.
13. That the appeal is bad for misjoinder and non-joinder of necessary and proper parties.

FACTUAL OBJECTIONS:-

- 1) Para No. 1 is incorrect and misleading whereas the appellant was never appointed against the post of CT. whereas in the year 1996-98 different teacher in Education department were appointed. Later on many of the employees were terminate from the service because they were not appointed according prescribed manner. Whereas the petitioner stance is totally malafide and misleading as he had been never appointed as a CT in Education Department.
- 2) Para No.02 is correct to the extent that many employee were terminated from service vide Divisional Director Endst No. 2134-3528/AE-III/20/ Dated 13-2-1997. Whereas in the original termination order 16052-189/AE-III/20 Dated 7/7/1997 the original candidate at serial 23 is Khalid Zaman S/O Safdar Zaman. Whereas the appellant Abdul Malik S/O Khan Gul tempering his name at Serial 23 to be considered his as a sacked employee, as actually he was not a sacked employee. From the record it is clear that he has never been appointed in

education department neither remained on the strength of department. Whereas he fakely / fabricately prepared the whole record by scanning the signature of the competent Authority of then, and declared himself a sacked employee. (Copy of the Original termination order / tempered termination order annex as a annexure A and B)

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- 3) Para No.03 is correct to the extent that the Govt of KPK inacted sacked employee 2021 to reinstated the terminated employee who having the civil post at that time. Whereas the appellant has never been appointed neither terminated. The appellant fabricated / tempered the whole record and mislead the department and submitted the same to the department for reinstatement in service as a sacked employee. Whereas the appellant and many other were re-appointed on 20/6/2019 vide Endst: No 10268-74 in compliance of the judgment Hon'ble Peshawar high court bench Abbottabad. (Copy of the Act 2012 and copy of the appointment order are annex as annexure C & D)
- 4) Para No.04 is correct to the extent that the petitioner performed his duty w.e.f from 20/6/2019 at GHS Seri Manoor to 9/11/2019.
- 5) Para No.5 is very surprising that the complaint had been received from the different resources that the appellant was not a sake employee, as he had been never appointed in the Education Department. To clarify the matter the respondent No 2 forwarded a letter vide Endst No. 10703 dated 25/6/2019 to Head Master GMS Hilkot Mansehra for the verification of Record of the appellant. In the response of that letter the HM GMS Hilkot Remarks That" Mr. Abdul Malik S/O Khan GUL R/O Village Satbani Balakot from the Office of the DEO Male Mansehra it is stated that no record found of said person in our official record. Attested copies of teacher attendance register for the month of July, August, September, and October 1996 are attached. Whereas the respondent No 2 issued shown Cause letter Vide Endst No. 14311 dated 29/08/2019 and then final shown cause notice dated 21/09/2019 vide Endst No. 15694 to clarify his position through written reply within the period of the 7 days. The reply of the showcause was received on 14/7/2019 vide Diary No. 6885 dated 14/10/2019. In light of the reply of the shown the appellant has failed to satisfy the respondent. Nothing has been attached with reply of showcause notice it means that he had failed to Clearfield his position against the charges upon him. Whereas the respondent called the appellant for personal hearing vide Endst: No. 17400-04 dated 1/11/2019, appellant appear before the competent authority. Whereas questioner was served to the appellant, he reply the questioner accordingly. He totally failed to produce any evidence regarding his initial appointment and other service record. (Copy of the letter by the Respondent No 2, copy of the verification of record from Head Master, and copy of the showcause, copy of the reply of showcause, copy of the personal hearing, copy of the questioner, copy of the detail of personal hearing report are annex as annexure E, F, G, H, I, J, & K).
- 6) Para No 6 is totally incorrect and misleading, whereas the respondent properly verified the record from the concerned school, proper procedure was adopted in this regard. After all the procedure the charges against the appellant had been proved, therefore the order issued vide Endst No. 10268-74, dated 20/06/2019 in r/o appellant is hereby withdrawn from the dated of issued of reappointment order (ab-initio withdrawn) with immediate effect. (Copy of the withdrawal order in annex as annexure L)

- 7) Para No 7 is correct to the extent that the appellant filed the departmental appeal which was the reject by the appellant authority vide endst No. 7950 dated 16/3/2020 (copy of the rejection letter is annex as annexure a M)
- 8) Para no 8 is incorrect, that appellant has no right to invoke the jurisdiction of this Hon'ble Tribunal, as the appellant is not aggrieved Person inter alia on the following Grounds:-

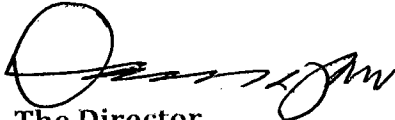
GROUND:-

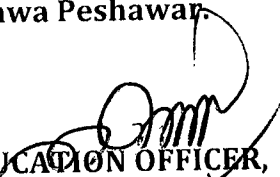
- a) Para A is incorrect that he was not a sacked employee because his appointment order, termination order and other service record were fake and fabricated.
- b) Para B is correct to the extent that the reappointment order issued on the record provided by the appellant which was scrutinized by the committee.
- c) Para C is incorrect, hence denied.
- d) Para D is incorrect and misleading, whereas the appellant has provided the fabricated record before the Peshawar High Court Abbottabad Bench.
- e) Para E is incorrect and misleading the proper record was collected by the respondent and on the basis of said record, the major penalty was imposed on the appellant.
- f) Para F is totally incorrect and misleading, hence denied.
- g) Para G is incorrect that the appellant has provided the fake and fabricated record.
- h) Para H is totally incorrect and misleading, hence denied.
- i) Para I is incorrect and misleading, whereas the detail reply is already given in aforementioned para.
- j) Para J is totally incorrect and misleading, hence denied.
- k) Para K is incorrect, hence denied.
- l) Para L is totally misleading because the appellant has never been appointed neither terminated in the year 1996 to 1998.
- m) Para M is incorrect, hence denied.
- n) Para N is totally incorrect, hence denied.
- o) Para O is incorrect, whereas the appellant has been treated as per law and rules & act. wherein no question of violation of law, rules & policy. The Respondents also seek the permission of this Honorable Tribunal to adduce more grounds, proofs and Explanation at the time of arguments.

PRAYERS.

It is therefore, humbly prayed that on acceptance of the above submissions, the instant appeal may very graciously be dismissed in the favour of the answering Respondents in the interest of the Justice

Respondent


The Director,
E&SE Department
Khyber Pakhtunkhwa Peshawar.


THE DISTRICT EDUCATION OFFICER,
(MALE) MANSEHRA

4

AFFIDAVIT

I, Muhammad Toseef, Assistant to DEO(M) Mansehra hereby solemnly affirm and declare that the content of the reply of the comments in the above appeal No.3846-A/2020 Titled as Abdul Malik versus Govt: of Khyber Pakhtunkhwa and others are true to the best of my conviction and belief and I have concealed nothing.



ASSISTANT DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

(Jel)

A

(5)

OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION (S) HAZI DIV: A*ABAD.

OFFICE ORDER NO. _____

AB-1111
(Male)

DATED _____/1997.

TERMINATION.

On the perusal of relevant record the appointment of the following (Male) teachers have been found illegle, null and void and against the prescribed rules, therefore, their services, are hereby dispensed with, with immediate effect:-

S.NO. Name and Father Name

1. Saif-Ur-Rehman S/O Abdul Azam.
2. Saiteza Khan S/O Ioreail Khan R/O Abbottabad.
3. Ishaq Ahmad S/O Mohd Amin, R/O Abbottabad.
4. Khan Arsan S/O Mir Afzal Khan R/O Abbottabad.
5. Huss Khan S/O Ghulam Sarwar R/O Haripur.
6. Muhammad Saleem S/O Muhammad Ashraf.
7. Saifur Javed S/O Muhammad Bashir.
8. Muhammad Ahtar S/O Mir Afzal.
9. Abdul Khatib S/O Muhammad Ishaq.
10. Saeed Mahmood S/O Muhammad Younis.
11. Khan Gul S/O Gul Hassan R/O Abbottabad.
12. Arshad Khan S/O Saeed Ahmed R/O Mansohra.
13. Kamid Khan S/O Muhammad Rafique Khan R/O Abbottabad.
14. Muhammad Rafique S/O Muhammad Khan.
15. Jamid Khan S/O Farid Khan R/O Abbottabad.
16. Tariq Mahmood S/O Muhammad Afzal R/O Haripur.
17. Muhammad Javaid S/O Rustom Khan.
18. Saifur Iqbal S/O Noor Muhammad.
19. Mir Bahadar S/O Ghulam Qader.
20. Akhtar Nawaz S/O Ghulam Hyder R/O
21. Amir Fazal S/O Fazal-Ur-Rehman R/O Abbottabad.
22. Shabsher Ahmad S/O Nazar Muhammad R/O Haripur.
23. Khalid Zaman S/O Saifdar Zaman.
24. Ishaq Khan S/O Ilyas Khan.
25. Nawazish Ali S/O Muhammad Zahoor R/O Mansohra.
26. Khushail Khan S/O Sher Dil Khan R/O Abbottabad.
27. Sheukat Ali S/O Muhammad Yousaf.

M. Ali
Budget & Accounts Officer
Deputy Director of Education
Hazari Division

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- 100. Iqbal S/O Ghulam Sarwar.
- 101. Mohamud Yahya S/O Mohd: Salam.
- 102. Gul Hamid Khan S/O Abidur Rehman.
- 103. Khalid Mahmood S/O Mohd: Yousaf.
- 104. Mohd: Farooq S/O Mohd: Sajid.
- 105. Mohd: Javed S/O Mir Ahmed.
- 106. Kabear Ahmed S/O bashir Ahmed.
- 107. Mohamud Sadad S/O Mohd: Aalam.
- 108. Fida Ahmed S/O Nisar Ahmed.
- 109. Mohammad Sajid S/O Sultan.
- 110. Abdul Qayum S/O Lal Khan.
- 111. Mohamud Tasleem S/O Umar Khatab
- 112. Mohd: Saeed Bhatti, GHS, Kot Najibullah Hpr.
- 113. Mazhar Iqbal S/O Fazalur Rehman.
- 114. Mehboobur Rehman S/O Fazal Dad.
- 115. Mirdad Khan S/O Jehanad Khan
- 116. Mohd: Rafique S/O Ali Asghar.
- 117. Faqir S/O Jaffer Khan.
- 118. Atiqur Rehman S/O Noorur Rehman.
- 119. Mohd: Tufail S/O Alladed Mausehra.
- 120. Mohd: Shafique S/O Benaras.
- 121. Waris S/O Mahmoodur Rehman.
- 122. Mohd: Azam Khan S/O Mohd: Aslam.
- 123. Gul Javed S/O Munsif Khan
- 124. Attiqur Rehman S/O Abd ur Rashid.
- 125. Mohd: Abid S/O Saifur Khan.
- 126. Ejaz Ali S/O Jehanad Khan.
- 127. Waseerud Din S/O Nawab Din.
- 128. Zulfiqar S/O Abdul Baber.
- 129. Anwar Gul S/O Alladed Mah.
- 130. Mohd: Javed S/O Kustom Khan.
- 131. Mohd: Nawaz S/O Ali Ashher
- 132. Mohammad Naveed S/O DM, GMS, Salhad.

M. M. M.
 Budget & Accounts Officer,
 District Education Office,
 Ferozpur Cantonment

All the above mentioned teachers may please be relieved of their duties forthwith where ever they are working at this stage and compliance reported to this office.

(UMMER FAROOQ)

DIVIL: DIRECTOR OF EDUCATION(S)
 HAZARA DIVISION AHMOTTAHAD.

Endatt: No. 16052-189/AE-JII-B Dated 07/7 /1996.

Copy to:-
 1-5. The DEOs (M) Secy: A/Abad, Haripur, Manshera, Battagram and Kohistan.
 6-138. All the Principals/Headmasters GHS/GMS/GMS in Hazara Division, with the remarks that since present exact where about is not known the services of the above named teachers where ever they are working at this stage stand dispensed with and Head of Institutions/DEOs, concerned, will be personally responsible if any teacher is left over and allowed to continue in service. Complete particulars of above teachers may also please be furnished in the following form:-
 S.No. Name/Father's Name Present Sch Quli: 1st: D/O Appt: No & Date
 & Designation. School. t: ps. of Appt: Order:

1 2 3 4 5
 Note: Photo stat attested copy of Appt order may also be furnished.

For / Sd /
 DIRECTOR OF EDUCATION
 HAZARA DIVISION A/ABAD.

1
 AVEL
 MUH
 103-42

DAR RA

THE DEPT. DIRECTOR OF EDUCATION (D) HAZ. DIV. A. ABAD.

OFFICE ORDER NO.

DATE: 27/1/1994

TERMINATION.

On the perusal of relevant record the appointment of the following (Male) teachers have been found illegal, ab initio, void and against the prescribed rules; therefore, their services, are hereby dispensed with, with immediate effect:-

Name and Father Name:

1. Saif-Ur-Rahman S/O Abdul Azam.
2. Murtaza Khan S/O Israel Khan R/O Abbottabad.
3. Jahfaq Ahmed S/O Mohd Amin, R/O Abbottabad.
4. Khan Afsar S/O Mir Afzal Khan R/O Abbottabad.
5. Riaz Khan S/O Ghulam Sarwar R/O Haripur.
6. Muhammad Saleem S/O Muhammad Ashraf.
7. Kaiser Javed S/O Muhammad Bushir.
8. Muhammad Akhtar S/O Mir Afzal.
9. Abdul Khatib S/O Muhammad Ishaq.
10. Tahir Mahmood S/O Muhammad Younis.
11. Khagga S/O Haider Khan.
12. Arsalan Khan S/O Saeed Ahmed R/O Manshera.
13. Hamid Khan S/O Muhammad Rafique Khan R/O Abbottabad.
14. Muhammad Rafique S/O Muhammad Khan.
15. Junaid Khan S/O Farid Khan R/O Abbottabad.
16. Tariq Mahmood S/O Muhammad Afzal R/O Haripur.
17. Zardad Khan S/O Haiditullah.
18. Zaffar Iqbal S/O Noor Muhammad.
19. Mir Bahadar S/O Ghulam Qader.
20. Akhtar Nowaz S/O Ghulam Hyder R.
21. Amir Fazal S/O Fazal-Ur-Rehman R/O Abbottabad.
22. Mubasher Ahmed S/O Nazar Muhammad R/O Haripur.
23. Ishaq Khan S/O Ilyas Khan.
24. Nawazish Ali S/O Muhammad Zaheer R/O Manshera.
25. Khushdil Khan S/O Shar Dil Khan R/O Abbottabad.
26. Shoukat Ali S/O Muhammad Younis.

ATTACHED
CERTIFIED TRUE

RASHID ALI
Advocate Supreme Court
Abbottabad

Copy on P/2.

20/1/1994

28. Sardar Khan S/O Sardar Khan
29. Zarg Khan S/O Zarg Khan R/O Abbottabad.
30. Mahmood-Ur-Rehman S/O Noor Hassan.
31. Shoukat Hussain S/O Jilal Shah.
32. Bida Ahmed Abbassi S/O Mushal R/O Abbottabad.
33. Muhammad Irshad S/O Muhammad Arshad R/O Abbottabad.
34. Hafoz-Ur-Rehman S/O Manzoor-Ur-Rehman.
35. Liaqat Mahmood S/O Ali Akbar R/O Haripur.
36. Sardar Ali S/O Ali Akbar R/O Abbottabad.
37. Attiqur-Rehman S/O Abdur-Rashid R/O Abbottabad.
38. Mazhar Ali S/O Khawaja R/O Manshera.
39. Janshad Khan S/O Younas Khan Abbottabad.
40. Iftikhar Ahmed S/O Fazalur Rehman.
41. Zahid Pervez S/O Dilawar Khan Haripur.
42. Totasham Ahmed S/O Shabir Ahmed Attd.
43. Ashfaq Ahmed S/O Taj Mohd Attd.
44. Ali Ahmed S/O Koshervan.
45. Mo hammad Shabir S/O Waris Haripur.
46. Jaseem Aggher S/O Ali Aggher Attd.
47. Anwarul Haq S/O Mohd: Ilyas.
48. Mohammad Javed S/O Ajab Khan.
49. Mohan mad Saraj S/O Noor Khan Manshera.
50. Khalid Mahmood S/O Khuda Baksh.
51. Bukhsar Ahmed S/O Mohd: Khurshid.
52. Khazir Khan S/O Perail Khan Attd.
53. Abdul Zameen S/O Rehman Shah Manshera.
54. Zahid Khan S/O Ajab Khan Attd.
55. Abadur Hussain S/O Khalilur Rahman Attd.
56. Waqar Gul Khan S/O Khan Gul Attd.
57. Mohammad Sufder S/O Jehandad Khan Attd.
58. Munir Ahmed S/O Maroo zullah Manshera.
59. Mohammad Hamayun S/O Mis Esen Manshera.
60. Amanullah S/O Qazi Ayaz Khan Attd.
61. Mohammad Arshad S/O Gulistan Khan Attd.
62. Attiqur Rehman S/O Abdulla Uan.
63. Iftikhar S/O Alizaman.
64. Kashaf Khan S/O Hamayun Khan Attd.
65. Arif Lodhi S/O Ayub Lodhi Attd.
66. Waved Ayaz S/O Mohd: Ayaz Khan Manshera.
67. Mohammad Ali Khan S/O Mohammad Mawar Khan Attd.
68. Gulshad Khan S/O Mohsan Manshera.
69. Qaiser Rehman S/O Abdul Rehman.
70. Hussain Shah S/O Ilyes Shah.
71. Adil Mir S/O Abdul Latif Mir.
72. Maroof shah S/O Afsar Khan.
73. Amin Khan S/O Mohsen Khan.
74. Binymeen S/O Mohd: Ramzen.
75. Mazakat Hussain Shah S/O Amin Shah.
76. Mohammad Irshad S/O Shahn Attd.
77. Iftikhar Ahmed S/O Shatic Ahmed.
78. Abdur Rashid S/O Sultan Khan.
79. Ghulam Wajhat S/O Ghulam Rasool.
80. Noor Mahanad Shah S/O Rehman Shah Attd.

ATTESTED
CERTIFIED TRUE COPY

RAJ KUMAR
Deputy Superintendent
Abbottabad

9

- 101. Mohd S/O Khawaj Mohd
- 102. S/O Rehman Din
- 103. S/O Mohd Ayub
- 104. S/O Mir Ahmed
- 105. S/O Aslam Khan
- 106. S/O Amirul Haq Khan
- 107. S/O Mohd Zaman
- 108. S/O Farooq
- 109. S/O Ghulam Sarwar
- 110. S/O Aslam
- 111. S/O Abidur Rehman
- 112. S/O Mohd Yousaf
- 113. S/O Sajid
- 114. S/O Mir Ahmed
- 115. S/O Bashir Ahmed
- 116. S/O Aslam
- 117. S/O Nisar Ahmed
- 118. S/O Sultan
- 119. S/O Lal Khan
- 120. S/O Umar Khatab
- 121. S/O GMS, Kot No, Abdullah Hpr
- 122. S/O Fazalur Rehman
- 123. S/O Fazal Dad
- 124. S/O Jehanzeb Khan
- 125. S/O Ali Ashgar
- 126. S/O Jaffer Khan
- 127. S/O Noorur Rehman
- 128. S/O Manshra
- 129. S/O Muhammad Qasim
- 130. S/O Mahomedur Rehman
- 131. S/O Mansur Khan
- 132. S/O Mansif Khan
- 133. S/O Abdur Rashid
- 134. S/O Saifur Khan
- 135. S/O Khairuddin
- 136. S/O Babar
- 137. S/O Ashraf
- 138. S/O Msh
- 139. S/O Kustom Khan
- 140. S/O Ali Ashgar
- 141. S/O Salmad

ATTACHED
CERTIFIED TRUE COPY

RAJID-11-11-01
Advocate Supreme Court
Abbottabad

All the above mentioned teachers may please be relieved of their duties forthwith wherever they are working at this stage and compliance reported to this office.

(UMMER FAROOQ)
DIVIL: DIRECTOR OF EDUCATION (S)
HAZARA DIVISION ABBOTTABAD.

Endstt No. 16052-189/ME-III-D. Dated 07/7/1996

Copy to:-

- 1-5. The DEOs (A) Secy-A/Abad, Haripur, Manshra, Pattogram and Rawal
- 6-138. All the Principals/Headmasters GISS/GHS/GMS in Hazara Division

the remarks that, since present exact where about is not known the services of the above named teachers where ever they are working this stage stand dispensed with and Head of Institutions/DEOs, concerned, will be personally responsible if any teacher is later and allowed to continue in services. Complete particulars of above teachers may also please be furnished in the following form:-

S.No. Name/Father's Name Present Sch. Galt: D/O Int: D/O Apptt. Order: & Designation. School. Apptt. No. of Apptt. Order.

Photo not attested
copy of Apptt order may
be furnished.

REGISTERED PERSON

Am 10
C

**THE KHYBER PAKHTUNKHWA
SACKED EMPLOYEES (APPOINTMENT) ACT, 2012.
(KHYBER PAKHTUNKHWA ACT NO. XVII OF 2012)**

CONTENTS

PREAMBLE

SECTIONS

1. Short title, extent and commencement.
2. Definitions.
3. Appointment of sacked employees.
4. Age relaxation.
5. Sacked employees shall not be entitled to claim seniority and other back benefits.
6. Preference on the basis of age.
7. Procedure for appointment.
8. Removal of difficulties.
9. Act to override other laws.
10. Power to make rules.

**THE KHYBER PAKHTUNKHWA
SACKED EMPLOYEES (APPOINTMENT) ACT, 2012.**

(KHYBER PAKHTUNKHWA ACT NO. XVII OF 2012)

[first published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa (Extraordinary), dated the 20th September, 2012].

**AN
ACT**

to provide relief to those sacked employees in the Government service, who were dismissed, removed or terminated from service, by appointing them into the Government service.

WHEREAS it is expedient to provide relief to those sacked employees who were appointed on regular basis to a civil post in the Province of the Khyber Pakhtunkhwa and who possessed the prescribed qualification and experience required for the said post, during the period from 1st day of November 1993 to the 30th day of November, 1996 (both days inclusive) and were dismissed, removed, or terminated from service during the period from 1st day of November 1996 to 31st day of December 1998 on various grounds;

WHEREAS the Federal Government has also given relief to the sacked employees by enactment;

AND WHEREAS the Government of the Khyber Pakhtunkhwa has also decided to appoint these sacked employees on regular basis in the public interest;

It is hereby enacted as follows:

1. Short title, extent and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012.

(2) It shall apply to all those sacked employees, who were holding various civil posts during the period from 1st day of November, 1993 to 30th day of November, 1996 (both days inclusive).

(3) It shall come into force at once.

2. Definitions.--- In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them that is to say,-

- (a) "civil post" means a post created by the Finance Department of Government for the members of civil service of the Province;
- (b) "Department" means the Department and the Attached Department as defined in the Khyber Pakhtunkhwa Government Rules of Business, 1985, including the Divisional and District Offices working thereunder;
- (c) "Government" means the Government of the Khyber Pakhtunkhwa;
- (d) "Prescribed" means prescribed by rules;
- (e) "Province" means the Province of the Khyber Pakhtunkhwa;
- (f) "rules" means the rules made under this Act; and
- (g) "Sacked employee" means a person who was appointed on regular basis to a civil post in the Province of the Khyber Pakhtunkhwa and who possessed the prescribed qualification and experience for the said post at that time, during the period from 1st day of November 1993 to the 30th day of November, 1996 (both days inclusive) and was dismissed, removed, or terminated from service during the period from 1st day of November 1996 to 31st day of December 1998 on the ground of irregular appointments;

3. **Appointment of sacked employees.**--- Notwithstanding anything contained in any law or rule for the time being in force, on the commencement of this Act, all sacked employees subject to section 7, may be appointed in their respective cadre of their concerned Department, in which they occupied civil posts before their dismissal, removal and termination from service:

Provided that the sacked employees shall be appointed against thirty percent of the available vacancies in the said Department:

Provided further that the appointment of sacked employees shall be subject to the medical fitness and verification of their character antecedents to the satisfaction of the concerned competent authority.

4. **Age relaxation.**--- The period during which a sacked employee remained dismissed, removed or terminated from service, till the date of their appointment shall be deemed to have been automatically relaxed and there shall be no further relaxation under any rules for the time being in force.

5. **Sacked employees shall not be entitled to claim seniority and other back benefits.**--- A sacked employee appointed under section 3, shall not be entitled to any claim of seniority, promotion or other back benefits and his appointment shall be considered as fresh appointment.

6. **Preference on the basis of age.**--- On the occurrence of a vacancy in the respective cadre of the concerned Department of the sacked employee against the thirty percent available share, preference shall be given to the sacked employee who is older in age.

7. **Procedure for appointment.**---(1) A sacked employee, may file an application, to the concerned Department within a period of six months from the date of commencement of this Act, for his appointment in the said Department:

Provided that no application for appointment received after the due date shall be entertained.

(2) The concerned Department shall maintain a list of all such sacked employees whose applications are received under sub-section (1) in the respective cadres in chronological order.

(3) If any vacancy occurs against the thirty percent available share of the sacked employee in any Department, the senior in age from such sacked employee shall be considered by the concerned Departmental Selection Committee or the District Selection Committee, as the case may be, to be constituted in the prescribed manner, for appointment:

Provided that no willingness or response is received within a period of thirty days, the next senior sacked employee shall be considered for appointment.

(4) The Concerned Departmental Selection Committee or District Selection Committee, as the case may be, will determine the suitability or eligibility of the sacked employee.

(5) If no sacked employee is available against thirty percent vacancy reserved in respective cadre in a Department, then the post shall be filled through initial recruitment.

8. **Removal of difficulties.**--- If any difficulty arises in giving effect to any of the provisions of this Act, the Chief Minister Khyber Pakhtunkhwa may issue such order not inconsistent with the provision of this Act as may appear to him to be necessary for the purpose of removing the difficulty:

Provided that no such power shall be exercised after the expiry of one year from coming into force of this Act.

9. Act to override other laws.---Notwithstanding anything to the contrary contained in any other law or rules for the time being in force, the provisions of this Act shall have overriding effect and the provisions of any other law or rules to the extent of inconsistency to this Act, shall cease to have effect.

10. Power to make rules.--- Government may make rules for carrying out the purposes of this Act.

APPOINTMENT

In pursuance of Khyber Pakhtunkhwa Sacked Employees (Appointment) 2012 and Consolidate Judgment passed by Honorable Peshawar High Court Abbottabad Bench Abbottabad vide Dated 24-05-2016, 27-03-2018, 03-04-2018 & 07-03-2019 in W/P No 516-A/2013, 676-A/2015, 20-A/2014, 216-A/2015, 1155-A/2015, 702-A/2014, 115-A/2014, and orders of Honorable High Court in COC No.22-A/2016, COC No. 47-A/2016, COC No. 58-A/2016, COC No. 83-A/2016, COC 14/2019, and recommendation of the Departmental Selection Committee the appointment of the following candidates are hereby ordered against the vacant post of **CERTIFIED TEACHER (CT) BPS-15 (Rs.16120-13330-56020)** plus usual allowances as admissible under the rules, under the existing policy of the Provincial Government, on the terms and condition given below with effect from the date of their taking over charge:-

| S. # | Name | Father's Name | Date Of Birth | Domicile | Permanent Address | Place of posting | Remarks |
|------|-----------------|---------------|---------------|------------|---|---------------------|---------------------|
| 1 | M. PERVAIZ | DURIAMAN | MANSEHRA | 05-06-1963 | VILLAGE PATIANI P/O SERI PERHINA TEHSIL & DISTRICT MANSEHRA. | GHS CHINARKOT | AGAINST VACANT POST |
| 2 | M. NAWAZ | M. MUMTAZ | MANSEHRA | 01-02-1972 | VILLAGE DADAR NOORI MAIDAN P/O DIARYAI TEHSIL & DISTRICT MANSEHRA. | GHS MAITHAL JABBORI | AGAINST VACANT POST |
| 3 | MUHAMMAD SAJJID | M. SADIQ | MANSEHRA | 01-03-1971 | VILLAGE & P/O UPPER CHANNAE TEHSIL & DISTRICT MANSEHRA | GMS BAI PAIEN | AGAINST VACANT POST |
| 4 | SHER AFZAL | SHER MUHAMMD | MANSEHRA | 28-03-1972 | VILLAGE RAHAMKOT TEHSIL OGHDI DISTRICT MANSEHRA I | GMS KHANIAN KHAKI | AGAINST VACANT POST |
| 5 | RAFAQAT ALI | KHANIZAMAN | MANSEHRA | 10-5-1972 | VILLAGE AND P/O KANSHIAN TEHSIL BALAKOT DISTRICT MANSEHRA | GHS BAILA MANOOR | AGAINST VACANT POST |
| 6 | EJHAZ AHMED | M. QASIM | MANSEHRA | 02-03-1973 | VILLAGE KANSHIAN P/O BALAKOT TEHSIL BALAKOT DISTRICT MANSEHRA | GMS BATANGI | AGAINST VACANT POST |
| 7 | MUNIR AHMED | HAFIZULLAH | MANSEHRA | 01-01-1969 | VILLAGE NARAL P/O GARHI HABIBULLAH TEHSIL BALAKOT DISTRICT MANSEHRA | GHS KHAIIRABAD | AGAINST VACANT POST |
| 8 | ZARDAD KHAN | HADAYTULLAH | MANSEHRA | 03-08-1965 | VILLAGE LASS MAIRA BARARKOT P/O GARHI HABIBULLAH TEHSIL BALAKOT DISTRICT MANSEHRA | GMS GHORY PHAIR | AGAINST VACANT POST |
| 9 | ABDUL MALIK | KHAN GUL | MANSEHRA | 06-02-1976 | VILLAGE KHABA KHATTA GALI P/O SAT BANI TEHSIL BALAKOT DISTRICT MANSEHRA | GMS SERI MANOOR | AGAINST VACANT POST |
| 10 | SIYAH ZAMAN | BAGA | MANSEHRA | 05-05-1977 | VILLAGE BATSANGRA TEHSIL BALAKOT DISTRICT MANSEHRA | GHS PARAS | AGAINST VACANT POST |

TERMS & CONDITIONS.

1. NO TA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Their Appointment are subject are condition that, their certificates/document and domicile be verify from the concerned authority before releasing their salary in the light of Section 3 of the said ACT.
4. They will be governed by such rules & regulation enforce and as may be prescribed by the Government time to time for the category of the Government savant to which they belong.
5. Their appointment has been made in pursuance of Khyber Pakhtunkhwa, Sacked Employee (appointment) ACT 2012. Hence under Section 5 of the said ACT they shall not be entitled to any claim of the seniority, promotion and back benefits.
6. Their appointment has been made in pursuance of Khyber Pakhtunkhwa, Sacked Employee (appointment) ACT 2012. Hence Section 4 of the said ACT period during which they remained dismissed, removed or terminated from services, till the date of their appointment shall have been deemed atomically relaxed.
7. Their Appointment is subject to the condition that the certificates/documents must be verified from the concerned authorities by the DEO. Anyone found producing bogus Certificate will be reported to the law enforcing agencies for further action.
8. Their services are liable to termination on one month's prior notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
9. Their pay will not be drawn until and unless a certificate to the effect by DEO is issued that his certificates/degrees are verified from the concerned board/university.
10. The Principal / Headmaster School concern is directed to submit their Degrees /Certificates etc to this office for verification from Board /University/Institutions before any payment made to them.


11. They should join their post within 15 days of the issuance of this notification. In case of failure to join their post within 15 days of the issuance of this notification, his appointment will expire automatically and no subsequent appeal etc shall be entertained.
12. Health and Age Certificate should be produced from the Medical Superintendent King Abdullah Teaching Hospital Mansehra before taking over charge.
13. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
14. Their services shall be terminated at any time, in case his performance is found unsatisfactory during their probation period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
15. In case of having less qualification which ever is prescribed Academic BA for CT as well as classical certificate as profession the candidate must attain prescribed qualification for his post i.e. Academic & Professional within 3 years after issuance of this appointment order, failing which their appointment order shall stand terminated atomically, without any further notice.
16. Before handing over charge once again their documents must be checked by Head of institution and convey deficiencies in qualification to DEO office.
17. Before handing over charge they will sign an affidavit by stating that they will not claim seniority or back benefits/service and they will acquire required qualification within stipulated period of time, falling which they will have no objection on their removal.
18. The competent authority reserve to right to rectify the error / omission, if any noted /observed at any stage in instant order issued erroneously.
19. The candidates appointed against the school(s) falling in summer vacation shall be handed over the charge w.e.f 01-09-2019 on opening of school after summer vacation.
20. Their documents if found fake/bogus at any stage, their appointment order shall be withdrawn and legal action be taken against him.

Sd/-
 DISTRICT EDUCATION OFFICER,
 (MALE) MANSEHRA

Endst: No. 10268-74/CT/Sacked Apptt:/2019/Dated Mansehra the 24/06/2019

Copy forwarded for information to the: -

1. Registrar Honorable Peshawar High Court Abbottabad Bench.
2. Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. PS to Secretary Khyber Pakhtunkhwa E&SE Department Peshawar.
4. District Accounts Officer Mansehra.
5. District Monitoring Officer Mansehra.
6. Budget & Account Officer Local Office.
7. Officials Concerned.
8. Office Order File


 DY: DISTRICT EDUCATION OFFICER
 (MALE) MANSEHRA

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
DISTRICT MANSEHRA

Phone # 0997-382271 Fax # 0997-382244
E-mail Address: edoedu_manshra@yahoo.com
Facebook Page: www.facebook.com/DEOMMANSEHRA

No 10703 /Litigation (M)/ Date 25/6 /2019

To

The Head Master,
GMS Hilkot Mansehra.

Subject:

**VERIFICATION OF RECORD IN R/O MR.ABDUL MALIK
S/O KHAN GUL EX-CT GMS HILKOT MANSEHRA. (UNDER
SACKED ORD:2012).**

Memo:

Reference to the subject cited above i am directed to inform you that Mr. Abdul Malik S/o Khan Gul resident of village Sat Bani Balakot, who was appointed against CT post in BPS-09 vide Endst No.27560-71 dated 20-10-1996, and was terminated from 07-07-1996 vide Endst No.16052-189, you are directed to provide the following information as per school record.

1. Verify his service for the period w.e.f 20-10-1996 to 07-07-1996.
2. The appellant was appointed at GMS Hilkot Mansehra.
3. All the record i.e Charge report, Attendance Register, Acquaintance role, log book, and other relevant record in r/o , Abdul Malik may be verified and submit clear cut findings within 03 days time positively.


DY: DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

Office of the Head Master Govt Middle school Hilkot (Battal)

Date: 18/7/2019

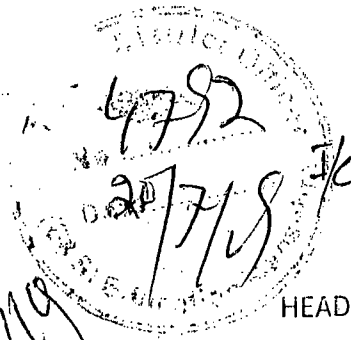
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D.No. 921
18/7/19

Subject: Verification Of Record In R/O Mr.Abdul Malik S/O Khan Gul EX-CT GMS HILKOT MANSEHRA . (UNDER SACKED ORDER :2012).

In response to the letter for verification of Mr. Abdul Malik S/O Khan Gull resident of village Bani Balakot from The Office of the DEO (Male) Mansehra vide letter no 10703 dated 17/7/2019. It is stated that no record found of the said person in our official record. Attested photo copies of teacher's attendance for the month of July, Aug, Sept and Oct 1996 are attached with this letter.

ADOCMS
Part of file
Mansoor
29/7/19



[Signature]
HEAD MASTER
Govt. Middle School
Hilkot (Battal) Mansehra

HEAD MASTER GOVT MIDDLE SCHOOL

HILKOT (BATTAL)

نامت نامہ

| روز | وقت | موضوع | مدرس | وقت | موضوع | مدرس | روز | وقت | موضوع | مدرس | روز | وقت | موضوع | مدرس |
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| 21 | 7:50 | رائز کھانا | 1.5 | 7:50 | رائز کھانا | 1.5 | | | | | | | | |
| 22 | 7:50 | رائز کھانا | 1.5 | 7:50 | رائز کھانا | 1.5 | | | | | | | | |
| 23 | 7:50 | رائز کھانا | 1.5 | 7:50 | رائز کھانا | 1.5 | | | | | | | | |
| 24 | 7:50 | رائز کھانا | 1.5 | 7:50 | رائز کھانا | 1.5 | | | | | | | | |
| 25 | 7:50 | رائز کھانا | 1.5 | 7:50 | رائز کھانا | 1.5 | | | | | | | | |
| 26 | 7:50 | رائز کھانا | 1.5 | 7:50 | رائز کھانا | 1.5 | | | | | | | | |
| 27 | 7:50 | رائز کھانا | 1.5 | 7:50 | رائز کھانا | 1.5 | | | | | | | | |
| 28 | 7:50 | رائز کھانا | 1.5 | 7:50 | رائز کھانا | 1.5 | | | | | | | | |
| 29 | 7:50 | رائز کھانا | 1.5 | 7:50 | رائز کھانا | 1.5 | | | | | | | | |
| 30 | 7:50 | رائز کھانا | 1.5 | 7:50 | رائز کھانا | 1.5 | | | | | | | | |

12
 Attest of
 I/c
HEAD MASTER
 Govt. Middle School
 Hill Kot (Batal) Mansehra

نابت ماہ ستمبر 96

نام سید ذاکر حسین شاہ الٹاف حسین مہتمم

| ردیف | نمبر | امد | رہائی | رہائی | رہائی | رہائی | رہائی | رہائی | رہائی |
|------|------|------|-------|-------|-------|------------|-------|------------|-------|
| 1 | 7-30 | ذاکر | 12-45 | ذاکر | 7-30 | الٹاف حسین | 12-45 | الٹاف حسین | 7-30 |
| 2 | 2-30 | ذاکر | 12-45 | ذاکر | 7-30 | الٹاف حسین | 12-45 | الٹاف حسین | 7-30 |
| 3 | | | | | | | | | |
| 4 | 7/45 | ذاکر | 1-5 | ذاکر | 7-30 | الٹاف حسین | 1-5 | الٹاف حسین | 7-30 |
| 5 | 7/30 | ذاکر | 1-5 | ذاکر | 7-30 | الٹاف حسین | 1-5 | الٹاف حسین | 7-30 |
| 6 | 2-30 | ذاکر | 1-5 | ذاکر | 7-30 | الٹاف حسین | 1-5 | الٹاف حسین | 7-30 |
| 7 | 7-30 | ذاکر | 1-5 | ذاکر | 7-30 | الٹاف حسین | 1-5 | الٹاف حسین | 7-30 |
| 8 | 7-30 | ذاکر | 1-5 | ذاکر | 7-30 | الٹاف حسین | 1-5 | الٹاف حسین | 7-30 |
| 9 | 7-30 | ذاکر | 1-5 | ذاکر | 7-30 | الٹاف حسین | 1-5 | الٹاف حسین | 7-30 |
| 10 | 7-30 | ذاکر | 1-5 | ذاکر | 7-30 | الٹاف حسین | 1-5 | الٹاف حسین | 7-30 |
| 11 | | | | | | | | | |
| 12 | 7/30 | ذاکر | 1-5 | ذاکر | 7-30 | الٹاف حسین | 1-5 | الٹاف حسین | 7-30 |
| 13 | 7/30 | ذاکر | 1-5 | ذاکر | 7-30 | الٹاف حسین | 1-5 | الٹاف حسین | 7-30 |
| 14 | 7/30 | ذاکر | 1-5 | ذاکر | 7-30 | الٹاف حسین | 1-5 | الٹاف حسین | 7-30 |
| 15 | 7/30 | ذاکر | 1-5 | ذاکر | 7-30 | الٹاف حسین | 1-5 | الٹاف حسین | 7-30 |
| 16 | 7/30 | ذاکر | 1-5 | ذاکر | 7-30 | الٹاف حسین | 1-5 | الٹاف حسین | 7-30 |
| 17 | 7/30 | ذاکر | 1-5 | ذاکر | 7-30 | الٹاف حسین | 1-5 | الٹاف حسین | 7-30 |
| 18 | 7-30 | ذاکر | 1-5 | ذاکر | 7-30 | الٹاف حسین | 1-5 | الٹاف حسین | 7-30 |
| 19 | 7-30 | ذاکر | 1-5 | ذاکر | 7-30 | الٹاف حسین | 1-5 | الٹاف حسین | 7-30 |
| 20 | 7-30 | ذاکر | 1-5 | ذاکر | 7-30 | الٹاف حسین | 1-5 | الٹاف حسین | 7-30 |
| 21 | 7-30 | ذاکر | 1-5 | ذاکر | 7-30 | الٹاف حسین | 1-5 | الٹاف حسین | 7-30 |
| 22 | 7-30 | ذاکر | 1-5 | ذاکر | 7-30 | الٹاف حسین | 1-5 | الٹاف حسین | 7-30 |
| 23 | 7-30 | ذاکر | 1-5 | ذاکر | 7-30 | الٹاف حسین | 1-5 | الٹاف حسین | 7-30 |
| 24 | 7-30 | ذاکر | 1-5 | ذاکر | 7-30 | الٹاف حسین | 1-5 | الٹاف حسین | 7-30 |
| 25 | 7-30 | ذاکر | 1-5 | ذاکر | 7-30 | الٹاف حسین | 1-5 | الٹاف حسین | 7-30 |
| 26 | 7-30 | ذاکر | 1-5 | ذاکر | 7-30 | الٹاف حسین | 1-5 | الٹاف حسین | 7-30 |
| 27 | 7-30 | ذاکر | 1-5 | ذاکر | 7-30 | الٹاف حسین | 1-5 | الٹاف حسین | 7-30 |
| 28 | 7-30 | ذاکر | 1-5 | ذاکر | 7-30 | الٹاف حسین | 1-5 | الٹاف حسین | 7-30 |
| 29 | 7-30 | ذاکر | 1-5 | ذاکر | 7-30 | الٹاف حسین | 1-5 | الٹاف حسین | 7-30 |
| 30 | 7-30 | ذاکر | 1-5 | ذاکر | 7-30 | الٹاف حسین | 1-5 | الٹاف حسین | 7-30 |

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| میزان | سابقہ | حال | میزان | سابقہ | حال | میزان | سابقہ | حال |
| 16 | 10 | - | 21 | 20 | 1 | 21 | 18 | 3 |

HEAD MASTER
Govt. Middle School
Hil Kot (Battal) Mansehra

منظومہ

(23)

رجسٹر حاضری بلد سیدین

گورنمنٹ ہائی اسکول پل کوٹ

ماہنامہ
1996

بابت ماہ اگست 1996

پتہ: پل کوٹ، ضلع فیصل آباد

| NA | | SET | | HM | | MA | | CT | | FA | | TI | | D.A. | | AT | |
|--------|-------|--------|-------|-----|-------|--------|-------|-----|-------|--------|-------|-----|-------|--------|-------|-----|-------|
| روایتی | دستخط | روایتی | دستخط | آمد | دستخط | روایتی | دستخط | آمد | دستخط | روایتی | دستخط | آمد | دستخط | روایتی | دستخط | آمد | دستخط |
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| حالیہ | سابقہ | میزان | حالیہ | سابقہ | میزان | حالیہ | سابقہ | میزان | حالیہ | سابقہ | میزان |
|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| 3 | 5 | 8 | 3 | 5 | 8 | 2 | 7 | 3 | 3 | 7 | 10 |

HEAD MASTER
Govt. Middle School
P.L. Kotla

رشیہ آرٹس برنس لاہور

بابت ماہ الگرت ۱۹۹۶

۱۹۹۶

| 1996 | | الطاف حسین صاحب | | | MA CT SV | | | MA B.L. CT | | |
|------|------|-----------------|--------|--------|----------|--------|-----|------------|--------|-----|
| روز | آمد | دستخط | روایتی | آمد | دستخط | روایتی | آمد | دستخط | روایتی | آمد |
| ۱ | 7-30 | Cheque | | Cheque | | | | | | |
| ۲ | 7-30 | Cheque | | Cheque | | | | | | |
| ۳ | 7-30 | Cheque | | Cheque | | | | | | |
| ۴ | 7-30 | Cheque | | Cheque | | | | | | |
| ۵ | 7-30 | Cheque | | Cheque | | | | | | |
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| ۷ | 7-30 | Cheque | | Cheque | | | | | | |
| ۸ | 7-30 | Cheque | | Cheque | | | | | | |
| ۹ | 7-30 | Cheque | | Cheque | | | | | | |
| ۱۰ | 7-30 | Cheque | | Cheque | | | | | | |
| ۱۱ | 7-30 | Cheque | | Cheque | | | | | | |
| ۱۲ | 7-30 | Cheque | | Cheque | | | | | | |
| ۱۳ | 7-30 | Cheque | | Cheque | | | | | | |
| ۱۴ | 7-30 | Cheque | | Cheque | | | | | | |
| ۱۵ | 7-30 | Cheque | | Cheque | | | | | | |
| ۱۶ | 7-30 | Cheque | | Cheque | | | | | | |
| ۱۷ | 7-30 | Cheque | | Cheque | | | | | | |
| ۱۸ | 7-30 | Cheque | | Cheque | | | | | | |
| ۱۹ | 7-30 | Cheque | | Cheque | | | | | | |
| ۲۰ | 7-30 | Cheque | | Cheque | | | | | | |
| ۲۱ | 7-30 | Cheque | | Cheque | | | | | | |
| ۲۲ | 7-30 | Cheque | | Cheque | | | | | | |
| ۲۳ | 7-30 | Cheque | | Cheque | | | | | | |
| ۲۴ | 7-30 | Cheque | | Cheque | | | | | | |
| ۲۵ | 7-30 | Cheque | | Cheque | | | | | | |
| ۲۶ | 7-30 | Cheque | | Cheque | | | | | | |
| ۲۷ | 7-30 | Cheque | | Cheque | | | | | | |
| ۲۸ | 7-30 | Cheque | | Cheque | | | | | | |
| ۲۹ | 7-30 | Cheque | | Cheque | | | | | | |
| ۳۰ | 7-30 | Cheque | | Cheque | | | | | | |
| ۳۱ | 7-30 | Cheque | | Cheque | | | | | | |

Attended

| نمبر خدمت | حال | سابقہ | میزان | حال | سابقہ | میزان | حال | سابقہ | میزان |
|-----------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| انصافیہ | | 13 | 1 | 6 | 13 | 4 | 16 | 5 | 10 |
| انتظامی | | | | | | | | | |
| بیاری | | | | | | | | | |
| میزان کل | | | | | | | | | |

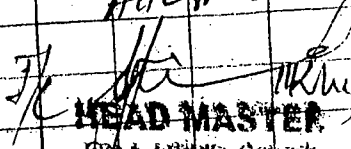
Cheque
 دستخط میسر صاحب
 ۰۱/۱۸/۹۶

ریاست مدرسین گورنمنٹ ہائی اسکول ییل کوٹ مال سیرہ

بابت ماہ جولائی 1996ء

1996ء

| ذیل العایدین صاحب | | | | چارسدہ | | | | ہریانہ | | AT | |
|---|--------|-------|-----|--------|-----|-------|-----|--------|-----|-------|-----|
| A.M.C. SET | | | | FA | | | | TT | | SA | |
| دستخط | روانگی | دستخط | آمد | دستخط | آمد | دستخط | آمد | دستخط | آمد | دستخط | آمد |
| <p>تعمیرات موسم گرما ازیک جولائی تا 31 جولائی 1996ء</p> | | | | | | | | | | | |

Attested

HEAD MASTER
 Govt. Middle School
 Yell Kot (Distt) Malakwal

| میزان | سابقہ | حالیہ | میزان | سابقہ | حالیہ | میزان | سابقہ | حالیہ | میزان | سابقہ |
|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| | | | | | | | | | | |

دستخط سربراہ مدرسہ

ذیل العایدین صاحب

OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DISTRICT MANSEHRA

No 14311 / Lit/ Date 29/8/2019

Annexure = 6

E (27)

To

The Deputy District Education Officer,
(Male) District Mansehra.

Subject: **SHOW CAUSE NOTICE.**
Memo;

Show cause notice in R/O Mr. Abdul Malik CT GMS Seri Manoo
Mansehra is attached herewith with the direction to serve the same to the
concerned teacher and return one copy to this office as token of receipt duly
received by him.

DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DISTRICT MANSEHRA

No 14311 / lit/Date 29/8/2019

To

The Deputy District Education Officer,
(Male) District Mansehra.

Subject: **SHOW CAUSE NOTICE.**
Memo;

Show cause notice in R/O Mr. Abdul Malik CT GMS Seri Manoo
Mansehra is attached herewith with the direction to serve the same to the
concerned teacher and return one copy to this office as token of receipt duly
received by him.

DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

9/10/19

SHOW CAUSE NOTICE

22

I, Mr. Khan Muhammad District Education Officer (M) Mansehra, as competent authority under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you Mr. Abdul Malik S/o Khan Gul CT GMS Seri Manoor District Mansehra as follows:-

- i. Whereas Mr. Abdul Malik CT was reappointed and posted at GMS Seri Manoor District Mansehra under sacked Employee Act 2012 vide this office Endst No.10268-74 dated 20-06-2019, On the basis of documents provided by you as per direction of Honourable Peshawar High Court Abbottabad Bench vide his judgment dated 03-04-2018.
- ii. Whereas according to the Terms and Condition NO.20 of the appointment order is that "their documents if found fake/bogus at any stage, their appointment order shall be withdrawn and legal action be taken against him"
- iii. Whereas after issuing of appointment order the competent authority sent a letter to the Head Master GMS Hilkot Mansehra for re-verification of record of Mr. Abdul Malik CT GMS Hilkot vide letter No.10703 dated 25-06-2019.
- iv. After verification of your documents/service record, fake and fabricated documents have been found in your service record.
- v. Whereas, as per report of the Head Master GMS Hilkot vide dated 18-07-2019 with the remarks that "you have never attend the school and nor remained on the strength of the GMS Hilkot, no such record was found of the said person in our official record of school for the period 1996-1997,"
- vi. Whereupon the initial inquiry constituted by the officers 06-08-2019, the said committee submitted report to this office on 07-10-2019, with the remarks that no record was found in school hence the case is fake, so the appointment order may be withdrawn. It shows that you have committed misconduct /illegality thus violated E&D rule, 2011.
- vii. I am satisfied that you found guilty of misconduct, inefficiency and committed illegal act as specified in rule 3 of the said rules. Thus you have rendered yourself liable to be proceeded against under the said rules.

2. In exercise of the powers conferred by the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, the competent authority is hereby pleased to serve you with the show cause notice with the direction to submit your defense in writing within 07 (seven) days of the receipt of this notice as to why one of the major penalty of rule-4 of the said rules should not be imposed upon you.

3. In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defense to offer and an ex-parte decision will be taken against you.

COMPETENT AUTHORITY

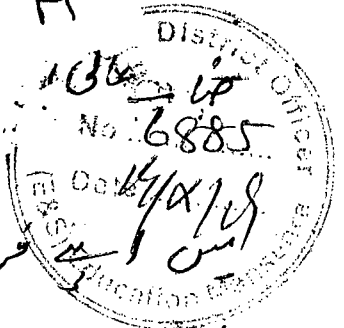
Abdul Malik S/o Khan Gul CT
GMS Seri Manoor
District Mansehra

ADP (تفصیلی)

ADP

14/11/18

خدمت خراب - D.E.O صاحب میں مانگ رہی
عنوان: شوکاژ ٹوٹس طلبی



موربانہ نڈریشن جسید سائٹ گورنمنٹ پبلک سکول سیرکی ٹور
 اخراجات سرانجام دیا ہے۔ سائٹ بڑی مشین سے اپنے
 اسٹ آباد پنج عمرہ واسیل سے شروع کر کے کہیں جیت گیا تھا۔ کوئٹہ
 سائٹ کو 1997 میں آئی یوسٹ سے برطرف کیا گیا تھا۔ لہذا اس سائٹ
 کو بذریعہ ہائی کورٹ کے ذریعہ دوبارہ بحالی کے آرڈر کر دیئے گئے۔
 جس پر تحلیہ تعلیم کے نڈر اور خلیفہ D.E.O صاحب نے دوبارہ سائٹ کا آرڈر
 G.M.S سیرکی ٹور میں کر دیا ہے۔ جو کہ سائٹ پر احسان کیا گیا ہے۔ لیکن
 بدقسمتی سے سائٹ کو آج مورخہ 10/11/18 کو شوکاژ ٹوٹس میں جس میں
 تحریر جسید سائٹ کی تعلیم پبلک سائٹ صاحب G.M.S پبلک کورٹ
 نے 1996 کے آرڈر کی تصدیق نہیں کی ہے

خبردار - دلدار -
 عرض خدمت، جسید سائٹ سکول 2005 کے نڈرے تیار
 ہو گیا تھا۔ اور اس کے ریکارڈ نہیں ہیں۔
 لہذا آپ سے گزارش خدمت جسید سائٹ کو بحال رکھا جائے سائٹ
 ساری زندگی دیکھا گورے گا۔ سائٹ کے عملے کاغذات درست ہیں اس
 میں کوئی کمی نہیں ہے

(18)

بھڑا التماس کی جانے سے سائل کی درخواست پر عمل درآمد کرتے ہوئے
کوئی مندر حکم صادر نہیں کریں گے۔ سائل عمر بھر ڈیپانڈ ہے، گا۔
التماس کی جانے سے صدر بزرگم جو عزت شرف کاؤنٹرس منسوخ لیا جائے۔
العارض -

سائل عبدالمالک آ۔ آ۔ م۔ س۔ کھری منور

NIL = 13501 1298073 - 5

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REGISTERED / ACKNOWLEDGEMENT

**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
DISTRICT MANSEHRA**

Phone # 0997-382271 Fax # 0997-382244
E-mail Address: edoedu_mansehra@yahoo.com
Facebook Page: www.facebook.com/DEO1MANSEHRA

No 17400-09 F.No. Lit/Showcause Final/reply/S/Employee Dated 01/11/2019

To,

1. Mr. Shah Zaman CT GHS Paras. 01/11/2019
2. Mr. Abdul Malik CT GMS Seri Manoor. _____
3. Mr. Khani Zaman PET GMS Seri Manoor. _____
4. Mr. Ghulam Rasool PET GMS Devli. 01/11/2019
5. Mr. Syed Muhammad Zaffar Shah PST GPS Baila Paras. 01/11/2019

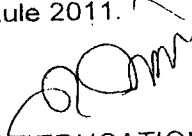
Subject:

PERSONAL HEARING.

Memo:

It is to inform you that competent authority has directed you that, you may attend the office of undersigned within three (03) days after issuance of this letter regarding your personal hearing before the competent authority.

you are therefore directed to attend this office in the stipulated period otherwise ex-parte proceeding shall be initiated against you under E & D Rule 2011.


DY: DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

سوال نمبر 04: آپ کی تعیناتی کس سال، کونسے سکول اور کب ہوئی؟ اس وقت آپ کی عمر کتنی تھی؟

جواب نمبر 1: 1996-10-20 میں میرا آرڈر Q. M. S. ٹیکوٹ میں ہوا۔ اس وقت میری عمر 22 سال تھی۔

سوال نمبر 2: آپ نے اپنا آرڈر کیا اور کس اہتقارٹی سے وصول کیا؟ (1996ء یا اور کوئی تاریخ)

جواب نمبر 2: میں اپنا آرڈر دفتر سے وصول کیا، آفس سے وصول کیا، D.E.O.

سوال نمبر 3: آپ کا آرڈر کونسے سکول میں ہوا اور کتنا عرصہ نوکری کی، اور اس کی تنخواہ وصول کی؟ اگر کی تھی تو اس کا کوئی حوالہ دیجئے؟

جواب نمبر 3: میرا آرڈر Q. M. S. ٹیکوٹ میں ہوا اور میں نے ایک سال نوکری کی ہے۔ اور 27-6-1977 کو فارغ کیا گیا، اس وقت میں نے تنخواہ وصول نہیں کی۔

سوال نمبر 04: آپ کی تعیناتی جس سکول میں ہوئی وہ لاپرواہی سے موجود اساتذہ کا عبورہ اور نام بتائیں؟

جواب نمبر 04: میں وقت میرا آرڈر میرا اس وقت اس سکول میں میڈیکل حفظہ تھا۔ اور چونکہ میرا لکھا گیا تھا جیسا جو اس وقت فرسٹ سٹیج تھا۔ اور اس کا پتہ لکھی گئی ہے۔

سوال نمبر 05: دوبارہ تعیناتی کے کاغذات اپنے آفس پڑا میں خود جمع کروانے لگے؟

جواب نمبر 05: میں نے نہیں جمع کیے میرے وہاں نے جمع کیے۔

سوال نمبر 06: آپ نے Appointment آرڈر اور Termination آرڈر جو دفتر پڑا میں جمع کیے۔ وہ کہاں سے لئے گئے؟

جواب نمبر 06: اس وقت کے دفتر کے Termination اساتذہ کے پاس سے لئے گئے۔

سوال نمبر 07: Appointment اور Termination آرڈر میں جو غیر نند کی گئی ہے اس کے بارے میں آپ کی گزارش ہے؟

جواب نمبر 07: اس کے بارے میں میں کچھ علم نہیں ہے۔

کیا آپ نے یاس ان تمام سکولز کا انکوارڈنگ کر دیا ہے۔ جہاں پر آپ نے قبول آپ نے ڈیوٹی کی ہے؟
اس وقت 18. 20 سال گزر گئے ہیں میں کوئی معلوم نہیں

سوال نمبر 9
جواب نمبر 9
آپ کا وہ پہلی تفتیشی کا حراز آفسر کون تھا؟ اور آپ کی اس وقت تعلیم کتنی تھی؟
میری پہلی تفتیشی کا حراز آفسر دفتر تھا۔ اور اس وقت میری تعلیم P.O تھی
D.E صاحب

سوال نمبر 10
جواب نمبر 10
آپ اپنے دفاع میں کوئی valid ثبوت یا کوئی سند جو آپ دیکھا چاہتے ہیں، تو دے سکتے ہیں؟
میرے دفاع میں اس وقت دفتر میں اسے آفسر ہی کر سکتے ہیں۔

خدا راہ بیمار چھوٹے چھوٹے بچے ہیں S-5 کا سہ سے ہم کا بولنا کہ انجام
کے سے یہ بیمار حال پر ارم درگرم حال سما کہ کیا جاوے

عبد اللہ
آئی ایچ

G. M. S.

Seri Manoor.

فون نمبر 03459611940

Nic نمبر 13501.1298073-5

خلع سائیکل ڈیوٹی نہ بالآخر گاؤں سے بنی کلر علی کلہ لکھ لکھ ہے
عبدالحماد ولد خان علی

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA.

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DETAIL REPORT OF PERSONAL HEARING DATED 04-11-2019 & 07-11-2019 IN R/O MR. SHAH ZAMAN CT GHS PARAS, MR ABDUL MALIK CT GMS SERI MANOOR, MR KHANI ZAMAN PET GMS SERI MANOOR, MR GHULAM RASOOL PET GMS DEVL, & MR. SYED MUHAMMAD ZAFFAR SHAH PST GPS BAILA PARAS MANSEHRA.

In the response of letter No.17400-04.F.No.Lit/showcause/ dated 01-11-2019, the following members were nominated for personal hearing under the chairmanship of District Education Officer (Male) Mansehra.

The following officer/official attends the meeting of personal Hearing are as under:-

1. Khan Muhammad DEO (M) Mansehra.....Chairman.
2. Syed Sultan Shah B&AO local office Mansehra.....Member.
3. Waheed Khan ADEO (Estab) local office.....Member.
4. ADEO (Litigation) local office Mansehra.....Member.

The letter was issued to the five candidates for personal hearing only four candidates attend the office for personal hearing on 04-11-2019 & 07-11-2019 i.e Mr. Shah Zaman CT GHS Paras, Mr. Abdul Malik CT GHS Seri Manoor, Mr. Khani Zaman PET GMS Seri Manoor & Mr, Syed Muhammad Zaffar Shah GPS Baila Paras District Mansehra.

1. MR. SHAH ZAMAN CT GHS PARAS:-

Mr. Shah Zaman CT attended the personal hearing before the competent authority, whereas different questions were asked regarding the previous service record. He stated that he was appointed as a CT GMS Bandi Kainth Mansehra in the year 1996. He failed to provide any cogent reason before the committee, by failing to provide the supporting documents in his favour. As the Competent authority sent a letter vide No.10740 dated 26-06-2019 GMS Bandi Kainth for verification of service record of Mr Shah Zaman. In compliance of the office letter No.10740 dated 26-06-2019, As per report of the Head Master GMS Bandi Kainth vide dated 07-10-2019 Mr. Shah Zaman was never ever been appointed as Certified Teacher at GMS Bandi Kainth Mansehra vide Endst No.27560-71 dated 20-10-1996 at GMS Bandi Kainth, whereas the appointment documents in r/o Mr Shah Zaman CT are Fake, some unscrupulous elements are trying to submit the fake record of sacked employee in your office, His First appointment order, charge report and arrival report is not found on the school record which show that he is never remained on the strength of the said school as per report of the Head Master Acquaintance role, attendance register, log book and appointment order file were checked but no record in r/o above named teacher found. Whereas the committee asked the question about submission of documents in DEO (M) Mansehra, he accepted that my documents is submitted by my friends. Whereas the committee asked the question about tempering /forgery in Termination order at serial No.98 vide Endst 16052-189 dated 07-07-1996, his answer was that he doesn't know about that.

He totally failed to produce any evidence regarding his initial appointment and other service record.

2. MR. ABDUL MALIK CT GMS SERI MANOOR.

Mr. Abdul Malik CT attended the personal hearing before the competent authority, whereas different questions were asked regarding the previous service record. He stated that he was appointed as a CT GMS Hilkot Mansehra in the year 1996. He failed to provide any cogent reason before the committee, by failing to provide the supporting documents in his favour. As the Competent authority sent a letter vide No.10703 dated 25-06-2019 GMS Hilkot for verification of service record of Mr Abdul Malik. In compliance of the office letter No.10703 dated 25-06-2019, As per report of the Head Master GMS Hilkot vide dated 18-07-2019 Mr. Abdul Malik was never ever been appointed as Certified Teacher at GMS Hilkot Mansehra vide Endst No.27560-71 dated 20-10-1996 at GMS Hilkot, His First appointment order, charge report and arrival report is not found on the school record which show that he is never remained on the strength of the said school as per report of the Head Master Acquaintance role, attendance register, log book and appointment order file were checked but no record in r/o above

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named teacher found. Whereas the committee asked the question about submission of documents in DEO (M) Mansehra, he accepted that my documents are submitted by my Brother. Whereas the committee asked the question about tempering /forgery in Termination order at serial No.23 vide Endst 16052-189 dated 07-07-1996, his answer was that he doesn't know about that.

He totally failed to produce any evidence regarding his initial appointment and other service record.

3. MR. KHANI ZAMAN PET GMS SERI MANOOR.

Mr. Khani Zaman PET attended the personal hearing before the competent authority, whereas different questions were asked regarding the previous service record. He stated that he was appointed as a PET GMS Narrah Mansehra in the year 1996. He failed to provide any cogent reason before the committee, by failing to provide the supporting documents in his favour. As the Competent authority sent a letter vide No.10696 dated 25-06-2019 GMS Narrah for verification of service record of Mr Khani Zaman. In compliance of the office letter No.15984 dated 27-09-2019, As per report of the Head Master GMS Narrah vide dated 09-10-2019 Mr. Khani Zaman PET was never ever been appointed Physical Education Teacher at GMS Narrah Mansehra vide Endst No.7068-76 dated 24-04-1996 at GMS Narrah, His First appointment order, charge report and arrival report is not found on the school record which show that he is never remained on the strength of the said school as per report of the Head Master Acquaintance role, attendance register, log book and appointment order file were checked but no record in r/o above named teacher found. Whereas Mr Abdul salam was working against PET Post under Endst No.17340-35 by the Divisional Director of Education Hazara Division Abbottabad dated 17-07-1996, According to school record PET Post was vacant before the arrival of Mr. Abdul Salam Whereas the committee asked the question about submission of documents in DEO (M) Mansehra, he accepted that he himself submitted that documents.. Whereas the committee asked the question about tempering /forgery in Termination order at serial No.547 vide Endst 2134-3528 dated 13-02-1997, his answer was that he doesn't know about that.

He totally failed to produce any evidence regarding his initial appointment and other service record.

4. MR. SYED MUHAMMAD ZAFFAR SHAH PST GPS BAILA PARAS..

Mr. Syed Muhammad Zaffar Shah PST attend the proceeding of personal hearing in presence of DEO, DDEO, Supdt, Budget & Account Officer, ADEO Litigation Local office Mansehra, He was asked to clarify the position of facked documents produced by him, he failed to produce any reply and remained complete silent in the hearing,

Whereas the Competent authority sent a letter vide No.10691-95 dated 25-06-2019 to SDEO Balakot for verification of service record of Mr Syed Muhammad Zaffar Shah. In compliance of the office letter No.10691-95 dated 25-06-2019, As per report of the SDEO Balakot vide dated 11-07-2019 Mr. Syed Muhammad Zaffar Shah was never ever been appointed PST at GMPS Tangri Mansehra vide Endst No.124-30 dated 01-01-1996 at GMPS Tangri, His First appointment order, charge report and arrival report is not found on the school record which show that he is never remained on the strength of the said school as per report of the SDEO Balakot Acquaintance role, attendance register, log book and appointment order file were checked but no record in r/o above named teacher found. That the said school is working as GPS Tangri instead of GMPS Tangri since 1932, whereas the appointment order of Mr. Syed Muhammad Zaffar Shah is revealed that he was appointed at GMPS Tangri which is totally wrong and incorrect.

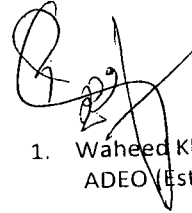
He totally failed to produce any evidence regarding his initial appointment and other service record.

5. MR. GHULAM RASOOL PET GMS DEVL.

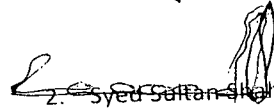
Mr. Ghulam Rasool PET not attends the proceeding of personal hearing before the inquiry committee, As the Competent authority sent a letter vide No.10697 dated 25-06-2019 GHS Jabbori for verification of service record of Mr Ghulam Rasool. In compliance of the office letter No.10697 dated 25-06-2019, As per report of the Head Master GHS Jabbori vide dated 05-08-2019 Mr. Ghulam Rasool PET was never ever been appointed Physical Education Teacher at GHS Jabbori Mansehra vide Endst

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No.19464-70 dated 20-08-1996 at GHS Jabbori ,His First appointment order, charge report and arrival report is not found on the school record which show that he is never remained on the strength of the said school as per report of the Head Master Acquaintance role, attendance register, log book and appointment order file were checked but no record in r/o above named teacher found. Mr Ghulam Rasool PET tempering /forgery in Termination order at serial No.551 vide Endst 2134-3528 dated 13-02-1997.


Whereas the office concerned sent a letters in different dates vide letter No.16411-15 dated 08-10-2019 and letter No.17400-04 dated 01-11-2019.but the official did not attend the meeting of personal hearing before competent authority/Inquiry committee, Hence his case is decided Ex-parte.



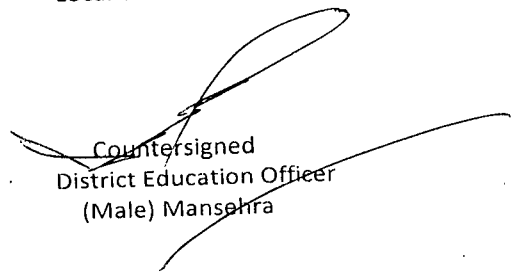
1. Waheed Khan
ADEO (Establishment)



2. Syed Sultan Shah
Budget & Account Officer
Local office Mansehra.



3. ADEO (Litigation)
Local office Mansehra

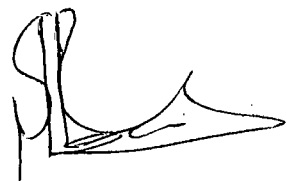

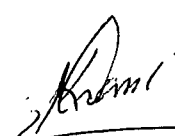


Countersigned
District Education Officer
(Male) Mansehra

Selected Employee Attendance Personal Hearing

ON

04-11-2019

| S.No | Name of officials | Name of School | Design | Signature |
|------|-------------------------------|-------------------------------|----------|---|
| 01 | Shah Zaman | GHS Paras | CT. |  |
| 02 | Abdul Malik | GMS Sexi Manwars. | P CT. |  |
| 03 | Khani Zaman | GMS Sexi Manwars | PET |  |
| 04 | Ghulam Rasool | GMS Devli | PBT. | Absent |
| 05 | Syed Muhammad Zaffar Shah. | GPS Baila Paras | | Absent. |

/signed



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OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA

Phone # 0997-382271

Fax # 0997-382244

E-mail Address: edoedu_mansehra@pohow.gov.pk

NOTIFICATION

Mr. Abdul Malik S/O Khan Gul CT GMS Seri Manoor Mansehra, WHEREAS Mr. Abdul Malik CT GMS Seri Manoor Circle Mansehra was proceeded against under Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011 on account of fake and fabricated documents have been found in service record and tempering in documents was proved.

- i. Whereas Mr. Abdul Malik CT was reappointed and posted at GMS Seri Manoor District Mansehra under sacked Employee Act 2012 vide this office vide Endst No. 10268-74 dated 20-06-2019. On the basis of documents provided by you as per direction of Honorable Peshawar High Court Abbottabad Bench vide his judgment dated 03-04-2018.
- ii. Whereas according to the Terms and Condition NO.20 of the appointment order is that "their documents if found fake/bogus at any stage, their appointment order shall be withdrawn and legal action be taken against them."
- iii. Whereas after issuing of appointment order the competent authority sent a letter to the Head Master GMS Hillkot Mansehra for verification of record of Mr. Abdul Malik CT GMS Hillkot vide letter No.10703 dated 25-06-2019.
- iv. After verification of your documents/service record, fake and fabricated documents have been found in your service record.
- v. Whereupon the initial inquiry conducted by the officer on 06-08-2019, the said committee submitted report to this office on 12-08-2019, with the remarks that Mr Abdul Malik tempered/forged his name at serial No.23 in Termination order vide Endst 16052-189 dated 07-07-1996 and no record was found in school record the case is fake, so the appointment order may be withdrawn. It shows that you have committed misconduct /illegality thus violated E&D rule, 2011.
- vi. Whereas, as per report of the Head Master GMS Hillkot vide dated 18-07-2019 with the remarks that "Mr. Abdul Malik CT has never ever been appointed vide Endst No.27560-71 dated 20-10-1996 at GMS Hillkot, whereas the appointment documents in r/o Mr Abdul Malik CT are Fake, some unscrupulous elements are trying to submit the fake record of sacked employee in your office, His First appointment order, charge report arrival report, acquaintance role, attendance register, log book and appointment order file were checked no such record was found of the said person in our school for the period 1996-1997.
- vii. Whereas as per report dated 12-08-2019, a showcause notice was issued to concerned vide this office No. 14311 dated 29-08-2019, but failed to reply within time, Respondent department issue final show cause notice vide office No.15694 dated 21-09-2019 and received reply of showcause on 14-10-2019.
- viii. Whereas, he was called for personal on 01-11-2019, while attending the office of undersigned on 04-11-2019 and heard.
- ix. Whereas the competent authority District Education Officer (M) E&SE Mansehra after having considered the charges and evidence on record, perusal of reply of show cause notice & Personal hearing is of the view that the charges against the accused Teacher have been proved. Therefore the appointment order vide Endst No.10268-74 dated 20-06-2019 in r/o Mr. Abdul Malik CT GMS Seri Manoor Mansehra is hereby **WITHDRAWN** from the date of issue of re-appointment order (Ab-initio Withdrawn) with immediate effect.

Sd/-
DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

Endst: No. 17751-55 /F.No.Final Showcause/Appointt: 2019 (M)//Dated 09/11/2019

Copy forwarded for information to the:

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. District Monitoring Officer (IMU) Mansehra.
3. District Account Officer Mansehra.
4. Head Master GMS Seri Manoor.
5. Mr. Abdul Malik s/o Khan Gul Residence of village satbani Tehsil & P/O Balakot District Mansehra.
6. Office File.

DY: DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

(Handwritten signature and date 09/11/19)

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

No. 4118 /F. No. Appeals CT District
Mansehra.
Dated Peshawar the 10-12-2019.

8070
14/12/19

The District Education Officer (M)
Mansehra.

APPEAL FOR RE-INSTANTMENT AGAINST IMPUGNED NOTIFICATION
ENDST:17686-92 DATED 07.11.2019 ISSUED BY DEO (M) MANSEHRA
WHEN APPOINTMENT ORDER OF APPEALLANT WAS WITHDRAWN
FROM THE DATE OF APPOINTMENT.

Memor-

I am directed to refer to the subject noted above and to enclose herewith a copy of appeal in respect of the following teachers District Mansehra, and to state to submit detail report/comments to this office within a week time.

1. Mr. Shah Zaman Ex: CT GHS Paras Balakot.
2. Mr. Abdul Malik Ex: CT GMS Serimano.
3. Mr. Ejaz Ahmad Ex;CT GMS Batang.

Amir
10/12/2019

Assistant Director (Etab :)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar.

Endst: No. _____/

Amir
10/12/2019

Copy forwarded to the:-

1. P.A to Director Elementary and Secondary Education local office.

Assistant Director (Etab :)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar.