

A. No. 1425/2018
Dost Muhammed

20.07.2022

Counsel for appellant present.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

The requisite record was not produced despite directions. Learned AAG present in Court is strictly directed to make sure the production of relevant record otherwise, strict legal action will be taken not only against the respondents but also against the learned AAG. To come up for production of record and arguments on 26.09.2022 before D.B.



(Fareeha Paul)

Member(E)

Appellant present through counsel.

26.09.2022



(Rozina Rehman)

Member (J)

Naseer Ud Din Shah learned Assistant Advocate General alongwith Salim Khan S.O for respondents present.

On the previous date, respondents were strictly directed to make sure the production of relevant record but today, they failed to submit the same and requested for adjournment. Adjournment is granted on payment of cost of Rs.5000/- to be paid on behalf of respondents on the next date. To come up for record/arguments on 02.12.2022 before D.B.



(Fareeha Paul)

Member (E)



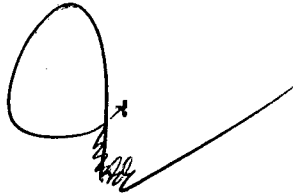
(Rozina Rehman)

Member (J)

21st April, 2022

counsel for the appellant present. Mr. Muhammad Riaz Paindakhel, Asst. AG for the respondents present.

Learned counsel for the appellant seeks adjournment. Last opportunity is granted for arguments on 04.07.2022, failing which the case will be decided on the basis of available record without the arguments of learned counsel for the appellant. To come up for arguments before D.B on 04.07.2022.



(MIAN MUHAMMAD)
Member (E)



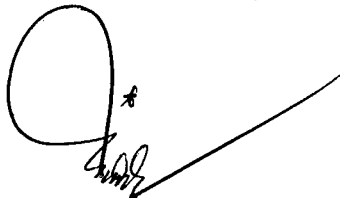
Chairman

04.07.2022

Learned counsel for the appellant present. Mr. Faheem Ullah, Assistant alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Comments on behalf of respondent No. 2 produced, which are placed on file.

After hearing arguments of learned counsel for the parties at certain length, it transpired that statements of the appellant as well as witnesses recorded during the inquiry have not been submitted by either party, therefore, representative of respondents is directed to positively produce complete record of the inquiry and to come up for arguments on 20.07.2022 before the D.B.



(Mian Muhammad)
Member (E)

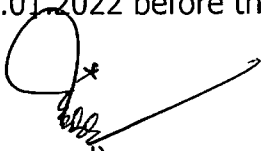


(Salah-ud-Din)
Member (J)

05.10.2021

Counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG alongwith Syed Nasirud Din, Asstt. for the respondents present.

Former seeks adjournment as could not prepare the case. Request is accorded. Case to come up for arguments on 06.01.2022 before the D.B.



(Mian Muhammad)
Member(Executive)


Chairman

06.01.2022

Clerk to counsel for the appellant present. Mr. Javed Ullah, Assistant AG for the respondents present.

Clerk to counsel for the appellant requested for adjournment on the ground that his counsel is not available today, due to general strike of the bar. Adjourned. To come up for arguments before the D.B on 21.04.2022.


(Atiq-ur-Rehman Wazir)
Member(E)


Chairman

11.12.2020

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

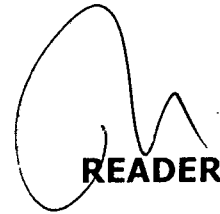
Due to COVID-19, the case is adjourned to 05.03.2021 before D.B.



READER

04.03.2021

Due to COVID-19, the case is adjourned for the same on 10.06.2021 before D.B



READER

10.06.2021

Mr. Bashir Khan Wazir, Advocate, for the appellant present. Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Learned counsel for the appellant sought adjournment being not prepared for arguments today. Adjourned. To come up for arguments before the D.B on 06.10.2021.



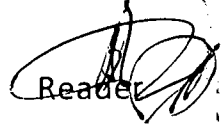
(ATIQU-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

21-5 .2020

Due to COVID19, the case is adjourned to
13/8/2020 for the same as before.

Reader 

13.08.2020


Due to summer vacations case to come up for the same on
16.10.2020 before D.B.

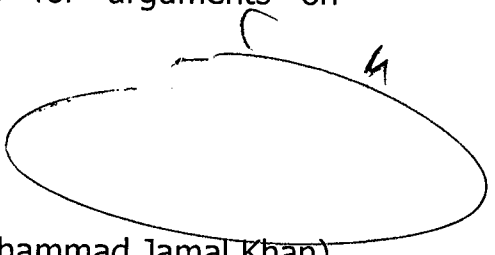
Reader 

16.10.2020

Junior counsel for appellant present. Mr. Muhammad Jan learned Deputy District Attorney for respondents present.

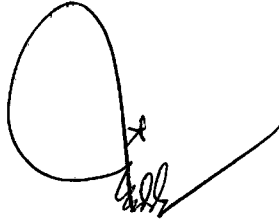
Former requests for adjournment as senior counsel for appellant is busy before Hon'ble Peshawar High Court. Adjourned. To come up for arguments on 11.12.2020 before D.B.


(Atiq-Ur-Rehman Wazir)
Member


(Muhammad Jamal Khan)
Member

19.03.2020

None for the appellant present. Addl: AG for respondents present. Due to general strike on the call of Peshawar Bar Council, the case is adjourned. To come up for arguments on 21.05.2020 before D.B.



(MAIN MUHAMMAD)
MEMBER



(M. AMIN KHAN KUNDI)
MEMBER

01.11.2019

Junior to counsel for the appellant and Addl. AG present.

Fresh notices be issued to the respondents through registered post for submission of written reply/comments on 04.12.2019 by way of last chance.


Chairman

04.12.2019

Junior to counsel for the appellant present. Nemo for the respondents.

Despite last opportunity, the respondents have not furnished the requisite reply. The appeal is, therefore, posted to D.B for hearing on 03.02.2020.


Chairman

03.02.2020

Learned counsel for the appellant present. Mr. Ziaullah, DDA for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 19.03.2020 before D.B.


Member


Member

1425/18

18.07.2019

Counsel for the appellant present.

An application for extension of time to deposit the security and process fee is submitted wherein it is noted that the clerk of learned counsel, who was assigned the job, left for Islamabad in order to attend his ailing father.

The application is allowed and the period for requisite deposit is extended for another period of 3 days. Upon deposit notices be issued to the respondents for submission of written reply/comments on 11.09.2019 before S.B.

Appellant Deposited
Security & Process Fee

18/7/19

Chairman

11.09.2019

Counsel for the appellant and Addl. AG for the respondents present.

Learned AAG requests for further time. Adjourned to 04.10.2019 on which date the requisite reply/comments shall positively be submitted before S.B.

Chairman

04.10.2019

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present.

Learned Additional AG again requests for further time. Adjourned to 01.11.2019 on which date the requisite reply/comments shall positively be submitted before S.B.

CHAIRMAN

1425/2018

12.04.2019

Counsel for the appellant present.

Learned counsel for the appellant requests for time to fully document the appeal and place on record additional documents including complete letter dated 30.11.2016. May do so within a fortnight. Adjourned to 21.05.2019 for preliminary hearing.


Chairman

21.05.2019

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant (Subject Specialist) has filed the present service appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the order dated 18.05.2018 whereby minor penalty of withholding of one (01) annual increment for one (01) year was imposed upon him. The appellant has also made impugned the order dated 24.09.2018 through which the departmental appeal filed by the appellant against the original impugned order was rejected.

Points urged need consideration. The appeal is admitted for regular hearing subject to all the 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. To come up for written reply/comments on 18.07.2019 before S.B.


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1425/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/11/2018	<p>The appeal of Mr. Dost Muhammad resubmitted today by Mr. Bashir Khan Wazir Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 23/11/18</p>
2-	24-11-2018	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>20-12-2018</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
	20.12.2018	<p>Learned counsel for the appellant present. Written reply not received. No one present on behalf of respondent department. Notice be issued to the respondent department for 06.02.2019. Adjourn. To come up for written reply/comments on the date fixed before S.B</p> <p style="text-align: right;">Member</p>

20.12.2018

Learned counsel for the appellant present and seeks adjournment. Adjourn. To come up for preliminary hearing on 06.02.2019 before S.B


Member

06.2.2019

Junior to counsel for the appellant present.

Learned senior counsel for the appellant is not available due to general strike called by Khyber Pakhtunkhwa Bar Council. Adjourned to 08.03.2019 before S.B.


Chairman

08.03.2019

Appellant absent. Learned counsel for the appellant absent. Adjourn. To come up for preliminary hearing on ¹²16.04.2019 before S.B.


Member

The appeal of Mr. Dost Muhammad Khan S.S Economics GHSS Lalozi Bannu received today i.e. on 26.10.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ① Memorandum of appeal may be got signed by the appellant.
- ② Address of respondent no.1 is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- ③ Copy of show cause notice mentioned in para-8 of the memo of appeal is not attached with the appeal which may be placed on it.
- ④ Necessary party has not been arrayed/made in the heading of appeal.
- ⑤ Annexures of the appeal may be attested.
- ⑥ Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- ⑦ Annexure-A of the appeal is incomplete which may be completed.
- ⑧ Order dated 18.5.2018 is illegible which may be replaced by legible/better one.
- ⑨ Order dated 30.11.2016 is not attached with the appeal which may be placed on it.
- ⑩ Three copies/sets of the appeal along with annexures i.e. complete in all respect for Tribunal and one for each respondent may also be submitted with the appeal.

No. 2166 /S.T,

Dt. 26/10 /2018.

*Objections removed
and Re-submitted
again A-6/11/18*

[Signature]
REGISTRAR 26/10/18
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Bashir Khan Wazir Adv. Pesh.

*objections Removed and Resubmitted
again.*

[Signature] 31/10/2018

objections raised by this office are still stand therefore, the appeal is again returned to the counsel for the appellant for completion and resubmission within 15 days.

*No. 2187 /S.T
dt. 31/10/2018*

[Signature]
Registrar

objection no 8 removed
and order dated 18-5-2018
amended as better copy
5/11/2018

objections removed.

- (1) memorandum of appeal has signed.
- (2) Address of respondent No-1. completed as per law.
- (3) copy of show cause is not present, hence the direction has been amended for assistance. PLS be considered.
- (4) necessary party has arranged, Amended of appeal has been attached.
- (5) Amended in serialwise.

(7) Amended 'A' is not present complete form, hence the already amended may be considered.

(8) order dated 18-05-18 has been amended well better copy.

(9) order dated 30-11-16 is attached as annexes 'A' it is not an order but may be considered for just assistance of appeal.

(10) copy of appeal are amended with the appeal.

after necessary removal of objections
pls place before the Honble tribunal
22/11/2018

16.10.2020 Junior counsel for appellant present.. Mr. Muhammad Jan learned Deputy District Attorney for respondents present.

Former requests for adjournment as senior counsel for appellant is busy before Hon'ble Peshawar High Court. Adjourned. To come up for arguments on 11.12.2020 before D.B.

(Atiq-Ur-Rehman Wazir)
Member

(Muhammad Jamal Khan)
Member

11.12.2020 Nemo for the appellant is present. Mr. Kabirullah Khattak, Additional Advocate General, for the respondents is present.

Due to COVID-19, the case is adjourned to 05.03.2021 before D.B.

READER

10.06.2021 Mr. Bashir Khan Wazir, Advocate, for the appellant present. Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Learned counsel for the appellant sought adjournment being not prepared for arguments today. Adjourned. To come up for arguments before the D.B on 06.10.2021.

(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

BEFORE THE HON'BLE SERVICE TRIBUNAL KPK
PESHAWAR

Service Appeal No. 1425/2018

Dost Muhammad Khan..... **Appellant**


VERSUS

Govt. of KPK E&SE & others.....**Respondents**

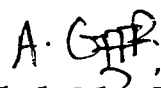
I N D E X

S NO	DESCRIPTION OF DOCUMENTS	ANNEX	PAGES
1.	Service Appeal		1-9
2.	Affidavit		10
3.	Addresses of parties		11
4.	Copy of the said direction dated 30.11.2016	A	12-12-A
5.	Copies of letter of the then CM	B	13
6.	copy of the said charge sheet	C	14
7.	Copy of constituted inquiry committee	D	15
8.	Copy of inquiry letter and written defence	E	16-17
9.	Copy of Show Cause (Forwarding letter)	F	18
10.	Copy of personal hearing	G	19
11.	Copy of order	H	20-20-A
12.	Copy of appeal and order	I	21-22
13.	Wakalat Nama		23

Appellant
Through


Bashir Khan Wazir
Advocate, High Court
Peshawar

&


Abdul Ghafoor
Advocate

Dated 13.1.2018

①

BEFORE THE HON'BLE SERVICE TRIBUNAL KPK
PESHAWAR

Service Appeal No._____/2018

Dost Muhammad Khan,

Subject Specialist Economics BPS-17

Government Higher Secondary School

Lalozai District Bannu.

..... Appellant

VERSUS

1. Govt of KPK through Chief Secretary, Civil Secretariat Peshawar.
2. Secretary of Elementary & Secondary Education, KPK Peshawar.
3. District Education Officer (Male) Bannu ~~Elementary & Secondary Education Peshawar.~~

..... Respondents

APPEAL UNDER SECTION 4 OF KPK
SERVICE TRIBUNAL ACT 1974
AGAINST THE IMPOSITION OF
STOPPAGE OF ONE ANNUAL
INCREMENT FOR ONE YEAR MADE BY
RESPONDENT NO 2 ON DATED
18.05.2018 AND AGAINST THE

②

REJECTION OF APPEAL MADE BY C.M
KPK ON DATED 24.09.2018.

Prayer:

On acceptance of this appeal the order dated 18.05.2018 of stoppage of one annual increment for one year and rejection of appeal made by C.M KPK on dated 24.09.2018 is being illegal, void ab initio in the eyes of law and please be set aside and the same above mentioned order may be declared null and void in the eyes of law and ordered to be struck down.

Respectfully Sheweth:

1. That the Appellant is appointed as subject Specialist Economics BPS-17 and presently serving at Govt Higher Secondary School Lalozaibannu.
2. That even since the appointment of the Appellant the Appellant had performed his duties as assigned with zeal and zest and with full devotion and there was no complaint whatsoever regarding his performance.
3. That the Appellant was serving as his subject Specialist on dated 30.11.2016 as per the

③

Monitoring Unit report that they had visited to one School concern wherein the Appellant was performing his duty as per the report of Monitoring Unit the Appellant along with 9 other employees were allegedly been found absent at the time of visiting of the concern school and the Monitoring Unit directed to deduct one day salaries from the Appellant along with others. **(Copy of the said direction dated 30.11.2016 is attached as annexure A)**

4. That in fact on the same day the Appellant along with others employees were present on duty and due to the connivance of principle of the said school the Monitoring unit had shown the Appellant as being absent from duty.
5. That thereafter the CM KPK complaint Cell had also issued a letter in respect of taking disciplinary action appointed the Appellant in respect of allegation leveled by the IMU monitor on his visit to the school of Appellant and shown the appellant being present on the spot on relevant day and shown with misbehave and other allegation as well. **(Copies of letter of the then CM is attached as annexure B)**
6. That the then CM KPK had issued charge sheet in respect of complaint forwarded by Farman Ullah

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Khan IMU Monitor in respect of same allegation, whereby on dated 30.11.2016 the Appellant was shown to made misbehave with the IMU Monitor. **(copy of the said charge sheet is attached as annexure C)**

7. That the Respondent No 1 had issued the notification vide dated 11.09.2017 and order to be continued the inquiry initiated the then CM KPK against the Appellant in respect of the allegations of the date mentioned 30.11.2016 and constituted inquiry committee comprising of two persons named Imad Ali and Muhammad Sultan and directed to the committee members to submit the report / recommendation within 30 days. **(Copy of constituted inquiry committee is attached as annexure D)**

8. That the Respondent No 2 made a request for the purpose of inquiry on dated 19.09.2017 to appear before the committee on dated 25.09.2017 and thereafter on dated 22.09.2017 the Appellant submit his written defence. **(Copy of inquiry letter and written defence is attached as annexure E)**

9. That there after the Respondent issues show cause notice (forwarding letter) to the Pal in which the Respondent No 2 tentively decided to impose minor penalty of stoppage of two annual increment for two

years on dated 06.12.2017. **(Copy of Show Cause (Forwarding letter) is attached as annexure F)**

10. That on dated 16.02.2018 in which a letter for personal hearing was issued to Appellant to appear before inquiry committee on dated 21.02.2018. **(Copy of personal hearing is attached as annexure G)**

11. That on dated 18.05.2018 the Respondent issued an order against the Appellant imposing minor penalty of with holding of one annual increment for one year. **(Copy of order is attached as annexure "H")**

12. That the Appellant aggrieved from the conduct of Respondents filed an appeal before the competent authority Chief Secretary for setting aside the impugned orders but the same was rejected vide order dated 27.09.2018. **(Copy of appeal and order are attached as annexure I)**

13. That the Appellant feeling aggrieved from the impugned orders preferred the instant appeal for setting aside the above mentioned orders on the following grounds inter alia:


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GROUND S:

- A. That the Appellant has not been treated in accordance with law, hence his rights secured and guaranteed under the law and constitution is badly violated.
- B. That the Appellant has never involved himself in any commission or omission that could be termed as misconduct, and the proceedings conducted against him are thus illegal and unlawful.
- C. That no proper procedure has been following before passing the impugned orders against the Appellant, no proper inquiry has been conducted, the Appellant has not been properly associated with the inquiry proceedings, statements of witnesses if any were never recorded in presence of the Appellant nor he has been allowed opportunity of cross examination, thus the whole proceedings were defective in the eyes of law and the impugned order of dismissal from service being based on such defective proceedings, is this liable to be set at naught on this score alone.
- D. That in fact the Appellant is performing his duty with full devotion however the principle of the concern school is in tassel with the Appellant along with other employees because of the reasons better

known to him, on the relevant day whereby IMU Monitor has shown, the Appellant being absent from his duty and thereafter the Respondent No 2 has issued the impugned order vide dated 30.11.2016 in respect of deduction of one day salary from each employee in which the Appellant also mentioned, which is illegal, unlawful and against the natural justice.

- E. That the Respondents as well as the other responsible with the connivance of the principal of the concern school wrongly and intentionally just to pressurize the Appellant and restrained from performing his duty and the said baseless concocted allegations leveled against the Appellant, hence the act of the Respondents are liable to be struck down.
- F. That in the light of the same allegations the Respondents again proceeded the Application and show cause notice was issued to the Appellant for stoppage of annual increment for two years which is also illegal null and void in the eyes of law in fact the Respondents with connivance of each other leveled baseless allegations which is clear from the record that the IMU Monitor had showed the Appellant being absent from duty on the relevant



day and thereafter stated in their allegation that he had used an abusive language to the IMU Monitor on the same day which is not possible because the Respondents are saying that the Appellant was absent on the relevant day but on the other hand again proceeded with the allegation leveled in charge sheet which is false, frivolous and concocted and declared to be declared so.



- G. That it is well settled principal and law that once the culprit has been tried on the subject offence and he has been punished subsequently proceeded on the same sort of allegation is illegal and amounts to double jeopardy and against the Article 13 of the constitution.
- H. That the undersigned have not been provided proper opportunity of personal hearing thus he has been condemned unheard.
- I. That the charges leveled against the Appellant were never proved in the inquiry, the inquiry officer gave his findings on surmises and conjunctures.
- J. That the Appellant has never committed any act or omission which could be termed as misconduct, he had performed his duties and have showed no dereliction from duty, but has been awarded minor

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punishment of deduction of one day salary and also stoppage of annual increment for one year.

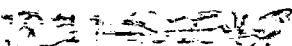
K. That the Appellant seeks permission of this Hon'ble Tribunal to rely on additional grounds at the hearing of the appeal.

It is, therefore, humbly prayed that On acceptance of this appeal the order dated 18.05.2018 of stoppage of one annual increment for one year and rejection of appeal made by C.M KPK on dated 24.09.2018 is being illegal, void ab initio in the eyes of law and please be set aside and the same above mentioned order may be declared null and void in the eyes of law and ordered to be struck down.

Through  Appellant

Bashir Khan Wazir
Advocate, High Court
Peshawar

&


Abdul Ghafoor
Advocate

Dated 

(4)

BEFORE THE HON'BLE SERVICE TRIBUNAL KPK
PESHAWAR

Service Appeal No. _____/2018

Dost Muhammad Khan..... **Appellant**

VERSUS

Govt. of KPK E&SE & others.....**Respondents**

ADDRESSES OF PARTIES

APPELLANT

Dost Muhammad Khan,

Subject Specialist Economics BPS-17

Government Higher Secondary School

Lalozai District Bannu

RESPONDENT

1. Govt of KPK through Chief Secretary, Civil Secretariat Peshawar.
2. Secretary of Elementary & Secondary Education, KPK Peshawar.
3. District Education Officer (Male) Bannu Elementary & Secondary Education KPK, Peshawar.

Through ²⁰¹⁸
Appellant

Bashir Khan Wazir
Advocate, High Court
Peshawar

&

A. GHAFOOR
Abdul Ghafoor
Advocate

Dated 11.11.2018

(12)

Annekore ce A³³

OFFICE OF THE PRINCIPAL
BANNU ELEMENTARY & SECONDARY SCHOOLS
FAFAYELMERE

30 11

The Principal, C-ISS, Bannu

Bannu.

Subject:-

Deduction of 1 day from following list of employees
by IMU Report in the Month of November 2016.

Memo:-

Refer to the cited subject above you are hereby informed that the following list of employees under your kind control have been found absent in the month of November 2016 through IMU report.

Therefore you are directed to deduct 1 day from the salary of each employee of your quarter concerned through proper charging sheet proforma and deposit in the Govt treasury, one copy of deduction sheet of employees should reach to Law competent authority office.

In monthly DSC meeting with IMU, the Deputy Commissioner, Bannu, notice against the absentism and directed the Principal, if there are the absent staff found by the IMU, then one week deduction from the salary of Principal/Head Master of the High & Higher Secondary Schools should be escalated to the high ups.

Teaching Staff

ERIS Code	Name of School	Monitoring Date	CNIC	Full Name	Grade	Subject
35721	GHSS Lalozai	11/30/2016 9:03 AM	111011430435	Abdul	SS	
35721	GHSS Lalozai	11/30/2016 9:03 AM	1110139275975	ABDUL	SS	
35721	GHSS Lalozai	11/30/2016 9:03 AM	1110178475645	SAHADAT ZAMAN	SS	
35721	GHSS Lalozai	11/30/2016 9:03 AM	1110114312735	[REDACTED]	SS	
35721	GHSS Lalozai	11/30/2016 9:03 AM	1110135500075	MUHAMMAD SHARIF	SS	
35721	GHSS Lalozai	11/30/2016 9:03 AM	1110101138410	NUJUM SHARIF	SS	
35721	GHSS Lalozai	11/30/2016 9:03 AM	1110114230500	RASHID	SS	
35721	GHSS Lalozai	11/30/2016 9:03 AM	111011446127	RIZWAN	SS	
35721	GHSS Lalozai	11/30/2016 9:03 AM	1110123130347	RIZWAN	SS	
35721	GHSS Lalozai	11/30/2016 9:03 AM				
35721	GHSS Lalozai	11/30/2016 9:03 AM				

ATTESTED

(Better Copy)

OFFICE OF THE DISTRICT EDUCATION OFFICER
BANNU ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUNKHWA

No. _____

Dated ___/___/2016

To
The Principal GHSS Laloza
Bannu

Subject: **Deduction Of Day From Following List Of Employees Found Absent by IMU Report In The Moth Of November 2016.**

Memo: -

Refer to the cited subject above you are hereby informed that the following list of employees under your kind control have been found absent in the month of November 2016 through IMU report.

Therefore you are directed that 1 day deduction should made against each employee of your quarter concerned through proper chalan// through account office change profarma and deposit in the Govt treasury, one copy of deduction against each school of all employees should reach to the competent authority office.

In monthly DSC meeting with IMU, the Deputy Commissioner take serious notice against the absent sum and directed the DIO (M), if there is no deduction made against the absent staff found by the IMU, their one week deduction should made directly fm the Principal / Head Master of the High & Higher Secondary Schools otherwise the mater be escalated to the high ups.

Teaching Staff

EMIS Code	Name of School	Monitoring Date	CNIC	Full Name	Designation	Status
35721	GHSS Laloza	11/30.2016 9.03 AM	1110114506636	Abdul Rauf Khan	SS	Absent
35721	GHSS Laloza	11/30.2016 9.03 AM	1110159275979	Abddul sarwar	DPE	Absent
35721	GHSS Laloza	11/30.2016 9.03 AM	1110178425645	Bahadar zaman	Qari/Oana	Absent
35721	GHSS Laloza	11/30.2016 9.03 AM	1110114312785	Dost Muhammad shah	SS	Absent
35721	GHSS Laloza	11/30.2016 9.03 AM	1110169598075	Muhammad shafq	SS	Absent
35721	GHSS Laloza	11/30.2016 9.03 AM	1110101138589	Nuatllah khan	SS	Absent
35721	GHSS Laloza	11/30.2016 9.03 AM	1110114232909	Raham dil	SS	Absent
35721	GHSS Laloza	11/30.2016 9.03 AM	1110114444727	Riat ullah	SS	Absent
35721	GHSS Laloza	11/30.2016 9.03 AM	1110123168247	Rizwan ullah	SS	Absent
35721	GHSS Laloza	11/30.2016 9.03 AM	1110176145695	Shalil nawaz	SS	Absent
35721	GHSS		1110114877219	Umar shan	SS	Absent

~~ATTACHED~~

(13)

Annex (B)

DISCIPLINARY ACTION

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa as Competent Authority, am of the opinion that Dost Muhammad Subject Specialist Economics (BS-17), GHSS Lalozai District Bannu has rendered himself liable to be proceeded against, as he committed the following acts/ omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

“He misbehaved with Mr. Farmanullah Khan IMU Monitor on his visit to his school on 30.11.2016, used abusive language, tried to beat him, refused to sign the attendance register and stopped him from compiling the report.”

2- For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer/ inquiry committee, consisting of the following, is constituted under Rule 10(1)(a) of the ibid Rules:

- i. Mr. Imad Ali (PMS BS-17) AS G/L Deptt.
- ii. Mr. Muhammad Sultan (BS-9)
- iii. Principal GHSS, Kessak

3- The inquiry officer/inquiry committee shall, in accordance with the provisions of the ibid Rules, provide reasonable opportunity of hearing to the accused, record its findings and make within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4- The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer/inquiry committee.

Pervez Khattak
(PERVEZ KHATTAK)
CHIEF MINISTER, KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

Dost Muhammad Subject Specialist Economics (BS-17),
GHSS Lalozai District Bannu.

ATTESTED

(14)

CHARGE SHEET

Amex (C)

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa as Competent Authority, hereby charge you, Dost Muhammad Subject Specialist Economics (BS-17) GISS Lalozai District Bannu as follows:-

That you, while posted as Subject Specialist Economics (BS-17) GISS Lalozai Bannu committed the following irregularity:

“You misbehaved with Mr. Farmanullah Khan IMU Monitor on his visit to your school on 30.11.2016, used abusive language, tried to beat him, refused to sign the attendance register and stopped him from compiling the report.”

By reason of the above, you appear to be guilty of misconduct under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Rules ibid.

You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the inquiry officer/inquiry committee, as the case may be.

Your written defence, if any, should reach the inquiry officer/inquiry committee within specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

Intimate whether you desire to be heard in person.

A Statement of Allegations is enclosed.

(PERVEZ KHATTAK)
CHIEF MINISTER, KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

Dost Muhammad Subject Specialist Economics (BS-17),
GISS Lalozai District Bannu.

ATTESTED

Annexure D (15)

REGISTERED

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the September 11, 2017

NOTIFICATION

NO.SO(SM)E&SED/4-5/2017/M.Shafiq & Dost Muhammad SS: In partial modification of this Department Notification of even No. dated 30.06.2017 the Competent Authority is pleased to constitute Inquiry Committee comprising the following officers to conduct formal inquiry against M/S Muhammad Shafiq SS(History-cum-Civics) BS-18 and Dost Muhammad SS(Economics) BS-17 GHSS Lalozaai Bannu for the charges mentioned in the Charge Sheets and Statements of Allegations with immediate effect.

- i. Mr. Imad Ali, Additional Secretary (PMS BS-19), C&W Department.
- ii. Mr. Muhammad Sultan, Principal (BS-19) GHSS Karak.

2. The Inquiry Committee shall submit report/recommendations to the Competent Authority within (30) days positively. (Copies of Charge Sheets & Statements of Allegations are enclosed for all concerned).

SECRETARY

Endst: of even No. & Date :-

Copy forwarded to the:

1. Mr. Imad Ali, Additional Secretary (PMS BS-19), C&W Department.
2. Mr. Muhammad Sultan, Principal (BS-19) GHSS Karak.
3. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
4. Mr. Aurangzeb, Assistant Director (P&D), Directorate of E&SE Peshawar is nominated as departmental representative to assist the inquiry committee.
5. Mr. Muhammad Shafiq SS(History-cum-Civics) BS-18 GHSS Lalozaai Bannu.
6. Mr. Dost Muhammad SS(Economics) BS-17 GHSS Lalozaai Bannu.
7. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
8. Office order file.

ATTESTED

(MULJEEB-UR-REHMAN)
SECTION OFFICER (SCHOOLS MALE)



(16)
Annexure "E"
GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATIONS & WORKS DEPARTMENT

No.PA to AS/S&L, Bannu/C&W/2017
Dated: 19/09/2017

To,

1. Muhammad Shafiq, SS (History-cum-Civics) BS-18, GHSS, Lalozai Bannu.
2. Dost Muhammad, SS (Economics), BS- 17, GHSS, Lalozai Bannu.

Subject: INQUIRY.

Reference notification No.50(SM)L&SLD/45/2017/M.Shafiq & Dost Muhammad SS dated 11-09-2017, you are requested to appear before the committee on 25.09.2017 at 1000 hours.

Additional Secretary C&W
(Member Inquiry Committee)

Endst: of Even No & Date:

Copy is forwarded for information and necessary action to:

1. Mr. Muhammad Sultan, Principal (BS-19), GHSS, Karak.
2. Mr. Aurangzeb, Assistant Director (P&D) Directorate of E&SE Department, Peshawar.
3. PS to Secretary to Gov. of Khyber Pakhtunkhwa, Elementary and Secondary Education Department, Peshawar.

/
Additional Secretary C&W

~~ATTESTED~~

17

To

The Inquiry Officers,

1. Mr. Imad Ali (PMS BS-19)
Additional Secretary,
C & W Department,
Khyber Pukhtunkhwa
2. Mr. Muhammad Sultan (BS-19)
Principal, GHSS, Karak

Subject: Written Defense of Inquiry

Sir,

I, Mr. Dost Muhammad Khan (SS Eco) BPS-17 submit the following written defense in reference to letter NO.SO(SM) & SED/4-5/2017. M.Shafiq & Dost Muhammad SS:

The four allegations leveled against me are totally baseless and self-composed. The fact is that it has never come into my knowledge that there has been any inquiry raised against me before the current inquiry nor have I been given any opportunity of defending any such inquiry yet.

The allegations can be addressed as follow:

1. That I have misbehaved the monitor- seems fabricated. I have never used bad language to anyone.
2. That I have attempted to beat him is having no ground. I have never tried to do so.
3. That I have not signed the attendance register is also concocted. I, along with other subject specialists, signed the register on that days. (A copy of 30th November is attached for your perusal)
4. That I have stopped the monitor from compiling the report is also not true. The report was completely maintained without any interference. It was the outcome of this report that a One Day Deduction was cut down from all the SS staff. (Copies of pay slip of all the SSs are attached for your kind observation)

Strangely enough, that a person who has been marked by the IMU representative as absent on that day, then how he quarreled and misbehaved him. This simple discrepancy and irregularity in the report shows that it was baseless.

You are therefore requested to please look into the matter sympathetically.

Kind regards

22. September, 2017

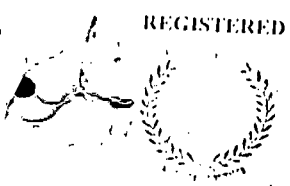


Dost Muhammad Khan

SS (Economics)

GHSS, Lalojai, Bannu

ATTESTED



18

Annex F

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No. SO(SM)E&SED/4-5/2017/M. Shafiq & Dost Muhammad SS GHSS Lalozai Bannu
Dated Peshawar the December 06, 2017

To

1. Mr. Muhammad Shafiq Ex-SS GHSS Lalozai Bannu,
(now SS GHSS Comprehensive Bannu).

2. Mr. Dost Muhammad SS GHSS Lalozai Bannu.

Subject:- SHOW CAUSE NOTICE.

I am directed to refer to the subject noted above and to enclose herewith a copy of Show Cause Notice wherein the Competent Authority (Chief Minister Khyber Pakhtunkhwa) has tentatively decided to impose upon you the minor penalty of "stoppage of two annual increments for two years" under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 in connection with the charges leveled against you.

2. You are therefore directed to furnish your reply to the Show Cause Notice as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

3. Your reply should reach this Department within Seven (07) days of the delivery of this letter otherwise ex-parte action shall be taken against you.

Encl: As Above:

Endst: Even No. & Date:

(MUJEEB UR-REHMAN)
SECTION OFFICER (SCHOOLS MALE)

Copy of the above is forwarded to the:-

1. Director E&SE Khyber Pakhtunkhwa, Peshawar.
2. District Education Officer (Male), Bannu with the direction to ensure delivery of show cause notices to the accused.
3. PS to Secretary E&SE Khyber Pakhtunkhwa, Peshawar.

SECTION OFFICER (SCHOOLS MALE)

~~TESTED~~

IMMEDIATE/THROUGH FAX



Annexure "6"
GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No.SO(SM)E&SED/4-5/2017/Shafiq & Dost Muhammad SS
Dated Peshawar the February 16, 2018

To

1. Mr. Muhammad Shafiq SS(H/Civics) BS-18.
GHSS Lalozi Bannu.
2. Mr. Dost Muhammad SS(Economics) BS-17.
GHSS Lalozi Bannu.

Subject:- PERSONAL HEARING.

I am directed to refer to the subject cited above and to state that it has been intimated by the Section Officer (Litigation) Higher Education Department Khyber Pakhtunkhwa Peshawar vide letter No.SO(Lit)/HE/Gen.Misc./Inquiry/P.Hearing of E&SE, dated 16.02.2018 that your personal hearing has been scheduled on 21.02.2018 at 1400 hours in the office of Secretary Higher Education Department.

2. You are hereby directed to ensure your presence during the personal hearing with the Secretary Higher Education Department, Khyber Pakhtunkhwa Peshawar on the above mentioned date, time and venue.

SECTION OFFICER (SCHOOLS MALE)

Endst: Even No. & Date:

Copy of the above is forwarded to the:-

1. District Education Officer Male Bannu with the direction to inform all the above accused for personal hearing.
2. Section Officer (Lit). Higher Education Department. w/r to his letter referred above.
3. PS to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
4. PS to Secretary Higher Education Department, Khyber Pakhtunkhwa, Peshawar.
5. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa, Peshawar.

SECTION OFFICER (SCHOOLS MALE)

ATTESTED

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16/2

Section Officer (Litigation)

GOVERNMENT OF KHYBER PAKHTUNKHWA
SECRETARY & SECONDARY EDUCATION
DEPARTMENT

Date: 12/05/2014

WHEREAS Mr. Doat Muhammad SS-17 GHS Lalo Bannu was proceeded against under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of misconduct as per part of the charge sheet and statement of allegation.

AND WHEREAS the inquiry committee after having examined the charges, examined the report and explanation of the accused, submitted the report.

AND WHEREAS minor penalty of "stoppage of two annual increments for two years" was imposed upon him vide show cause notice served upon him by the Competent Authority.

AND WHEREAS the Competent Authority (Chief Minister Khyber Pakhtunkhwa) after having examined the charges and evidence, reply to show cause notice and personal hearing ordered to issue a show cause notice to the Secretary Higher Education Department on behalf of the Chief Minister Khyber Pakhtunkhwa that the charges against him have been proved.

AND WHEREAS in exercise of the powers conferred under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 the Competent Authority (Chief Minister Khyber Pakhtunkhwa) is pleased to impose minor penalty of "withholding of one annual increment for one year" upon Mr. Doat Muhammad Subject Specialist Economics (BS-17) GHS Lalo Bannu with immediate effect.

SECRETARY

Under No. & Date

Copies forwarded to the:

- 1. Accountant General, Khyber Pakhtunkhwa Peshawar.
- 1. Director, I & SE Khyber Pakhtunkhwa, Peshawar.
- 1. General Education Officer (Male) Peshawar.
- 1. District Accounts Officer Bannu
- 1. PS to Secretary I&SE Department, Khyber Pakhtunkhwa, Peshawar.
- 1. Incharge I & SE Department.
- 1. Mr. Doat Muhammad Subject Specialist Economics (BS-17) GHS Lalo Bannu
- 1. Office infor file

ATTESTED

(Signature)
SECTION OFFICER (SCHOOLS MATR)

20-A

BETTER COPY

**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT**

Dated Peshawar the May 18, 2018

NOTIFICATION

No. SO(SM)E&SED/4-5/2017/M.Shafiq & dost Muhammad SS:

Whereas Mr. Dost Muhammad Subject Specialist Economics (BPS-17) GHSS Lalozei Bannu was proceeded against under Khyber Pakhtunkhwa Government Servants (Efficiency & discipline) Rules, 2011 for the charges of misconduct as explained in the charge sheet and statement of allegations.

2. **AND WHEREAS** M/S Imad Ali Additional secretary (EMS BPS-19) C&W Department and Muhammad Sultan Principal BP-19 GHSS Karal conducted formal inquiry against the accused.

3. **AND WHEREAS** the inquiry committee after having examined the charges evidence on record and explanation of the accused submitted the report.

4. **AND WHEREAS** minor penalty of stoppage of two annual increments for two years was tentatively imposed upon him vide show cause notice served upon him by the Competent Authority (Chief Minister Khyber Pakhtunkhwa)

5. **AND WHEREAS** the competent authority (Chief Minister Khyber Pakhtunkhwa) after having considered the charge and evidence, reply to show cause notice and personal hearing granted to him on 21.02.2018 by the Secretary Higher Education Department on behalf of the Chief Minister Khyber Pakhtunkhwa of the view that the charges against him have been proved.

6. **NOW, THEREFORE**, in exercise of the Powers conferred under the Khyber Pakhtunkhwa Government servants (efficiency & Discipline) Rules 2011 the Competent Authority (Chief Minister Khyber Pakhtunkhwa) is pleased to impose minor penalty of withholding of one annual increment for one year" upon Mr. Dost Muhammad Subject specialist Economic BPS-17) GHSS Lalozei Bannu with Immediate effect.

SECRETARY

Endst: of even No. & date

Copy forwarded to the:

1. Accountant general Khyber Pakhtunkhwa Peshawar
2. Director E&SE Khyber Pakhtunkhwa Peshawar
3. District Education Officer (Male) Bannu
4. District Accountants Officer Bannu
5. PS top Secretary E&SE Department, Khyber Pakhtunkhwa Peshawar
6. Incharge EMIS E&SE Department
7. Mr Dost Muhammad Subject Specialist Economics (BS-17) GHSS Lalozei Bannu
8. Office order file.

ATTESTED

**(ANEELA FAHIM)
SECTION OFFICER (SCHOOLS MALE)**

To

The Honorable Chief Secretary
Khyber Pakhtunkhwa

Subject: Review/Representation/Appeal against the Minor Penalty of Withholding of One annual increment for One year Vide Notification No: So(SM)E&SED/4-5/2017/M.Shafiq&Dost Muhammad SS

Prayer: On acceptance of this review/Representation to set aside the minor penalty of withholding of one annual increment for one year.

Dear Sir,

It is to inform your good self that the competent authority (Chief Minister KPK) has imposed minor penalty of withholding of one annual increment for one year with immediate effect. Actually this penalty was based on the following baseless charges leveled against me:

1. Misbehaved with the monitor
2. Used abusive language
3. Tried to beat the monitor
4. Stopped the monitor for compiling the report

Reference to the cited subject, the following points are put forth for consideration of your good self:

1. It is astonishing to note the contradictory report that on one side I was marked absent by the monitor, while on the other side I was blamed for the misbehavior etc, which is totally not believable and not appealing to a prudent mind. (copy attached)
2. That I am vexed twice for the same cause ie firstly my one day salary was deducted and secondly on the same ground one year annual increment withheld. (copy attached)
3. That no proper procedure was adopted by the department, and principles of natural justice were violated and the petitioner/appellant has been condemned unheard.
4. That my past ten years unblemished service record, punctuality and devotion towards my service in education department has altogether being ignored and all of a sudden baseless charges were leveled against me, which are totally false and incorrect.
5. That the mode and manner adopted by the department in my case is totally baseless, illegal and against the E&D rules, 2011 and is liable to be quashed/expunged at all.

Keeping in view the above mentioned facts, you are kindly requested to consider my case sympathetically and restore my annual increment. Regards

(Dost Muhammad Khan)
SS GHSS Lalozi Bannu

ATTESTED

Registered



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No.SO(SM)E&SED/4-5/2017/Shafiq & Dost Muhammad SS
Dated Peshawar the September 24, 2018


To

Mr. Dost Muhammad SS(Economics) BS-17.
Govt. Higher Secondary School,
Lalozai Bannu.

Subject:-

REVIEW/REPRESENTATION/APEAL AGAINST THE MINOR
PENALTY OF WITHHOLDING OF ONE ANNUAL INCREMENT
FOR ONE YEAR VIDE NOTIFICATION NO:SO(SM) E&SED/4-
5/2017/M.SHAFIQ&DOST MUHAMMAD SS.

I am directed to refer to your review appeal on the subject cited above and to state that the Appellate Authority/Chief Minister Khyber Pakhtunkhwa has rejected your review appeal having no valid grounds.


(MIAN HUSSAIN DIN)
SECTION OFFICER (SCHOOLS MALE)

Endst: Even No. & Date:

Copy of the above is forwarded to the:-

1. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
2. Director E&SE Khyber Pakhtunkhwa Peshawar

SECTION OFFICER (SCHOOLS MALE)

ATTESTED

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Dost Muhammad

VERSUS

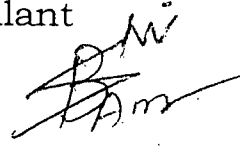
Govt of Khyber Pakhtunkhwa & others

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Application for place on file		1-2
2.	Copy of Relevant Documents		3-14

Dated: 14.05.2019

Appellant
Through


Bashir Khan Wazir
Advocate, High Court
Peshawar

①

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Dost Muhammad

VERSUS

Govt of Khyber Pakhtunkhwa & others

APPLICATION FOR PLACING ON FILE
NECESSARY AND IMPORTANT DOCUMENTS
FOR JUST DECISION OF THE CASE, IN THE
ABOVE NOTED CASE ON BEHALF OF
APPELLANT

Respectfully Sheweth:

1. That the above noted case is pending adjudication before this Hon'ble Court, which is fixed for 21.05.2019.
2. That inadvertently some important document was left which were part of the original record and are necessary to be placed on file for just decision of the above mentioned case.
3. That for the ends of justice the necessary and important documents are must be place on file and be read as peace and parcel of the original case.

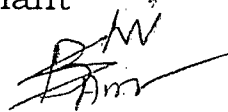
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4. That there is no legal bar to place on file the above mentioned document.

It is, therefore, most humbly prayed that on acceptance of this application the above mentioned document may very kindly be placed on file.

Dated: 14.05.2019

Appellant
Through



Bashir Khan Wazir
Advocate, High Court
Peshawar

AFFIDAVIT

It is solemnly affirm and declare on oath that the contents of the Instant Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

DEPONENT



I/c

(3)

**OFFICE OF THE DISTRICT EDUCATION OFFICER
BANNU ELEMENTARY & SECONDARY EDUCATION
PAKHTUNKHWA**

No. 277

Dated 27/11/16

To

The Principal GHSS Lalozai

Bannu.

Subject:- Deduction of 1 day from following List of Employees Found Absent by IMU Report in the Month of November 2016.

Memo:-

Refer to the cited subject above you are hereby informed that the following list of employees under your kind control have been found absent in the month of November 2016 through IMU report.

Therefore you are directed that 1 day deduction should made against each employee of your quarter concerned through proper chalan/through account change proforma and deposit in the Govt. treasury, one copy of deduction against each school of all employees should reach to the competent authority office.

In monthly DSC meeting with IMU, the Deputy Commissioner took serious notice against the absentism and directed the DEO(M), if there is no deduction made against the absent staff found by the IMU, then one week deduction should made directly from the Principal/Head Master of the High & Higher Secondary Schools otherwise the matter will be escalated to the high ups.

Teaching Staff

EMIS Code	Name of School	Monitoring Date	CNIC	Full Name	Designation	Status
35721	GHSS Lalozai	11/30/2016 9:03 AM	1110114506635	Abdul Raul Khan	SS	Absent
35721	GHSS Lalozai	11/30/2016 9:03 AM	1110159275979	ABDUL SAMMAR	DPE	Absent
35721	GHSS Lalozai	11/30/2016 9:03 AM	1110178425645	BAHADER ZAMAN	Qar/Car	Absent
35721	GHSS Lalozai	11/30/2016 9:03 AM	1110114312785	Dost Muhammad khan	SS	Absent
35721	GHSS Lalozai	11/30/2016 9:03 AM	1110169598075	MUHAMMAD SHAFIQ	SS	Absent
35721	GHSS Lalozai	11/30/2016 9:03 AM	1110101138589	NIJATU KHAN	SS	Absent
35721	GHSS Lalozai	11/30/2016 9:03 AM	1110114233969	Raham Di	SS	Absent
35721	GHSS Lalozai	11/30/2016 9:03 AM	1110114444727	Rifat ullah Khan	SS	Absent
35721	GHSS Lalozai	11/30/2016 9:03 AM	1110123168247	Rizwan Khan	SS	Absent
35721	GHSS Lalozai	11/30/2016 9:03 AM	1110176145695	SHALIL NAWAZ	SS	Absent
35721	GHSS Lalozai	11/30/2016 9:03 AM	1110114671219	Umar shah	SS	Absent

CHARGE SHEET

I, **Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa** as Competent Authority, hereby charge you, **Dost Muhammad Subject Specialist Economics (BS-17) GHSS Lalozei District Bannu** as follows:-

6

That you, while posted as Subject Specialist Economics (BS-17) GHSS Lalozei Bannu committed the following irregularity:

“You misbehaved with Mr. Farmanullah Khan IMU Monitor on his visit to your school on 30.11.2016, used abusive language, tried to beat him, refused to sign the attendance register and stopped him from compiling the report.”

- 2- By reason of the above, you appear to be guilty of misconduct under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Rules *ibid*.
- 3- You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the inquiry officer/inquiry committee, as the case may be.
- 4- Your written defence, if any, should reach the inquiry officer/inquiry committee within specified period, failing which it shall be presumed that you have no defence to put in and in that case *ex-parte* action shall be taken against you.
- 5- Intimate whether you desire to be heard in person.
- 6- A Statement of Allegations is enclosed.


(PERVEZ KHATTAK)
CHIEF MINISTER, KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

Dost Muhammad Subject Specialist Economics (BS-17),
GHSS Lalozei District Bannu.

DISCIPLINARY ACTION

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa as Competent Authority, am of the opinion that Dost Muhammad Subject Specialist Economics (BS-17). GHSS Lalozi District Bannu has rendered himself liable to be proceeded against, as he committed the following acts/ omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

7

STATEMENT OF ALLEGATIONS

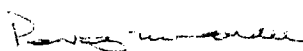
“He misbehaved with Mr. Farmanullah Khan IMU Monitor on his visit to his school on 30.11.2016, used abusive language, tried to beat him, refused to sign the attendance register and stopped him from compiling the report.”

2- For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer/ inquiry committee, consisting of the following, is constituted under Rule 10(1)(a) of the ibid Rules:

- i. Mr. Imad Ali (PMS-BS-17) Addl. Secy. G.S.V.
- ii. Mr. Neik Nawaz Khan (BS-17) S.H. District Bannu
- iii. _____

3- The inquiry officer/inquiry committee shall, in accordance with the provisions of the ibid Rules, provide reasonable opportunity of hearing to the accused, record its findings and make within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4- The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer/inquiry committee.


(PERVEZ KHATTAK)
CHIEF MINISTER, KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

Dost Muhammad Subject Specialist Economics (BS-17).
GHSS Lalozi District Bannu.



3
GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATIONS & WORKS DEPARTMENT

No.PA to AS/S&L,Bannu/C&W/2017_____

Dated: 19/09/2017



To,

1. Muhammad Shafiq, SS (History-cum-Civics) BS-18, GHSS, Lalozai Bannu.
2. Dost Muhammad, SS (Economics), BS- 17, GHSS, Lalozai Bannu.

Subject: INQUIRY.

Reference notification No.SO(SM)E&SED/4-5/2017/M.Shafiq & Dost Muhammad SS dated 11-09-2017, you are requested to appear before the committee on 25.09.2017 at 1000 hours.

Additional Secretary C&W
(Member Inquiry Committee)

Endst: of Even No & Date:

Copy is forwarded for information and necessary action to:

1. Mr. Muhammad Sultan, Principal (BS-19), GHSS, Karak.
2. Mr. Aurangzeb, Assistant Director (P&D) Directorate of E&SE Department, Peshawar.
3. PS to Secretary to Gov. of Khyber Pakhtunkhwa, Elementary and Secondary Education Department, Peshawar.

/
Additional Secretary C&W

3/A

9

To

The Inquiry Officers,

1. Mr. Imad Ali (PMS BS-19)
Additional Secretary,
C & W Department,
Khyber Pukhtunkhwa
2. Mr. Muhammad Sultan (BS-19)
Principal, GHSS, Karak

Subject: Written Defense of Inquiry

Sir,

I, Mr. Dost Muhammad Khan (SS Eco) BPS-17 submit the following written defense in reference to letter NO.SO(SM) & SED/4-5/2017. M.Shafiq & Dost Muhammad SS:

The four allegations leveled against me are totally baseless and self-composed. The fact is that it has never come into my knowledge that there has been any inquiry raised against me before the current inquiry nor have I been given any opportunity of defending any such inquiry yet.

The allegations can be addressed as follow:

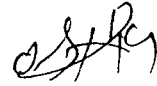
1. That I have misbehaved the monitor- seems fabricated. I have never used bad language to anyone.
2. That I have attempted to beat him is having no ground. I have never tried to do so.
3. That I have not signed the attendance register is also concocted. I, along with other subject specialists, signed the register on that days. (A copy of 30th November is attached for your perusal)
4. That I have stopped the monitor from compiling the report is also not true. The report was completely maintained without any interference. It was the outcome of this report that a One Day Deduction was cut down from all the SS staff. (Copies of pay slip of all the SSs are attached for your kind observation)

Strangely enough, that a person who has been marked by the IMU representative as absent on that day, then how he quarreled and misbehaved him. This simple discrepancy and irregularity in the report shows that it was baseless.

You are therefore requested to please look into the matter sympathetically.

Kind regards

22 September, 2017



Dost Muhammad Khan

SS (Economics)

GHSS, Lalozei, Bannu

46
GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No.SO(SM)E&SED/4-5/2017/M.Shafiq & Dost Muhammad SS GHSS Lalozai Bannu
Dated Peshawar the December 06, 2017

To

1. Mr. Muhammad Shafiq Ex-SS GHSS Lalozai Bannu,
(now SS GHSS Comprehensive Bannu).
2. Mr. Dost Muhammad SS GHSS Lalozai Bannu.

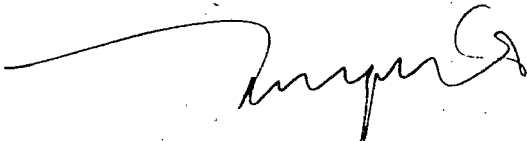
Subject:- **SHOW CAUSE NOTICE.**

I am directed to refer to the subject noted above and to enclose herewith a copy of Show Cause Notice wherein the Competent Authority (Chief Minister Khyber Pakhtunkhwa) has tentatively decided to impose upon you the minor penalty of "stoppage of two annual increments for two years" under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 in connection with the charges leveled against you.

2. You are therefore directed to furnish your reply to the Show Cause Notice as to why the aforesaid penalty should not be imposed upon you and **also intimate whether you desire to be heard in person.**

3. Your reply should reach this Department **within Seven (07) days** of the delivery of this letter otherwise ex-parte action shall be taken against you.

Encl: As Above:


(MUJEEB-UR-REHMAN)
SECTION OFFICER (SCHOOLS MALE)

Endst: Even No. & Date:

Copy of the above is forwarded to the:-

1. Director E&SE Khyber Pakhtunkhwa, Peshawar.
2. District Education Officer (Male), Bannu with the direction to ensure delivery of show cause notices to the accused.
3. PS to Secretary E&SE Khyber Pakhtunkhwa, Peshawar.

SECTION OFFICER (SCHOOLS MALE)

IMMEDIATE/THROUGH FAX

5
GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No. SO(SM)E&SED/4-5/2017/Shafiq & Dost Muhammad SS
Dated Peshawar the February 16, 2018

To

- ✓ 1. Mr. Muhammad Shafiq SS(H/Civics) BS-18,
GHSS Lalozaai Bannu.
2. Mr. Dost Muhammad SS(Economics) BS-17,
GHSS Lalozaai Bannu.

Subject:- **PERSONAL HEARING.**

I am directed to refer to the subject cited above and to state that it has been intimated by the Section Officer (Litigation) Higher Education Department Khyber Pakhtunkhwa Peshawar vide letter No. SO(Lit)/HE/Gen. Misc./Inquiry/P. Hearing of E&SE. dated 16.02.2018 that your personal hearing has been scheduled **on 21.02.2018 at 1400 hours** in the office of Secretary Higher Education Department.

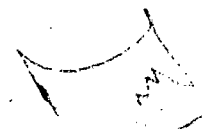
2. You are hereby directed to ensure your presence during the personal hearing with the Secretary Higher Education Department, Khyber Pakhtunkhwa Peshawar on the above mentioned date, time and venue.



SECTION OFFICER (SCHOOLS MALE)

Endst: Even No. & Date:

Copy of the above is forwarded to the:-

1. District Education Officer Male Bannu with the direction to inform all the above accused for personal hearing.
2. Section Officer (Lit). Higher Education Department, w/r to his letter referred above.
3. PS to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
4. PS to Secretary Higher Education Department, Khyber Pakhtunkhwa, Peshawar.
5. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa, Peshawar.


SECTION OFFICER (SCHOOLS MALE)


Section Officer (Litigation)

948
16/2

Dated Peshawar the May 18, 2018

NOTIFICATION

NO.SG(SM/E&SED)/4-5/2017/M.Shafiq & Dost Muhammad SS: WHEREAS Mr. Dost Muhammad Subject Specialist Economics (BS-17) GHSS Lalozaï Bannu was proceeded against under Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of misconduct as explained in the charge sheet and statement of allegations.

2. AND WHEREAS M/S Inad Ali, Additional Secretary (PMS BS-19) C.S.W. Department and Muhammad Sultan Principal BS-19 GHSS Karak conducted formal inquiry against the accused.

3. AND WHEREAS the inquiry committee after having examined the charges, evidence on record and explanation of the accused, submitted the report.

4. AND WHEREAS minor penalty of "stoppage of two annual increments for two years" was tentatively imposed upon him vide show cause notice served upon him by the Competent Authority (Chief Minister, Khyber Pakhtunkhwa).

5. AND WHEREAS the Competent Authority (Chief Minister Khyber Pakhtunkhwa) after having considered the charges and evidence, reply to show cause notice and personal hearing granted to him on 21.02.2018 by the Secretary Higher Education Department on behalf of the Chief Minister Khyber Pakhtunkhwa is of the view that the charges against him have been proved.

6. NOW, THEREFORE, in exercise of the powers conferred under the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) is pleased to impose minor penalty of "withholding of one annual increment for one year" upon Mr. Dost Muhammad Subject Specialist Economics (BS-17) GHSS Lalozaï Bannu with immediate effect.

SECRETARY

Copies: of even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male), Bannu.
4. District Accounts Officer Bannu.
5. PS to Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
6. incharge EMIS E&SE Department.
7. Mr. Dost Muhammad Subject Specialist Economics (BS-17) GHSS Lalozaï Bannu.
8. Office order file.

(ANEELA FAHIM)
SECTION OFFICER (SCHOOLS MALE)

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13

To

The Honorable Chief Secretary
Khyber Pakhtunkhwa

Subject: Review/Representation/Appeal against the Minor Penalty of Withholding of One annual increment for One year Vide Notification No: So(SM)E&SED/4-5/2017/M.Shafiq&Dost Muhammad SS

Prayer: On acceptance of this review/Representation to set aside the minor penalty of withholding of one annual increment for one year.

Dear Sir,

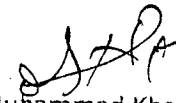
It is to inform your good self that the competent authority (Chief Minister KPK) has imposed minor penalty of withholding of one annual increment for one year with immediate effect. Actually this penalty was based on the following baseless charges leveled against me:

1. Misbehaved with the monitor
2. Used abusive language
3. Tried to beat the monitor
4. Stopped the monitor for compiling the report

Reference to the cited subject, the following points are put forth for consideration of your good self:

1. It is astonishing to note the contradictory report that on one side I was marked absent by the monitor, while on the other side I was blamed for the misbehavior etc, which is totally not believable and not appealing to a prudent mind. (copy attached)
2. That I am vexed twice for the same cause ie firstly my one day salary was deducted and secondly on the same ground one year annual increment withheld. (copy attached)
3. That no proper procedure was adopted by the department, and principles of natural justice were violated and the petitioner/appellant has been condemned unheard.
4. That my past ten years unblemished service record, punctuality and devotion towards my service in education department has altogether being ignored and all of a sudden baseless charges were leveled against me, which are totally false and incorrect.
5. That the mode and manner adopted by the department in my case is totally baseless, illegal and against the E&D rules, 2011 and is liable to be quashed/expunged at all.

Keeping in view the above mentioned facts, you are kindly requested to consider my case sympathetically and restore my annual increment. Regards


(Dost Muhammad Khan)
SS GHSS Lalozi Bannu

Registered



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No.SO(SM)E&SED/4-5/2017/Shafiq & Dost Muhammad SS
Dated Peshawar the September 24, 2018

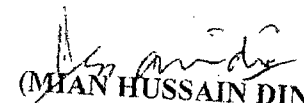
To

Mr. Dost Muhammad SS(Economics) BS-17,
Govt. Higher Secondary School,
Lalozai Bannu.

14

Subject:- REVIEW/REPRESENTATION/APPEAL AGAINST THE MINOR
PENALTY OF WITHHOLDING OF ONE ANNUAL INCREMENT
FOR ONE YEAR VIDE NOTIFICATION NO:SO(SM) E&SED/4-
5/2017/M.SHAFIQ&DOST MUHAMMAD SS.


I am directed to refer to your review appeal on the subject cited above and to state that the Appellate Authority/Chief Minister Khyber Pakhtunkhwa has rejected your review appeal having no valid grounds.


(MAN HUSSAIN DIN)
SECTION OFFICER (SCHOOLS MALE)

Endst: Even No. & Date:

Copy of the above is forwarded to the:-

1. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
2. Director E&SE Khyber Pakhtunkhwa Peshawar


SECTION OFFICER (SCHOOLS MALE)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

S.A.# 1425/2018

Dost Muhammad Appellant

VERSUS

1. Govt of KPK through Chief Secretary, Civil Secretariat Peshawar..... Respondent
2. Secretary of Elementary & Secondary Education, KPK Peshawar.
3. District Education Officer (Male) Bannu.

PARAWISE COMMENTS FOR & ON BEHALF OF THE RESPONDENTS NO 2 *du*

Respectfully Sheweth:

The Respondents submit as under:-

Preliminary Objections

1. The appellant has got no cause of action/locus standi.
2. The instant appeal is badly time barred.
3. The appellant has concealed the material facts from this Hon'able Tribunal, hence is liable to be dismissed on this score.
4. The appellant has not come to this Hon'able Tribunal with clean hands.
5. The appellant has filed the instant appeal with malafide intension just to pressurize the Respondent for gaining illegal service benefits.
6. The present appeal is liable to be dismissed fro mis-joinder & non joinder of necessary parties.
7. The instant appeal is against the prevailing law & rules.
8. The appellant is estopped by her own conduct to file the instant appeal.
9. The instant appeal is not maintainable in its present form and also in the present circumstances of the issue.
10. That the order/notification is legally competent and is liable to be maintained in favour of the Respondent.
11. That the appellant has been treated as per law, rules and discretionary powers conferred upon Respondent No.1, under section-10 of Civil Servant Act 1973.
12. That this Hon'able Tribunal has got no jurisdiction to entertain the instant service appeal, as no Departmental Appeal has been filed by the Appellant.
13. That the Appellant is not an aggrieved person under the relevant Article-212 of 1973 Constitution of Pakistan.

FACTS.

1. Para-1 is relates to Service record of the appellant hence no comments.
2. Incorrect. The Appellant has been proved guilty of charges committed by him. The Monitoring officer registered a complaint against the Appellant.
3. Correct to the extent that they were marked as absent in IMU report. IMU Monitor Farman Ullah visited the said school on 30.11.2016 during checking the attendance register of the teachers none of them have signed their attendance, so the Monitor asked the Appellant alongwith others to sign the attendance register but the appellant leading their others colleagues refused to sign the attendance register. The Appellant misbehaved with Monitor, used abusive language, tried to beat him and stopped him from compiling the report.

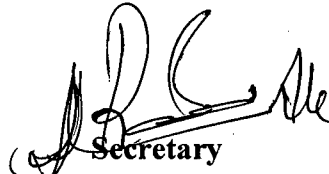
4. Incorrect. Explained in Para – 3 above, however the appellant show/ prove his attendance on the same day.
5. That, Mr. Farman Ullah IMU Monitor submitted a complaint against Mr. Dost Muhammad & Muhammad Shafiq Subject Specialist and DMO Bannu forwarded the same complaint to Deputy Commissioner Bannu. Assistant Commissioner Bannu was appointed inquiry Officer to carry out fact finding inquiry in the subject matter. The Principal in writing endorsed the charges leveled in the complaint. After inquiry the charges leveled against the Appellants were proved and DC Bannu recommended the case to Secretary E&SE for conducting formal inquiry. Secretary E&SE with the approval of the Competent Authority appointed Imad Ali Additional Secretary C&W (PMS - 19) and Muhammad Sultan Principal GHSS Karak (BPS - 19) as inquiry officers. The Competent Authority initiated disciplinary action against the appellant and issued charged sheet, Statement of allegation. The inquiry committee after conducting formal inquiry found all the charges correct against the appellant and proved him guilty of misconduct. An opportunity of personal hearing was given to the appellant. A penalty of withholding of two increments for two years was reduced to withholding of one increment for one year was awarded to appellant.
6. As explained in Para– 3 & 5 above. Statement of allegations & charge sheet are annexed with Service Appeal while Inquiry Report is annexed at (**Annex-A**).
7. Correct to the extent of Inquiry. A Civil Servant guilty of misconduct, indiscipline is liable to a departmental action under the Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules 1973 (hereinafter called as E&D Rules).
8. The mentioned written defense is devoid of valid grounds/ justification.
9. Correct to the extent of show cause notice was served upon the appellant (Copy of show cause notice attached with Service Appeal as annex-F).
10. That ample opportunity of defense in shape of personal hearing was provided to the appellant. (Copy of personal hearing is attach with Service Appeal as annex-G).
11. That the competent authority has considered the charges against the appellant, which was proved. After fulfilling all codal formalities the competent authority taking a lenient view to reduce the penalty of withholding of two increments for two years to withhold of one increment for one year.
12. That the departmental appeal was of the allegations leveled against the appellant is correct/proved. Hence, his departmental appeal was rejected.
13. That the appellant has no cause of action to file the instant appeal and the appeal in hand is to be dismissed inter alia on the following grounds.

GROUND:

- A. Incorrect and not admitted. The Appellant has been treated in accordance with law and no right of the Appellant has been violated. Hence denied being a false and baseless and against the facts, record and inquiry proceedings.
- B. Incorrect and not admitted. Appellant proved to have committed the offence of misconduct
- C. Incorrect. The statement of the Appellant is false, baseless, against the facts, record and inquiry report. In fact, Proper inquiry proceedings were conducted against the Appellant and proper procedure was adopted in the subject inquiry.
- D. As explained in Para – 3 above
- E. Incorrect. The Appellant has been found guilty of misconduct by the inquiry committee appointed by the Competent Authority in the subject matter. The Principal and other allied staff were witness to the whole affair and endorsed the charges of gross misconduct leveled against the Appellant.
- F. As explained in Para – 3 the Appellant refused to sign the attendance register for that reason he was marked as absent in IMU report. The Appellant also misbehaved with IMU Monitor, used abusive language, tried to beat him and stopped him from compiling the report.

- G. Incorrect and not admitted. The statement of the appellant is manufacture one and a mere concocted story. The allegations against the appellant were found by the inquiry officer.
- H. Incorrect. The Appellant has been provided an opportunity of Personal hearing.
- I. Incorrect and not admitted. The charges leveled against the appellant are based on facts which were proved within the meaning of law by the inquiry officer.
- J. Incorrect and not admitted. The appellant has been treated in accordance with law and no right of the appellant has been violated. Hence denied.
- K. The Respondents also seek the permission of this Hon'able Tribunal to adduce more grounds and proofs at time of arguments.

In view of the above made submissions, it is therefore, most humbly prayed that this Hon'able Tribunal may very graciously be pleased to dismiss the appeal with cost in favour of the Respondents.



Secretary

Elementary & Secondary Education Department

Government of Khyber Pakhtunkhwa
Communications and Works Department

No.PA to AS/ C&W/2017 1050-51
Dated: 31/10/2017

To

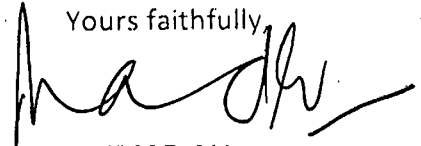
The Secretary to Government of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department

Subject: INQUIRY.

Dear Sir,

With reference to E&SE Department Notification no: SO(SM)E&SED/4-5/2017/M.Shafiq & Dost Muhammad SS, dated 11.09.2017 on the subject cited above and to forward herewith the Inquiry Report (in Original) along with annexures.

Yours faithfully,



IMAD ALI

Additional Secretary C&W
(Member Inquiry Committee)

Endorsement No & Date Even:

Copy is forwarded for information and necessary action to:

1. Director, E&SE Department, Khyber Pakhtunkhwa, Peshawar.

Additional Secretary C&W

PSO
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07/11/2017

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1/11

SO SEM
07/11/17

Subject: **INQUIRY REPORT**

The Elementary and Secondary Education Department vide its notification no. SO(SM) E&SED/4-5/2017/ M. Shafiq & Dost Muhammad SS dated 11/09/2017 (Annexure-A) had constituted a Committee to conduct a formal Inquiry. The following were appointed as Inquiry Officers:

1. Mr. Imad Ali, Additional Secretary (PMS BS-19), C&W Department.
2. Mr. Muhammad Sultan, Principal (BS-19), GHSS Karak.

The inquiry against Mr. Shafiq and Mr. Dost Mohammad was on the following charges:

“You misbehaved with Mr. Farmanullah Khan IMU Monitor on his visit to your school on 30/11/2016, used abusive language, tried to beat him, refused to sign the attendance register and stopped him from compiling the report”.

The Inquiry Proceedings:

The accused Mr. M.Shafiq & Mr. Dost Muhammad SS of GHSS Lalozi Bannu failed to timely submit their replies as required in the charge sheet. They both appeared before the Inquiry Committee twice i.e. on 26-07-2017 and 25-09-2017 (Annexure-B). During the first session the Assistant Director, Directorate of Elementary and Secondary Education Mr. Aurangzeb, who was appointed as departmental representative for assistance and provision of the related record to the Inquiry Committee, also arrived, but the meeting was postponed due to the request of the other member of the inquiry committee (Annexure-C); for dropping his name/relieving him from the said assignment on medical grounds.

Thereafter, on 11-10-2017, the present District Monitoring Officer Bannu (Independent Monitoring Unit (IMU) Elementary and Secondary Education Department) appeared before the committee (Annexure-D); along with Mr. Farmanullah concerned Data Collection and Monitoring Assistant (DCMA) IMU and shared their point of view.

Brief facts of the Case:

1. During a routine visit by a monitor named Mr. Farmanullah on 30-11-2016 it came to his notice that in Government Higher Secondary School, Lalozi Bannu two registers are being maintained for daily attendance of teachers. The subject specialists were of the view that as their portion is separate from the High School Building therefore it is not convenient to them that they enter their signatures in one register.
2. On this issue the monitor requested all the subject specialists for their signatures in the register available in the Principal's office. But all refused to enter their signatures. However, it was reported locally and to the inquiry committee that the exchange of harsh words took place among DCMA Farmanullah and both the accused teachers and the then Deputy Commissioner also took a notice of the event.

3. Now both the SS refuse the charges and state that they have neither used abusive language nor misbehaved or attempted to beat and stop the monitor from compiling the independent monitoring unit report (Annexure-E).
4. They further stated that there are two sections of the school i.e. one higher secondary and the other high section but according to the past practice and since long a separate attendance register is being maintained in the higher secondary sections in each and every government higher secondary school. So they sign/mark their attendance in a separate register maintained at higher secondary level which was signed by them on the day of visit too. They stated that on the day of inspection i.e. on 30/11/2016 Mr. Farmanullah IMU monitor came to the school at 08.50 am while they were present in the school and busy in their work. The monitor called the SS one by one to the office of the principal and ordered them to put their signatures in the combined attendance register maintained in the secondary section which the SS refused and said that they have signed the attendance register of the higher secondary section. They further stated that no harsh words took place then (Annexure-F).
5. This act of maintaining two separate registers for high and higher secondary schools, as per statement of the accused teachers, is in the light of the decision of Dy. DEO Bannu Mr. Zahoor.

Statement of the principal:

The principal GHSS Lalozai Bannu Mr. Balqias Khan in his statement (Annexure-G) before the inquiry committee submitted his written statement. He stated that on 30/11/2016 the monitor called the SS to his office (Principal office) and asked them to sign the combined attendance register but all the SS refused to sign the combined attendance register and exchange of harsh words took place between SS Dost Muhammad and IMU monitor. Later on Muhammad Shafiq SS also misbehaved and threaten IMU monitor but the teachers came and patched up the problem. Next day DMO Bannu called the Principal to his office and he gave his verbal statement to the DMO. Thus deduction of one day salary was made from all the SS by the DEO as per policy of the government (Annex-H).

Statements of other SS Teachers:

The statement of other SS teachers and the school staff is attached as (Annex-F). The other SS teachers and some class IV stated by oath that they were all present in the school. The monitor called them to the office but they all replied that they usually enter their signatures in a separate register and this they do according to the decision of Dy. DEO Bannu Mr. Zahoor. They consider the separate register sufficient and are not ready to sign any other register. All the SS further stated that no abusive language or misbehavior had occurred between any SS or the monitor on that day.

Statement of Mr. Farmanullah Monitor:

Mr. Farmanullah monitor is adamant on his previous statement.

Findings:

- a. Report of the IMU monitor attains completion on the signature of the Principal. It means that the Principal was satisfied to the entries made by the monitor. Further he also attended the office of the DMO after the event.
- b. Visibly there seems confusion between the Principal and the staff on the maintenance of the two separate registers. If the Principal is aware of the fact that Mr. Zahoor Dy. DEO has directed for the maintenance of the two separate registers then the existence of the names of the Subject Specialists in the two registers at the same time is beyond comprehension.
- c. The non-compliance of the signature on the register being maintained by the Principal somehow halted the monitor from entering the data correctly.
- d. The principal of the school has neither stressed nor called any explanation from the SS regarding the order book which was refused by all the SS and he marked them present even in the combined attendance register by putting "P" on daily basis which is evident from the photocopy of the order book and combined register. So his maintaining the names of the Subject Specialist in both the registers is his personal arrangement best known to him and for this he should not have involved the monitor. Further the signatures of both the accused entered in the register and the reply/statement made to the inquiry committee are altogether different (Annexure-I) which shows their deceitful act and the mal-administration of the said Principal. This shows that the monitor has rightly asked them to enter their signatures to which they refused.
- e. Their refusal of the signatures in the register maintained at the office of the Principal no doubt put the monitor in a confused position as he has no place in the available software to enter the entries of the two registers. Their refusals to the observation thus lead to their entries as absent. But this data is shared with the District Education Officer and as per rules it is the duty of the District Education Officer to satisfy him before taking any stern action. If this problem had arisen and the accused teachers reported the same to the DEO then he should have consulted the Principal before deducting the pay of the accused teachers and all other SS who were marked absent in view of their refusal to sign in the register maintained in the office of the Principal.
- f. The statement of the Principal and the accused teachers are contradictory. As per the statement of the Principal Mr. Balqias Khan of GHSS Laloza Bannu exchange of harsh words took place between SS Dost Muhammad and the IMU Monitor Farmanullah. He further stated that after a short interval Muhammad Shafiq SS came and misbehaved and threaten IMU monitor but other teachers came and patched up the problem.
- g. Not only the two accused but all the SS refused to sign the register being maintained by the Principal at his office.
- h. It is also a fact that it is a long time controversy between the department and all the SS of KPK that they do not accept combined attendance register(s) with other teachers and class IV servants. It is also a fact that the department has recently issued a letter bearing No.PA/ASD/E&SE/2017 dated 21/08/2017 for maintaining separate registers (Annex-J), thus subjecting itself to the longstanding demand of the Subject Specialists.

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indian

Recommendations:

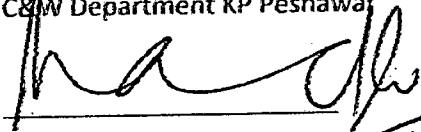
All five charges mentioned in the charge sheet and statements of allegations are correct. The accused teachers however gave a contradictory statement against the available record and the statement of the Principal.

The above facts of the case show that both the accused SS Dost Muhammad and Muhammad Shafiq violated the government procedures existed then and did not conform to the regulations. Instead they only relied on a setting made by the Dy. DEO.

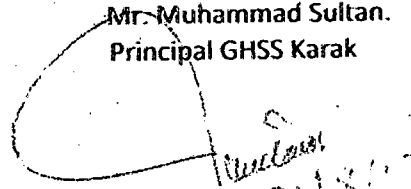
The wrong statement of the accused teachers as to the happening of the event is a matter of serious concern as they are holding an important position as teachers and this attitude is harmful not only for the government affairs but also for the future generation.

The monitor should have only stated the facts of the case and left. His focus of getting signatures on the register being maintained by the Principal was not his duty. Instead he should have taken the data of the two registers separately and report his immediate officer.

Mr. Imad Ali
Additional Secretary,
CBW Department KP Peshawar


31/x/17

Mr. Muhammad Sultan,
Principal GHSS Karak


31/x/17



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Annex - A

NO.PA to A.S/C&W/2017
Dated Peshawar the 19.07.2017

37-48
20/7/2017

To

1. Muhammad Shafiq,
SS(History-cum-Civics)BS-18,GHSS Lalozai Bannu.
2. Dost Muhammad,
SS(Economics) BS-17 GHSS,Lalozai Bannu.

SUBJECT: INQUIRY.

Reference notification No.SO(SM)E&SED/4-5/2017/M.Shafiq& Dost Muhammad SS dated 30-06-2017 and earlier intimation you are requested to appear before the committee on 26-7-2017 at 10.00 AM instead of 24-07-2017.

IMAD ALI
Additional Secretary C&W
(Member Inquiry Committee)

Copy for information and necessary action to:-

1. Mr.Naik Nawaz Khan Principal (BS-19) GHS, Sikandar Khel Bala Bannu.
2. Mr. Aurangzeb ,Assistant Director (P&D) Directorate of E&SED, Peshawar.
3. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Elementary & Secondary Education Department Peshawar.

Additional Secretary C&W

20-7-17

BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

Service Appeal # 1425/2018

DOST MUHAMMAD..... Petitioner

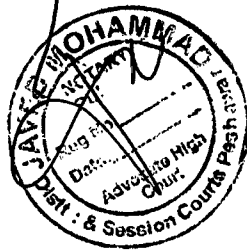
VERSUS

Govt. of Khyber Pakhtunkhwa & others..... Respondents

AFFIDAVIT

I, KHALID MATEEN, Section Officer (Litigation-II) Elementary & Secondary Education, Department do hereby solemnly affirm and declare that the contents of the accompanying para-wise comments, submitted by the respondents, are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable court.

ATTESTED



DEPONENT

KHALID MATEEN
Section Officer (Lit-II)
E&SE Department Peshawar

23

بعد االت جناب سردس ٹراکٹریل کے لیے شہاد



2018ء پنجاب دوست محمد خان

بنام
گورنمنٹ آف اے آئی اے ایلمنٹری اینڈ
سیکنڈری ایجوکیشن جس وغیرہ

موزخہ
مقدمہ
دعوی
جرم

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ
 آن مقام سید اور کیلئے بشیر خان وزیر ایڈوکیٹ عبدالغفور ایڈووکیٹ
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو رضی نامہ کرنے و تقرر ثالثہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور
 بسورت ڈگری کرنے اجراء اور صولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ
 پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب سے ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

Accepted
2018

ماہ اکتوبر

24.10.18

المقوم

کے لئے منظور ہے۔

شہاد

بمقام

Accepted

Attested A. LAR

"B"

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

No.

Appeal No..... of 20

1425
Appellant/Petitioner
M.A. Dost / M. W. W. Versus

Respondent
Respondent No.....

Notice to:

[Handwritten signature]

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

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

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

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

Day of.....20

Aug 18

564

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

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

No.

1425
Appeal No..... of 20
..... Appellant/Petitioner
Versus
..... Respondent
Respondent No.....

Notice to:
(Mute) Bannu


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

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

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

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

Day of..... 20


Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

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

No.

Appeal No. 1425 of 20 19.

Dost Muhammad Khan Appellant/Petitioner

through Chief Secy etc, Respondent

Respondent No. 3

Notice to: —

District Education Officer (Male)

Bannu.

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 4-12-2019 at 8.00 A.M. If you wish to urge anything against the appelland/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this.....19th

Day of.....Nov 20 19.

(for reply Last chance)

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

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

"B"

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

No.

1425

18

Appel No. of 20
Dost Mohammad Khan
..... Appellant/Petitioner

through Chief ^{Versus} Secy etc,
..... Respondent

Secretary of Elementary & Secondary
..... Respondent No.

Notice to:

Education KPK Peshawar

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

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

Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No.....dated..... 19/12

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

Day of.....20

(Last chance)

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

Handwritten signature/initials

"B"

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

No.

Appeal No.....1425..... of 2018.

.....Dost Muhammad Khan.....Appellant/Petitioner

Versus

.....Thorough Chief Secy.....Respondent

Respondent No.....I.....

Notice to: — Govt. of KPK through Chief Secretary
Civil Secretariat Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....4/12/2018.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

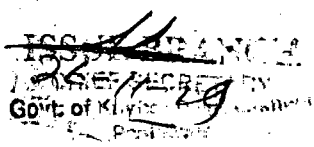
Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition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

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

Given under my hand and the seal of this Court, at Peshawar this...13/12.....

Day of.....Nov.....2018.....

(Box Reply Last chance)



[Signature]
Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

m

Government of Khyber Pakhtunkhwa
Communications and Works Department

No. PA to AS/ C&W/2017 1050-5
Dated: 31/10/2017

To

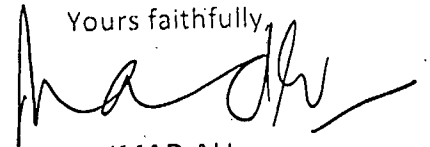
The Secretary to Government of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department

Subject: INQUIRY.

Dear Sir,

With reference to E&SE Department Notification no: SO(SM)E&SED/4-5/2017/M.Shafiq & Dost Muhammad SS, dated 11.09.2017 on the subject cited above and to forward herewith the Inquiry Report (in Original) along with annexures.

Yours faithfully,



IMAD ALI

Additional Secretary C&W
(Member Inquiry Committee)

Endorsement No & Date Even:

Copy is forwarded for information and necessary action to:

1. Director, E&SE Department, Khyber Pakhtunkhwa, Peshawar.

Additional Secretary C&W

PSO
m
11/11/17

SO(SM)
11/11/17

INQUIRY REPORT

The Elementary and Secondary Education Department vide its notification no. SO(SM) E&SED/4-11/2017/M. Shafiq & Dost Muhammad SS dated 11/09/2017 (Annexure-A) had constituted a Committee to conduct a formal Inquiry. The following were appointed as Inquiry Officers:

1. Mr. Imad Ali, Additional Secretary (PMS BS-19), C&W Department.
2. Mr. Muhammad Sultan, Principal (BS-19), GHSS Karak.

The inquiry against Mr. Shafiq and Mr. Dost Mohammad was on the following charges:

"You misbehaved with Mr. Farmanullah Khan IMU Monitor on his visit to your school on 30/11/2016, used abusive language, tried to beat him, refused to sign the attendance register and stopped him from compiling the report".

The Inquiry Proceedings:

The accused Mr. M. Shafiq & Mr. Dost Muhammad SS of GHSS Lalozai Bannu failed to timely submit their replies as required in the charge sheet. They both appeared before the Inquiry Committee twice i.e. on 26-07-2017 and 25-09-2017 (Annexure-B). During the first session the Assistant Director, Directorate of Elementary and Secondary Education Mr. Aurangzeb, who was appointed as departmental representative for assistance and provision of the related record to the Inquiry Committee, also arrived, but the meeting was postponed due to the request of the other member of the inquiry committee (Annexure-C); for dropping his name/relieving him from the said assignment on medical grounds.

Thereafter, on 11-10-2017, the present District Monitoring Officer Bannu (Independent Monitoring Unit (IMU) Elementary and Secondary Education Department) appeared before the committee (Annexure-D); along with Mr. Farmanullah concerned Data Collection and Monitoring Assistant (DCMA) IMU and shared their point of view.

Brief facts of the Case:

1. During a routine visit by a monitor named Mr. Farmanullah on 30-11-2016 it came to his notice that in Government Higher Secondary School, Lalozai Bannu two registers are being maintained for daily attendance of teachers. The subject specialists were of the view that as their portion is separate from the High School Building therefore it is not convenient to them that they enter their signatures in one register.
2. On this issue the monitor requested all the subject specialists for their signatures in the register available in the Principal's office. But all refused to enter their signatures. However, it was reported locally and to the inquiry committee that the exchange of harsh words took place among DCMA Farmanullah and both the accused teachers and the then Deputy Commissioner also took a notice of the event.

3. Now both the SS refuse the charges and state that they have neither used abusive language nor misbehaved or attempted to beat and stop the monitor from compiling the independent monitoring unit report (Annexure-E).
4. They further stated that there are two sections of the school i.e. one higher secondary and the other high section but according to the past practice and since long a separate attendance register is being maintained in the higher secondary sections in each and every government higher secondary school. So they sign/mark their attendance in a separate register maintained at higher secondary level which was signed by them on the day of visit too. They stated that on the day of inspection i.e. on 30/11/2016 Mr. Farmanullah IMU monitor came to the school at 08.50 am while they were present in the school and busy in their work. The monitor called the SS one by one to the office of the principal and ordered them to put their signatures in the combined attendance register maintained in the secondary section which the SS refused and said that they have signed the attendance register of the higher secondary section. They further stated that no harsh words took place then (Annexure-F).
5. This act of maintaining two separate registers for high and higher secondary schools, as per statement of the accused teachers, is in the light of the decision of Dy. DEO Bannu Mr. Zahoor.

Statement of the principal:

The principal GHSS Lalozai Bannu Mr. Balqias Khan in his statement (Annexure-G) before the inquiry committee submitted his written statement. He stated that on 30/11/2016 the monitor called the SS to his office (Principal office) and asked them to sign the combined attendance register but all the SS refused to sign the combined attendance register and exchange of harsh words took place between SS Dost Muhammad and IMU monitor. Later on Muhammad Shafiq SS also misbehaved and threaten IMU monitor but the teachers came and patched up the problem. Next day DMO Bannu called the Principal to his office and he gave his verbal statement to the DMO. Thus deduction of one day salary was made from all the SS by the DEO as per policy of the government (Annex-H).

Statements of other SS Teachers:

The statement of other SS teachers and the school staff is attached as (Annex-F). The other SS teachers and some class IV stated by oath that they were all present in the school. The monitor called them to the office but they all replied that they usually enter their signatures in a separate register and this they do according to the decision of Dy. DEO Bannu Mr. Zahoor. They consider the separate register sufficient and are not ready to sign any other register. All the SS further stated that no abusive language or misbehavior had occurred between any SS or the monitor on that day.

Statement of Mr. Farmanullah Monitor:

Mr. Farmanullah monitor is adamant on his previous statement.

3. Now both the SS refuse the charges and state that they have neither used abusive language nor misbehaved or attempted to beat and stop the monitor from compiling the independent monitoring unit report (Annexure-E).
4. They further stated that there are two sections of the school i.e. one higher secondary and the other high section but according to the past practice and since long a separate attendance register is being maintained in the higher secondary sections in each and every government higher secondary school. So they sign/mark their attendance in a separate register maintained at higher secondary level which was signed by them on the day of visit too. They stated that on the day of inspection i.e. on 30/11/2016 Mr. Farmanullah IMU monitor came to the school at 08.50 am while they were present in the school and busy in their work. The monitor called the SS one by one to the office of the principal and ordered them to put their signatures in the combined attendance register maintained in the secondary section which the SS refused and said that they have signed the attendance register of the higher secondary section. They further stated that no harsh words took place then (Annexure-F).
5. This act of maintaining two separate registers for high and higher secondary schools, as per statement of the accused teachers, is in the light of the decision of Dy. DEO Bannu Mr. Zahoor.

Statement of the principal:

The principal GHSS Lalozai Bannu Mr. Balqias Khan in his statement (Annexure-G) before the inquiry committee submitted his written statement. He stated that on 30/11/2016 the monitor called the SS to his office (Principal office) and asked them to sign the combined attendance register but all the SS refused to sign the combined attendance register and exchange of harsh words took place between SS Dost Muhammad and IMU monitor. Later on Muhammad Shafiq SS also misbehaved and threaten IMU monitor but the teachers came and patched up the problem. Next day DMO Bannu called the Principal to his office and he gave his verbal statement to the DMO. Thus deduction of one day salary was made from all the SS by the DEO as per policy of the government (Annex-H).

Statements of other SS Teachers:

The statement of other SS teachers and the school staff is attached as (Annex-F). The other SS teachers and some class IV stated by oath that they were all present in the school. The monitor called them to the office but they all replied that they usually enter their signatures in a separate register and this they do according to the decision of Dy. DEO Bannu Mr. Zahoor. They consider the separate register sufficient and are not ready to sign any other register. All the SS further stated that no abusive language or misbehavior had occurred between any SS or the monitor on that day.

Statement of Mr. Farmanullah Monitor:

Mr. Farmanullah monitor is adamant on his previous statement.

Recommendations:

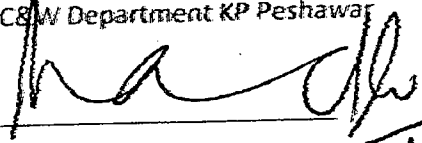
All five charges mentioned in the charge sheet and statements of allegations are correct. The accused teachers however gave a contradictory statement against the available record and the statement of the Principal.

The above facts of the case show that both the accused SS Dost Muhammad and Muhammad Shafiq violated the government procedures existed then and did not conform to the regulations. Instead they only relied on a setting made by the Dy. D&O.

The wrong statement of the accused teachers as to the happening of the event is a matter of serious concern as they are holding an important position as teachers and this attitude is harmful not only for the government affairs but also for the future generation.

The monitor should have only stated the facts of the case and left. His focus of getting signatures on the register being maintained by the Principal was not his duty. Instead he should have taken the data of the two registers separately and report his immediate officer.

Mr. Imad Ali
Additional Secretary,
C&W Department KP Peshawar


31/x/17

Mr. Muhammad Sultan,
Principal GHSS Karak





GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

NO.PA to A.S/C&W/2017
Dated Peshawar the 19.07.2017

Handwritten: 37-48
20/7/2017

To

1. Muhammad Shafiq,
SS(History-cum-Civics)BS-18,GHSS Lalozi Bannu.
2. Dost Muhammad,
SS(Economics) BS-17 GHSS,Lalozi Bannu.

SUBJECT: INQUIRY.

Reference notification No.SO(SM)E&SED/4-5/2017/M.Shafiq& Dost Muhammad SS dated 30-06-2017 and earlier intimation you are requested to appear before the committee on 26-7-2017 at 10.00 AM instead of 24-07-2017.

Handwritten signature of Imad Ali

IMAD ALI
Additional Secretary C&W
(Member Inquiry Committee)

Copy for information and necessary action to:-

1. Mr.Naik Nawaz Khan Principal (BS-19) GHS, Sikandar Khel Bala Bannu.
2. Mr. Aurangzeb ,Assistant Director (P&D) Directorate of E&SED, Peshawar.
3. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Elementary & Secondary Education Department Peshawar.

Handwritten signature of Additional Secretary C&W

Additional Secretary C&W

Handwritten: 20-7-17