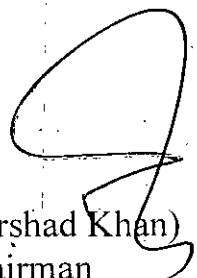


27<sup>th</sup> Sept 2022

Learned counsel for the appellant present and heard. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Written reply/comments not submitted. Respondents are directed to submit written reply/comments on the next date. To come up for reply/preliminary hearing on 24.10.2022 before S.B at camp court D.I.Khan.



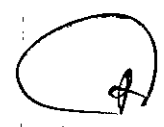
(Kalim Arshad Khan)  
Chairman  
Camp Court D.I.Khan

24.10.2022

Junior to counsel for appellant present.

Kabir Ullah Khattak, learned Additional Advocate General for respondents present.

Reply not submitted. Learned AAG requested for time to submit reply/comments. Last opportunity is granted. To come up for reply/preliminary hearing on 21.11.2022 before S.B at Camp Court, D.I.Khan.



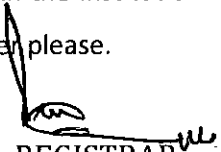


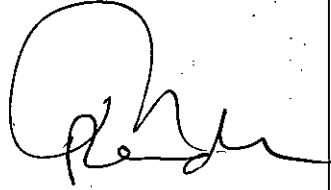
(Rozina Rehman)  
Member (J)  
Camp Court, D.I.Khan

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 878/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	03/06/2022	<p>The appeal of Mr. Shaukat Ali Jan received today by registered post through Mr. Ahmad Ali Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	16.6.22	<p>This case is entrusted to touring Single Bench at D.I.Khan for preliminary hearing to be put there on <u>29-6-22</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p> CHAIRMAN</p>
29 <sup>th</sup> June 2022		<p>Counsel for the appellant present.</p> <p>Let pre-admission notice be issued to the respondents for written reply and preliminary arguments. To come up for preliminary hearing on 22.08.2022 before S.B at camp court D.I.Khan.</p> <p> (Kalim Arshad Khan) Chairman Camp Court D.I.Khan</p> <p><i>due to summer vacation to come up for the same on 22/8/22</i></p> <p></p>
22/8/22		

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

Case Title: Shoukat Ali Sar vs Govt of KP & others

S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>Advocate</u>		
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?		
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?		
16.	Whether appeal contains cuttings/overwriting?		✓
17.	Whether list of books has been provided at the end of the appeal?		
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on		
26.	Whether copies of comments/reply/rejoinder submitted? on		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:

Khalid Mahmud  
Adv

Signature:

[Handwritten Signature]

Dated:

31/5/2022

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

Service Appeal No. 878 of 2022

Shaukat Ali Jan .....

Appellant

Versus

Government of K.P.K through  
Secretary Education Department  
and others .....

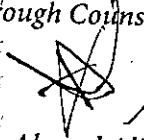
Respondents

INDEX

S. No.	Description of documents	Annexures	Page #
1	Grounds of Appeal with affidavit		1-11
2	Copy of appointment letter	A	12-19
3	Copies of writ petition and judgment dated 27.10.2021 & copy of inquiry report	B & C C1	20-31
4	Copy of letter dated 08.12.2021	D	32
5	Copy of impugned order dated 22.12.2012	E	33-34
	Copy of Departmental Appeal/representation	F	35-40
	Vakalatnama		41-42

Dt. 31/5/2022

Yours humble Appellant  
Through Counsel



Ahmad Ali  
Advocate Supreme Court

(1)

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

Service Appeal No. 878 of 2022

Mr. Shoukat Ali Jan son of Abdul Qadir resident of Islamabad Colony, Post Office Ratta Kulachi, Tehsil & District Dera Ismail Khan.

Appellant

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary education Department, Khyber Pakhtunkhwa, Peshawar.
2. Secretary, Elementary & Secondary education Department, Khyber Pakhtunkhwa, Peshawar.
3. Director, Elementary & Secondary education Department, Khyber Pakhtunkhwa, Peshawar.
4. District Education Officer (Male), D.I.Khan.
5. Sub-District Education Officer (E&S) Education (Male) D.I.Khan.
6. Superintendent/Dealing Accountant, SDEO Dera Ismail Khan
7. District Account Officer, D.I.Khan.
8. Mr. Qamar Zaman, Principal of GHS, Paroa, D.I.Khan.

**Respondents**

SERVICE APPEAL UNDER SECTION 4 OF THE  
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
ACT, 1974 AIMED AGAINST THE IMPUGNED  
ORDER DATED 22.12.2012 ISSUED BY EXECUTIVE  
DISTRICT OFFICER (E&SE), D.I.KHAN, WHEREBY  
THE APPELLANT WAS REMOVED FROM SERVICE  
UNDER THE GARB OF GHOST TEACHERS WHICH

IS ILLEGAL, WITHOUT LAWFUL AUTHORITY, MALA FIDE, UNFAIR, UNJUST AND BE SET-ASIDE THE SAME.

**PRAYER IN APPEAL**

1. TO SET ASIDE/CANCEL THE IMPUGNED ORDER DATED 22.12.2012 ISSUED BY EXECUTIVE DISTRICT OFFICER (E&SE), D.I.KHAN BEING ILLEGAL, NOT SUSTAINABLE IN THE EYES OF LAW, ARBITRARY, PERVERSE, TAINTED WITH MALAFIDE AND OF NO LEGAL EFFECTS.
2. TO ISSUE DIRECTIONS TO THE DISTRICT EDUCATION OFFICER (FEMALE) D.I.KHAN OR TO THE QUARTER CONCERNED TO RE-INSTATE THE APPELLANT ON HER POST AS P.S.T FORTHWITH AND TO PAY HER ALL BACK BENEFITS.

Respectfully Sheweth,

*The appellant prefers the instant appeal on the grounds hereinafter submitted apropos the following facts.*

**Concise Facts**

1. That the appellant was appointed as PST in the Education Department, D.I.Khan on merit after observing all codal formalities vide order dated 02.7.2007 issued by the District Education Officer (Male), D.I.Khan. Since the school were closed due to summer vacations therefore the appellant after the expiry of summer vacations took over the charge of his duties in the first week of September 2007 and started to perform duties as PST regularly. Copy of appointment letter is enclosed as Annexure-A.

2. That the appellant performed his duties for a considerable long period of more than five years and drawn his monthly salary regularly uptill 31.12.2012.
3. That the appellant was not paid his salary for the month of January 2013 and on his query the officials of the office of District Education Officer (Male), D.I.Khan informed the appellant verbally that his service has been terminated and therefore his monthly salary has been withheld. They further said that as many as 1613 individuals were illegally appointed as PST in the Education Department D.I.Khan during the regime of MMA Govt. in the Province of Khyber Pakhtunkhwa all of them have been terminated from their service and different inquiries have been pending to this effect before the different quarters. They further said that the case of the appellant has been clubbed with the case of aforesaid 1613 illegal appointees and the fate of his case will be determined with the cases of above noted 1613 illegal appointees.
4. That no formal written order of the termination of the service of the appellant was ever communicated to the appellant nor the appellant termination order has been issued. Furthermore the alleged termination order was stated to be ordered on summaries ground which includes appellant remain absent from his duty. It is pertinent to mention here that alleged termination effected by the respondents without observing Khyber Pakhtunkhwa Efficiency & Discipline Rules, including personal notice, three advertisement in nationwide daily newspapers which reveals ulterior motive and malafide on the part of the respondents/Department.
5. That the appellant repeatedly resorted to the Education Department through various applications, but no pay heed over it, thus, feeling disgruntled from the inaction of District Education Officer, D.I.Khan, the appellant filed W.P No. 841-D/2020 for redressal of his grievances, whereby it was held that:-

3/

*Be that as it may, despite of inquiry so conducted against the appellant by the then Inquiry Officer/Principal G.H.S Paroa, D.I.Khan, whereby the appellant was terminated from service on the pretext of absence from duty but no*

decision/proper removal order on the basis of recommendation of the inquiry officer was ever yet issued to the appellant. In such view of the matter, this Court deem it appropriate to dispose of this petition with the direction to the respondents to decide the case of appellant in light of recommendation of inquiry report so conducted by the Principal G.H.S, Paroa, D.I.Khan accordingly.

Copies of writ petition and judgment dated 27.10.2021 are enclosed as Annexure B & C.

*Copy of inquiry Report enclosed as Annex C*

6. Thereafter, the District Education Officer, D.I.Khan in compliance of Court's direction vide his letter dated 08.12.2021 addressed to the Additional Registrar, Peshawar High Court, D.I.Khan Bench conveyed that the appellant was removed from his service in view of impugned office order dated 22.12.2012. Copy of letter dated 08.12.2021 is enclosed as Annexure D.

3/31

7. That it is momentous to mention here that aforesaid impugned office order dated 22.12.2012, whereby the appellant was removed from service was received to the appellant on 24.01.2022 through WhatsApp. Abstract of WhatsApp is attached herewith. Copy of impugned order dated 22.12.2012 is enclosed as Annexure-E.

8. That disgruntled of the impugned termination order dated 22.12.2012 whereby the appellant has been removed from service, the departmental appeal/representation (Annexure-F) preferred to respondents, which remains undecided rather desire relief could not be granted to the appellant, therefore, the appellant approaches this Honourable Tribunal for redressal of her grievance on inter-alia the following grounds.

G R O U N D S

a. That the action of the Respondents/ Department dismissing/removing the Appellant is against law, void and violative of procedure enumerated in the



Efficiency & Deficiency Rules, Khyber Pakhtunkhwa hence not tenable in the eyes of law which is liable to be undone by this venerable Tribunal in its constitutional corrective jurisdiction.

b. That the impugned orders dated 22.12.2012 whereby the appellant has been dismissed from service, is ultra-vires, whimsical, outcome of malafide, against law, without jurisdiction, abuse of procedure, without lawful authority and having no binding effect upon rights of appellant.

c. That nevertheless to say that the entire departmental proceedings against the appellant were carried out in absentia of appellant which amount to grave miscarriage of justice. Now the appellant seeks indulgence of this Hon'ble Tribunal to interfere in the matter as to whether the department/respondents can proceed against the appellant without giving her a right of audience, which too, ordained and envisaged in the in the Efficiency & Deficiency Rules, Khyber Pakhtunkhwa.

d. That it is pertinent to mention here that no formal written order of the termination of the service of the appellant was ever communicated to the appellant. Furthermore the alleged termination order was stated to be ordered on summaries ground which includes appellant remain absent from her duty. It is manifest that alleged termination effected by the respondents without observing Khyber Pakhtunkhwa Efficiency & Discipline Rules, including personal notice, three advertisement in nationwide daily newspapers which reveals ulterior motive and malafide on the part of the respondents/Department.

e. That the appellant has unblemished service career which cannot be culminated upon dismissal from service. No warning or explanation was given to the appellant during his entire service except this inquiry. It is sorry state of affairs that respondent/competent authority while passing the impugned order has not taken care norms of justice and kept himself away from the lawful authority exercised in this particular matter. This conduct of

the respondents leads to an irresistible conclusion that the impugned order dated 22.12.2012 is tainted with mala fide and against the norms of justice.

f. That the appellant has not been afforded with a fair chance to defend his rights. Appellant had unaware that what kind of inquiry was conducted and what type of evidence was collected. Moreover, no opportunity of cross-examination was provided to the appellant during the inquiry proceedings. Hence, all the proceedings have been conducted one sided and in a stereotype manner.

g. That appellant was legally entitled to be communicated with the report of inquiry officer. Rather it was the right of appellant to be remained aware with all the proceedings conducted into the matter. Thus, non-compliance of above-referred procedure as envisaged E&D Rules and non-communication of the reports of the Inquiry Officer to appellant, vitiates all the departmental proceedings against her. In addition to above, all the proceedings against the appellant is illegal, self-contradictory, violative of the procedure and replete irregularities which cannot provide a legal backing to the impugned order.

3/

h. That it is an undeniable fact on the face of record that allegation contained in the charge against the appellant culminating into award of the one of major punishment of most harsh kind which based on misconception of true facts, wrong, incorrect and misconceived.

i. It is worthy to mention that the appellant has virtually been condemned unheard and subjected to a major punishment without being provided with an appropriate opportunity to defend her cause beyond any encumbrance thus calling for interference by this Hon'ble Tribunal to undo the injustice.

j. That the charge sheet and the inquiry to probe into the charge were having no legal sanctity. The appellant has not only rendered service to the cause of department over a stretch of good many years, a large family to feed but the punishing authority and for that matter the appellate authority deprived the appellant and his family of their due earning while ignoring these aspects blatantly.

- k. That before dismissal of service of appellant, the appellant had a vested right of hearing before any order adverse to his interest was passed by virtue of principle of *audi alteram partem* which was the least requirement. The respondents, in the case of appellant, had imposed major penalty influence mainly relying on the charge of absent and that too one sided, the veracity and authentic of which, is not credible; therefore, the same is illegal, *void ab initio* and against the Rules.
- l. That the competent authority while awarding the major penalty should always keep in mind the gravity of charge, which in the case of appellant had not been proved. Where gravity of charge is of lesser degree and circumstances reflected absence of bad faith and willfulness then minor punishment might be a preferred course.
- m. That law provides for more than one kind of punishments keeping in view the object of such penal provisions and the gravity of the charge in a case. Conceptually punishment to a delinquent employee is premised on the concept of retribution, deterrence or reformation. In awarding punishments, the Competent Authority has to keep in mind the underlying object of law and the severity of the charge.
- n. That where ever wide worded powers conferring discretion exists there remains always the need to structure the discretion, so that the decision will achieve the high quality of justice. The exercise of powers by the respondents without observing law, Statutes is not tenable in the eye of law rather violative of the procedure enumerated in the E&D Rules and the respondents have failed to rationalize and regulate their powers by Rules, the courts/Tribunal have to intervene where exercise of such powers appears to be arbitrary and capricious.
- o. Counsel for the appellant craves leave to raise additional grounds at the time of hearing.

3/

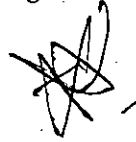
**For the afore-stated grounds, the instant appeal may please be allowed as prayed for.**

8

Any other relief, to which the present Appellants is deemed entitled in facts and circumstances of the case, may please be granted in his favour with costs throughout.



Yours humble appellant  
Through Counsel



Ahmad Ali Khan  
Advocate, Supreme Court

Dated 31/5/2022



Khalid Mehmood Sagar  
Advocate, D.I.Khan

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

Service Appeal No. \_\_\_\_\_ of 2022

Shaukat Ali Jan ..... Appellant

Versus

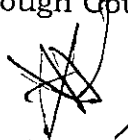
Government of K.P.K through  
Secretary Education Department  
and others ..... Respondents

**SERVICE APPEAL**

**CERTIFICATE**

Certified that this is first appeal involving the instant subject matter and that the appellant has not filed any other appeal earlier in this Honorable Tribunal regarding the above stated controversy.

**Appellant  
Through Counsel**



**Ahmad Ali Khan  
Advocate Supreme Court**



**Khalid Mehmood Sigar  
Advocate, D.I.Khan**

3/3

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

Service Appeal No. \_\_\_\_\_ of 2022

Shaukat Ali Jan .....

Appellant

Versus

Government of K.P.K through  
Secretary Education Department  
and others .....

Respondents

**SERVICE APPEAL**

**AFFIDAVIT**

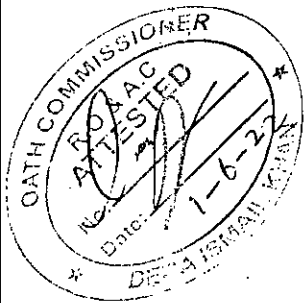
I, Mr. Shoukat Ali Jan son of Abdul Qadir resident of Islamabad Colony, Post Office Ratta Kulachi, Tehsil & District Dera Ismail Khan, the appellant, do hereby solemnly affirm and declare on oath:-

1. That accompanying service appeal has been drafted by my Counsel following my instructions
2. That all para wise contents of the service appeal are true and correct to the best of my knowledge, belief and information;
3. That nothing has been deliberately concealed from this August Tribunal nor anything contained therein is based on exaggeration or distortion of facts.

Dated:- 31/5/2022

Deponent

1210155819785



(11)

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

Service Appeal No. \_\_\_\_\_ of 2022

Shaukat Ali Jan .....

Appellant

Versus

Government of K.P.K through  
Secretary Education Department  
and others .....

Respondents

**MEMO OF ADDRESSES OF THE PARTIES**


**APPELLANT**

Mr. Shoukat Ali Jan son of Abdul Qadir resident of Islamabad Colony, Post Office Ratta Kulachi, Tehsil & District Dera Ismail Khan.

**RESPONDENTS**

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary education Department, Khyber Pakhtunkhwa, Peshawar.
2. Secretary, Elementary & Secondary education Department, Khyber Pakhtunkhwa, Peshawar.
3. Director, Elementary & Secondary education Department, Khyber Pakhtunkhwa, Peshawar.
4. District Education Officer (Male), D.I.Khan.
5. Sub-District Education Officer (E&S) Education (Male) D.I.Khan.
6. Superintendent/Dealing Accountant, SDEO Dera Ismail Khan
7. District Account Officer, D.I.Khan.
8. Mr. Qamar Zaman, Principal of GHS, Paroa, D.I.Khan.

Dated:- 31/5/2022

  
Counsel for appellant

(12)

ORDER

Amokure  
"A"

CS

ANEE (A)

Mr/Ms Shoukat Ali Khan S/O, D/O Abdul Qadir

Appointed as PST at GPS/GGPS Hathala-1

Vide this office order No 12655-973 Dated 2/7/07

is directed to submit his arrival report on or after 1-9-2007 due to summer vacation.

He is further directed to provide his documents in the office before taking over charge.

*[Handwritten mark]*

*[Signature]*  
District officer (M)  
Distt: D.I. Khan



~~6A~~

~~Andhra A-1~~

13

OFFICE OF THE  
EXECUTIVE DISTRICT OFFICER,  
SCHOOLS & LITERACY, DIKHAJ

ORDER:

The following teachers of the schools mentioned against each are/is hereby ordered in the following school noted against their names on the interest of public service with immediate effect.

S. No	Name/DSG/School	To	Remarks
1)	Shaukat Ali Jan Pst GDS No 1 Barkala	GDS No 2 M. Shana No 2	Bd. Post

3/3

*[Handwritten signature]*

*[Handwritten signature]*

Note:

Charge reports should be sent to all concerned.  
No TA/DA is allowed.

21449-52

SD/  
EXECUTIVE DISTRICT OFFICER,  
SCHOOLS & LITERACY, DIKHAJ

Dated: 18/10/2005

Endst: No

Copy to:

1. The Director Schools & Literacy, NWFP Peshawar.
2. The District Accounts Officer, DIKhan.
3. The Principal/Head Master/Mistress/Head Teacher concerned.
4. The Deputy District Officer, (Male/Female) concerned.

*[Handwritten signature]*  
EXECUTIVE DISTRICT OFFICER,  
SCHOOLS & LITERACY, DIKHAJ

ماری روٹ

(7)

میں سے کسی سوکھت علی خان نے آج صبح 9:01 کو

بوقت قبل از دیگر ازان ہندوستان میں ایک مقام

موجود آڈیو 12655-973 ہمارے ہوا۔ اور PST بوقت 47107

کا خارج مقام ہے

اطلاع دینے کے لئے

Scan by  
G. P. S. Bahala  
Tob. Bahala D. I. D.

الغالب

Shanti Ashwari

PST کے لئے

(8)

# چارچہ رپورٹ

تاریخ: 15/11/1965

پروگرام نمبر: 973-55

آئی اے ڈی آر: 51-59-57

پوسٹ کا چارج سنبھال لیا ہے

گورنمنٹ ہسپتال کراچی

51-59-57

37/37

Dhaka

پاکستان

Headmaster  
G. P. S. ...  
...

۱۰۰

(۹)

16

سہی شریعت علیٰ حق EPS جو کہ میں نے اپنی کتاب میں لکھا ہے

میں نے اس کے بارے میں ۱۰/۱۰/۰۷ کو ایک خط لکھا ہے جس کا جواب آپ نے دیا ہے

۱۸-۱۰-۰۷ کو میں نے ایک خط لکھا ہے جس کا جواب آپ نے دیا ہے

۱۸-۱۰-۰۷ کو میں نے ایک خط لکھا ہے جس کا جواب آپ نے دیا ہے

۱۸-۱۰-۰۷ کو میں نے ایک خط لکھا ہے جس کا جواب آپ نے دیا ہے

۱۸-۱۰-۰۷ کو میں نے ایک خط لکھا ہے جس کا جواب آپ نے دیا ہے

۱۸-۱۰-۰۷

۱۸-۱۰-۰۷

۱۸-۱۰-۰۷

110

# چارچ رپورٹ

سینکڑت عملہ میں آئی سینڈ افسال

سے جو کہ آج مورخہ 19<sup>10</sup> / 2007 قبل بعد از دوپہر بموجب حکم نمبری 52-1449

7-10-18 آمدہ از دفتر ڈسٹرکٹ ریٹرنس آفیسر شہر

تبدیل ہوا ہے۔ پوسٹ کا چارج سنبھال لیا ہے۔

حصہ کسٹومرز گورنمنٹ اسکول کسٹومرز

19<sup>10</sup> / 2007

دستخط

Shahid

چارچ گرنڈہ

Signature

Add. Pict

G.P.S. Jhal M. Khana

LAST PAY CERTIFICATE

Amroha  
ce R<sup>y</sup> (H) 582183 (19)

1. Last Pay Certificate of Mr. Shaahid Ali Jinnah  
of the G.P.S. near Mathala

Proceeding of Transfer to G.P.S. Mohara no. 2 (Dist. Secy) V.P.C. Executive  
to Dist. Secy (S+T) Division Enst. no. 29449-50 dt. 18/10/2007

2. He has been paid upto 31-10-2007 (Am.)  
at the following rates :-

Particulars.  
Substantive Pay  
Officiating Pay  
Exchange Compensation Allowance

Detail of Pay  
Pay = 2940/-  
H.R. = 832/-  
MIA = 425/-  
Total Pay = 4247/-

Deductions.  
B.P.F. = 35/-  
P.F. = 44/-  
S.F. = 4/-  
T.D. = 53/-

He made over charge of the Office of Dy. Dist. Secy (M) P. J. Kulachi  
G.P.S. Mathala on 31-10-2007 (Am.) noon of

- 4. Recoveries are to be made from the pay of the Government servant as detailed on the reverse.
- 5. He has been paid leave salary as detailed below Deductions have been made as noted on the reverse.

Period	Rate	Amount
From / to	at Rs /	a month
From / to	at Rs /	a month
From / to	at Rs /	a month

- 6. He is entitled to draw the following :-
- 7. He is also entitled to joining time for \_\_\_\_\_ days.
- 8. The detailed to the Income-tax recovered from him up to the date from the beginning of the current year noted on the reverse

No 3033 Dated Kulachi, the 12/12/07.  
Forwarded to the :-

Dated at  
Dist. Secy (M) P. J. Kulachi  
along with original AB & APC for  
further m/c please.

(Signature) \_\_\_\_\_  
By: D.O. (M)  
(Designation) P. J. Kulachi

(H)

(20)

**BEFORE THE HONOURABLE PESHAWAR HIGH COURT,  
BENCH DERA ISMAIL KHAN.**

Writ Petition No. \_\_\_\_\_/2020

Amr (B)

**Shaukat Ali Jan S/o Abdul Qadir R/o Islamabad  
Colony, Post Office Ratta Kulachi, Tehsil & District  
Dera Ismail Khan.**

.....(Petitioner)

**VERSUS**

- Filed in Reg. No. 3809  
Adm. Reg. No. 10125
1. Government of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education Department, Peshawar.
  2. Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar.
  3. Director Elementary & Secondary Education Department KPK, Peshawar.
  4. District Education Officer Elementary & Secondary Education Department (Male), Dera Ismail Khan.
  5. Sub District Education Officer (E(S) Education Male, DIKhan.
  6. Superintendent / Dealing Accountant, SDEO, DIKhan.
  7. District Account Officer, Dera Ismail Khan.
  8. Mr. Qamar Zaman, Principal of GHS Parova, Dera Ismail Khan.

.....(Respondents)

**WRIT PETITION UNDER ARTICLE 199 OF  
CONSTITUTION OF ISLAMIC REPUBLIC OF  
PAKISTAN, 1973**

**Respectfully Sheweth:-**

**BRIEF FACTS:-**

- 1-** That the addresses of the parties as given above are correct and sufficient for the purpose of service.

ATTESTED

EXAMINOR  
Peshawar High Court Bench,  
Dera Ismail Khan

WP. No. 841-D of 2020 (Ground)

31/5/22

2-

That the petitioner was appointed as PST in the education department DIKhan on merit after observing all codal formalities vide order dated 02/07/2007 issued by the District Education Officer (Male) DIKhan. Since the school were closed due to summer vacations therefore the petitioner after the expiry of summer vacations took over the charge of her duties in the first week of September 2007 and started to perform her duties as PST regularly. Copy of appointment order is enclosed as Annexure "A".

3-

That the petitioner performed her duties for a considerable long period of more than five years and drawn his monthly salary regularly uptill 31/12/2012. Copy of salary bills is enclosed as Annexure "B".

4-

That the petitioner was not paid his salary for the month of January 2013 and on his query the officials of the office of District Education Officer (Male), DIKhan informed the petitioner verbally that his service has been terminated and therefore his monthly salary has been with held. They further said that as many as 1613 individuals were illegally appointed as PST in the Education Department DIKhan during the regime of MMA Govt. in the Province of KPK all of them has been terminated from their service and different inquiries has been pending to this effect before the different quarters. They further said that the case of the petitioner has been clubbed with the case of aforesaid 1613 illegal appointees and the fate of his case will be determined with the cases of above noted 1613 illegal appointees.

Filed today  
A.Jal. Registrar  
16/10/20

5-

That no formal written order of the termination of the service of the petitioner was ever communicated to the petitioner nor the petitioner termination order is in filed and office record is still silent in this regard till date. Furthermore, alleged termination order was stated to be ordered on summaries ground which includes petitioner remain absent from her duty. It is pertinent to mention here that alleged termination effected by the respondent without observing KPK efficiency & Discipline

ATTESTED  
EXAMINER  
Peshawar High Court Bench  
Dera Ismail Khan



Rules, including personal notice, three advertisement in nationwide daily news papers etc which reveals ulterior motive and malafide on the part of the respondents.

22

6- That the petitioner continuously approached the high-ups of the Education Department at different occasions but no reply was given to his and neither the petitioner was paid his monthly salary and not he was allowed to performed his duties.

7- That on 02/09/2019, petitioner moved an application to the Director Education KPK for redressal of his grievances and on said application, inquiry was conducted and the District Education Officer (Male), DIKhan conducted the inquiry and said inquiry contain the following recommendations:-

*"Teachers attendance register GPS Hathala No. 1 shows no attendance of Shoukat Ali Jan PST, his signature arrival time and departure time are lying vacant w.e.f 02/09/2007 to 18/10/2007. Teachers attendance register GPS Jhoke Mohana No. 2 Tehsil DIKhan do not show the service teacher attendance record of Shoukat Ali Jan w.e.f 01/04/2011 to 31/10/2012. Log book page for the month of February 2012 (annual inspection) the remarks of Mr. Sikandar Irfan Circle ADO on 07/02/2012 show that there was single Teacher in GPS No. 2 Jhoke Mohana DIKhan.*

*Muhammad Shakeel Qureshi circle ADO GPS-2 Jhoke Mohana DIKhan (Tenure 27/10/2007 to 30/04/2010 and 01/06/2010 to 11/05/2011) submitted a reply of the DIKhan Mr Muhammad Shakeel Qureshi had never seen Shaukat Ali Jan PST teaching in the school. Mr. Muhammad Shakeel Qureshi stated that Shoukat Ali Jan did not perform any duty at any school in his circle. Mr. Sikandar Irfan ADO Circle GPS-2 Jhoke Mohana DIKhan (26<sup>th</sup> May 2011 to date) submitted a response to the undersigned that Shoukat Ali Jan has not performed any duty as PST under his circle jurisdiction."*

Filed In: 3809  
Addl: Registrar  
16/10/2019



ATTESTED  
EXAMINER  
Renawat High Court  
Dera Ismael Khan

(4)

23

Further, it is pertinent to mention here that neither petition was allowed to participated in the inquiry nor any show cause notice / any opportunity of personal hearing were provided to the petitioner which is mandatory under the law. Copy of application and inquiry report are enclosed as Annexure "C & D".

8.

That the petitioner made appeal to the concerned quarters on humanitarian grounds and requested that she may be allowed to sever her duties as she is a bonafide appointee as stated above. Copy of appeal is enclosed as Annexure "E".

9.

That the petitioner is passing the days of his life very miserably and in the absence of his monthly salary which is the only source of his income is under great shock and distress and his wife and minor children are facing starvations whereas the department is reluctant to pass any order about his case.

Filed today: 3/8/09  
Add: Registrar  
6/10/20

10.

That the petitioner is left with no other adequate remedy but to invoke extra ordinary constitutional jurisdiction of this honourable Court to declare the removal of the petitioner from his service with a single stroke of pen without adhering to the legal requirements of the law when the petitioner had more than five years service at his credit and not providing any written order for his removal from his service may please be declared illegal, void, arbitrary and of no legal effect against the rights of the petitioner and to direct the respondents to reinstate the petitioner in his service forthwith and to pay his all back benefits or to consider the period of absence from duty as leave without pay and her service be regularized and he may be paid his monthly salary from the date of assuming his duties a fresh.

11.

That counsel for the petitioner may kindly be allowed to raise other grounds at the time of arguments.

ATTESTED

EXAMINER

Peshawar High Court Bench,

WP. No. 841-D of 2020 (Ground)

12/10/2009

31/5/2021

It is, therefore, humbly requested that the relief prayed for may graciously be extended to the petitioner.

24

Filed Today 3809  
Advt: Khyber  
6/10/20

Dated: 15/10/2020

Your Humble Petitioner

*Shaukat*  
Shaukat Ali Jan  
Through counsel

*Muhammad Saeed Bhutta*  
Muhammad Saeed Bhutta  
Advocate High Court  
Dera Ismail Khan

**BOOKS REFERED:**

1. Constitution of Islamic Republic of Pakistan case law.
2. Civil Servant Service Rules.
3. Any other laws, if needed.

**VERIFICATION:-**

It is verified that it is first petition and no such petition has ever been preferred in this Honourable Court by the Petitioner. And all the contents of above petition are true and correct.

Shaukat Ali Jan *Shaukat*

**AFFIDAVIT:-**

I, Shaukat Ali Jan S/o Abdul Qadir R/o Islamabad Colony, Post Office Ratta Kulachi, Tehsil & District Dera Ismail Khan, the petitioner, do hereby solemnly affirm and declare on oath that all the parawise contents of the Writ Petition are true and correct and nothing has been deliberately concealed from this Honourable Court.

Identified by Counsel,

*Muhammad Saeed Bhutta*  
Muhammad Saeed Bhutta  
ADVOCATE HIGH COURT, DIK

Deponent  
Shaukat Ali Jan ✓

12101-5581978-5  
0337-1411414

ATTESTED

Examinor  
Peshawar High Court Bench  
Dera Ismail Khan

WP. No. 841-D of 2020 (Ground)

31151022

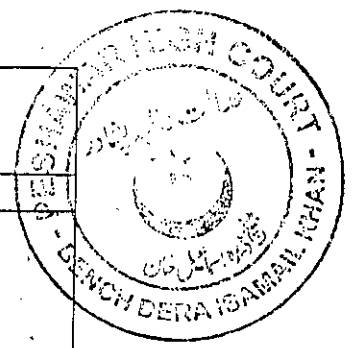
Amex (C)

25

IN THE PESHAWAR HIGH COURT, D.I.KHAN BENCH

FORM OF ORDER SHEET

Date of order or proceedings	Order or other proceedings with signature of Judge(s).
(1)	(2)
27.10.2021	<p><u>W.P No. 841-D/2020</u></p> <p><b>Present:-</b> M/S Ahmad Ali Khan and Athar Ali Shah Gilani, Advocates for petitioner.</p> <p>***</p> <p><u>Sahibzada Asadullah, J.-</u> Through the instant constitutional petition filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioner Shaukat Ali Jan seeks the following relief:-</p> <p>“On acceptance of this writ petition, this Hon’ble Court may please be declared the removal of the petitioner from his service with a single stroke of pen without adhering to the legal requirements of the law when the petitioner had more than five years’ service at his credit and not providing any written order for his removal from service as illegal, void, arbitrary and of no legal effect. Further the respondents are directed to reinstate the petitioner in service forthwith and to pay his all back benefits or to consider the period of absence from duty as leave without pay and his service be regularized and he may be paid monthly salary from the date of assuming his duties afresh.</p> <p>2. Heard. Record perused.</p> <p>3. On perusal of the record, it transpires that the petitioner was appointed as PST in Education</p>



9

ATTESTED

EXAMINOR  
Peshawar High Court Bench,  
Dera Ismail Khan

31/5/22

26

Department after observing recruitment process vide appointment order dated 02.7.2007 issued by District Education Officer (Male), D.I.Khan and he performed his duties with due diligence for a period of five years but he was deprived from monthly salaries. On resort to the department, the petitioner was intimated verbally that his services have been terminated but no written order of termination was communicated to the petitioner. Feeling disgruntled, the petitioner submitted an application to the Director Education, Khyber Pakhtunkhwa for redressal of his grievances, on this, an inquiry was conducted by Inquiry Officer/Principal GHS Paroa, D.I.Khan, whereby it was concluded that the services of petitioner was terminated on the pretext that he has not performed any duty as PST. Till such time and onward, no written order for terminating the service of petitioner was provided to him.

4. Be that as it may, despite of inquiry so conducted against the petitioner by the then Inquiry Officer/Principal G.H.S Paroa, D.I.Khan, whereby the petitioner was terminated from service on the pretext of absence from duty but no decision/proper removal order on the basis of recommendation of the inquiry officer was ever yet issued to the petitioner. In such view of the matter, this Court deem it appropriate to

ATTESTED

By  
Registrar High Court of  
Khyber Pakhtunkhwa

31/5/22


dispose of this petition with the direction to the respondents to decide the case of petitioner in light of recommendation of inquiry report so conducted by the Principal G.H.S, Paroa, D.I.Khan accordingly.

5. Disposed of as such.

Announced  
Dt: 27.10.2021  
Hasnain/\*

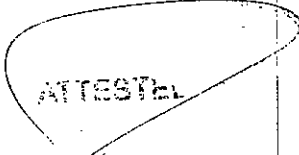


JUDGE



JUDGE

*Handwritten notes:*  
20/11  
20/11



ATTESTED

EXAMINOR

Dera Ismail Khan High Court Bench,  
Dera Ismail Khan

31/5/22

(D.B)

Hon'ble Mr. Justice. Abdul Shakoor  
Hon'ble Mr. Justice Sahibzada Asadullah

Anee (C1)

28

~~Amir~~  
"D"

**OFFICE OF THE DISTRICT EDUCATION OFFICER  
(M) DERA ISMAIL KHAN**

Tell: 09669280128-09669280131

Email: Emisdikhan@Yahoo.com

No. 727 /F-PST/ DEO (M)

Dated DIKhan the 25th /2020.

To

The Director  
(E&SED) Khyber Pakhtunkhwa Peshawar.

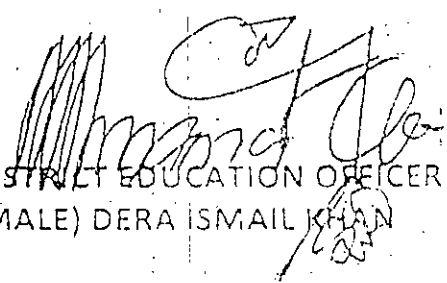
Subject: OPEN INQUIRY V/S HUMANTARIAN APPEAL MR; SHOUKAT ALI JAN EX-PST & RAZIA GUL EX-PST.

R/Sir,

In continuation of this office Endst No.6714/F-PST/DEO (M) dated 26/02/2020, on the subject cited above.

Reference appeal dated 03/09/2019 addressed to your good self, in response to the said appeal.

An Inquiry report by Inquiry Officer Mr: Dr; Qamar Zaman Principal BPS-19 GHS Parova (DIKhan) in-response to the said application is submitted for your Kind information & further necessary action please:

  
DISTRICT EDUCATION OFFICER  
(MALE) DERA ISMAIL KHAN

Endst No: \_\_\_\_\_

dated: \_\_\_\_\_ 2020.

Copy forward for information to the:-

1. District Education Officer (Female) DIKhan.
2. Principal GHS Parova (DIKhan)
3. PA to DEO (M) DIKhan.

DISTRICT EDUCATION OFFICER  
(MALE) DERA ISMAIL KHAN.



**OFFICE OF THE  
DISTRICT EDUCATION OFFICER (MALE)  
DERA ISMAIL KHAN**

Tell: 09669280128- 09669280131.  
Email: emisdikhan@yahoo.com

Q.No. 126023/20  
29/2  
2020

29

Office No. 6719 /F-/PST/DEO (M)

Dated DIKhan the 26/02 /2020

To

The Director  
Elementary & Secondary Education  
Department KP Peshawar.

Subject: OPEN INQUIRY V/S A HUMANTARIAN APPEAL OF MR. SHOUKAT ALI  
JAN EX- AND RAZIA GUL EX-PST.

R/Sir,

Reference appeal dated 03/09/2019 addressed to your good self on the subject cited above:

An Inquiry report by Inquiry Officer Mr: Qamar Zaman Principal BPS-19 OHS Parova (DIKhan) in response to the said application is submitted for your kind information & further necessary action please.

Encl: 1-Appeal copy.  
2-Inquiry report.

DISTRICT EDUCATION OFFICER  
(MALE) DERA ISMAIL KHAN

Enclst: NO. 6715-19  
Copy forwarded for information to the:-

- 1- District Education Officer (Female) DIKhan.
- 2- Principal GHS Parova (DIKhan).
- 3- SDEOs/ASDEOs Concerned in District DIKhan.
- 4- Shoukat Ali Jan Ex-PST S/O Abdul Qadir R/O Islamabad Colony P/O Ratta Kulachi DIKhan.
- 5- PA to DEO (Male) DIKhan.

*[Handwritten signature]*  
26/2/2020

DISTRICT EDUCATION OFFICER  
(MALE) DERA ISMAIL KHAN



30

15

12/35

To

The District Education Officer (Male),  
District Dera Ismail Khan.

Subject: Open Inquiry/ Appeal Mr. Shoukat Ali Jan Ex-PST and Ramin Gul Ex-PST

Memo.

Reference inquiry.No 30112-13 Dated 22/10/2019 and No.30503-04 Dated 25/11/2019 vide DEO Male Dera Ismail Khan the undersigned investigated the different aspects of the inquiry and detailed report is hereby submitted for your worthy consideration please.

Findings

1. Shoukat Ali Jan was selected as PST in GPS-1 Hathala vide No.12655-973 dated 2/7/2007 at SNO. 279.(Appointment order- Covering letter No.428 dated 3/1/2020 DEO Male DIKhan).
2. He took charge in GPS-1 Hathala on 1/9/2007. (Annexure-A)
3. Shoukat Ali Jan transferred from GPS Hathala to GPS -2 Jhoke Mohana DIKhan vide No.21449-52 dated 18/10/2007 EDO Schools and Literacy DIKhan. (Annexure-B)
4. Shoukat Ali Jan took charge in GPS-2 Jhoke Mohana DIKhan on 19/10/2007. (Annexure-C)
5. Shoukat Ali Jan PST was paid up to October 2012 on 19/10/2019 as monthly salary through his HBL account Eid Gan Kalan DIKhan. (Bank Statement). (Annexure-D)
6. Teachers attendance register GPS Hathala No.1 shows first time attendance of Shoukat Ali Jan PST on dated 1/9/2007. (Annexure-E)
7. Teachers attendance register GPS Hathala No.1 shows no attendance of Shoukat Ali Jan PST, his signature, arrival time and departure time are lying vacant wef 2/9/2007 to 18/10/2007. (Annexure-E)
8. Teachers attendance register GPS Jhoke Mohana No.2 Tehsil DIKhan shows the attendance of Shoukat Ali Jan PST wef 19/10/2007 to 19/12/2007. (Annexure-F,G)
9. Teachers attendance register GPS Jhoke Mohana No.2 Tehsil DIKhan wef 01/01/2008 to 31/3/2011 was not available with the incharge PSHT in school record. (Incharge PSHT GPS-2 Jhoke Mohana DIKhan). (Annexure-H)
10. Teachers attendance register GPS Jhoke Mohana No.2 Tehsil DIKhan do not show the service attendance record of Shoukat Ali Jan wef 1/4/2011 to 31/10/2012. (Annexure-I,J)
11. Log Book page for the month of February 2012 (annual inspection) the remarks of Mr Sikandar Irfan Circle ADO on 7/2/2012 show that there was single teacher in GPS-2 Jhoke Mohana DIKhan. (Annexure-K)
12. Muhammad Shakeel Qureshi circle ADO GPS-2 Jhoke Mohana DIKhan (Tenure 27/10/2007 to 30/4/2009 and 1/6/2010 to 11/5/2011) submitted a reply of the questionnaire that Shoukat Ali Jan Never attended the School as PST in GPS Jhoke Mohana-2 DIKhan. (Annexure-L)

3/31

AD EC  
12/02/2020

AD EC (Pay)

AD EC (10)  
03/02/2020

01/2/2020

113.1  
03-2-2020

Govt High School  
PAHOA DIKhan

~~11~~

31

P-34

- 13. Mr Muhammad Shakeel Qureshi had never seen Shoukat Ali Jan, PST teaching in the school. (Annexure-L)
- 14. Mr Muhammad Shakeel Quresh stated that Shoukat Ali Jan did not perform any duty at any school in his circle. (Annexure-L)
- 15. Mr Sikander Irfan ADO circle GPS-2 Jhoke Mohana DIKhan (26<sup>th</sup> May 2011 to date) submitted a response to the undersigned that Shoukat Ali Jan has not performed any duty as PST under his circle jurisdiction. Start and Stoppage of monthly salary of the teacher is the responsibility of the DDO and the account clerk. (Annexure-M)
- 16. Shoukat Ali Jan PST stated in on oath statement that he used to sign on teachers attendance register in both schools. He remained present in GPS-1 Hathaia and GPS-2 Jhoke DIKhan. (Annexure-N)
- 17. He stated in the response of the question no 8 that he performed in GPS-2 Jhoke Mohana DIKhan up to 30/9/2012 while he was paid up to 31-10-2012. (Annexure-O,P)

**Conclusion:**

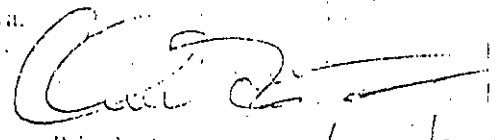
3/

Teachers attendance register GPS Hathaia No.1 shows no attendance of Shoukat Ali Jan PST. his signature arrival time and departure time are lying vacant wef 29/9/2007 to 18/10/2007. Teachers attendance register GPS Jhoke Mohana No.2 Fehsil DIKhan do not show the service teacher attendance record of Shoukat Ali Jan wef 1/4/2011 to 31-10-2012. Log Book page for the month of February 2012 (annual inspection) the remarks of Mr Sikandar Irfan Circle ADO on 7/2/2012 show that there was single teacher in GPS-2 Jhoke Mohana DIKhan.

Muhammad Shakeel Qureshi circle ADO GPS-2 Jhoke Mohana DIKhan (Tenure 27/10/2007 to 30/4/2009 and 1/6/2010 to 11/5/2011) submitted a reply of the questionnaire that Shoukat Ali Jan Never attended the School as PST in GPS Jhoke Mohana-2 DIKhan. Mr Muhammad Shakeel Qureshi had never seen Shoukat Ali Jan PST teaching in the school. Mr Muhammad Shakeel Quresh stated that Shoukat Ali Jan did not perform any duty at any school in his circle. Mr Sikander Irfan ADO circle GPS-2 Jhoke Mohana DIKhan (26<sup>th</sup> May 2011 to date) submitted a response to the undersigned that Shoukat Ali Jan has not performed any duty as PST under his circle jurisdiction.

**Recommendation:**

It is recommended that worthy District Education Officer Male District Dera Ismail Khan may decide about the future of Shoukat Ali Jan under E & D Government Servant Rules 2011, Government Of Khyber Pakhtunkhwa.



Principal

01/02/2020

GHS Paroa Dera Ismail

Govt High School  
PAROA DIKhan

Anee (D) 32



**OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE), DERA ISMAIL KHAN**  
Tell: 09669280128- 09669280131  
Email: emisdikhan@gmail.com

No. \_\_\_\_\_ Dated DIKhan the \_\_\_\_\_ / \_\_\_\_\_ /2021

To  
The Registrar  
Honourable Peshawar High Court  
DIKhan Bench District Dera Ismail Khan.

Subject: Writ Petition No. 841-D/2020 dated 27/10/2021.

Memo:  
Reference judgment of writ petition cited above announced on 27/10/2021.

It is submitted for your kind honour that the appellant concerned was already removed from his service vide the then Executive District Officer Elementary & Secondary Education Department DIKhan under Endst No. 19895-98 dated 22/12/2012, the copy attached for kind honour.

33

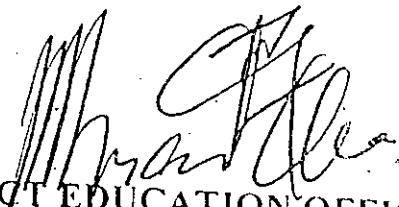
**DISTRICT EDUCATION OFFICER  
(MALE) DERA ISMAIL KHAN**

Endst: No. 27697-01 /

Dated DIKhan the 8 / 12 /2021

Copy forwarded to the:-

- 1- ADEO Litigation Local Office.
- 2- PA to District Education Officer (M) DIKhan.
- 3- Official Concerned.
- 4- Office record.

  
**DISTRICT EDUCATION OFFICER  
(MALE) DERA ISMAIL KHAN**

Aneq

(E)

(33)

OFFICE OF THE EXECUTIVE DISTRICT OFFICER  
ELEMENTARY & SECONDARY EDUCATION  
DERA ISMAIL KHAN  
Tel: 09669280128- 09669280131

OFFICE ORDER -

Consequent upon the identification of ghost teachers in reports received from DDO (M) Sub-Division DIKhan & DDO (F) Sub-Division Kulachi, they were receiving monthly salaries without performing their duties on any station.

58

Now therefore the competent authority is pleased to remove the ghost teachers from service w.e. from 01-11-2012.

The detail of ghost teachers is as under:-

S#	Name of Teacher	Designation	School	Removal Date
1	Shoukat Ali Jan	PST	GPS Jhoke Mohana DIKhan	01-11-2012
2	Razia Gul	PST	GGPS Mirbazi Kulachi	01-11-2012

There salaries had already been stopped by the concerned DDO's.

Endst No.

19895-98

Executive District Officer  
E&SE Dera Ismail Khan

Dated:

22/12/2012

Copy forwarded for information & necessary action to the:

1. District Accounts Officer DIKhan.
2. District Officer (M&F) DIKhan.
3. Deputy District Officer Concerned.
4. Officials Concerned.

Executive District Officer  
E&SE Dera Ismail Khan

34

8:27

84%



Jamshid Education



24 January 2022

Messages and calls are end-to-end encrypted. No one outside of this chat, not even WhatsApp, can read or listen to them. Tap to learn more.

Aoa 11:56 am ✓✓



OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE), DERA ISMAIL KHAN  
Tell: 09669280128- 09669280131  
Email: omdikhan@gmail.com

No. \_\_\_\_\_

Dated DIKhan the \_\_\_\_\_ / \_\_\_\_\_ / 2021

To

The Registrar  
Honourable Peshawar High Court  
DIKhan Bench District Dera Ismail Khan.

subject: Writ Petition No. 841-D/2020 dated 27/10/2021.



CamScanner 01-22-2...



2 pages • 0.91 MB • PDF

11:57 am

employer under the statutory rules cannot put the employee on contract basis for an unreasonable longer period when the appointment is made against a permanent vacancy / sanctioned post as this Court has deprecated this practice time and again, therefore, the plea taken by the government of KPK is absolutely misconceived one and we are unable to endorse it because it will perpetuate injustice to the employees, majority of whom are females and attached to the education core of the worker welfare board. Expulsion of these employees appears to be not based on bona fide but it create a room for favourites to accommodate them because sanctioned posts unless abolished by the competent authority cannot be kept vacant and more particularly, in the education sector. In the case of Fiaqat Hussain and others v. Federation of Pakistan thr. Secretary Planning and Development Division, Islamabad (PLD 2012 SC 225) this court has held as follows:-

“Art. 25-A—right to education—Education plays an important role in the successful life of an individual. Generally, education plays an important role in the successful life of an individual. Generally education is considered to be the foundation of society, which rings economic wealth, social prosperity, political stability and maintaining health population. Further progress of society is stopped in case of deficit of educated people, who enjoy respect among their colleagues and can effectively contribute to the development of their country and society by inventing new devices and discoveries. Islam is a scientific religion emphasizing on the need of scientific inquiry. While quoting several verses of Holy Quran and the Ahadith of Holy Prophet Hazrat Muhammad it was concluded that in the success of individual and the society as whole the education plays a very important role and is considered to be foundation of the society. In almost all societies, receiving education and attending school is necessary to achieve success. It is the key to move forward and ultimately succeed in life. The knowledge and wisdom can only be gained through the experience of learning. It is important to note that the teachers are the most important factors for an innovative society because teachers' knowledge and skills not only enhance the quality and efficiency of education

35

No. 411

For insurance  
RAD00725499  
Stamps affixed except in case of  
uninsured letters of not more than  
the initial weight prescribed in the  
Post Office Guide or on which no  
acknowledgment is due.

Rs. 00  
Ps. A.D

3/

Received a registered letter addressed to \_\_\_\_\_

Date Stamp

Initials of Receiving Office \_\_\_\_\_  
\* Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) \_\_\_\_\_

If insured.

Insurance fee Rs. \_\_\_\_\_ Ps. \_\_\_\_\_  
Name and address of sender \_\_\_\_\_  
Weight \_\_\_\_\_ words \_\_\_\_\_



To

The Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar.

File (F) 30

DEPARTMENTAL APPEAL AGAINST IMPUGNED ORDER  
DATED 22.12.2012 ISSUED BY EXECUTIVE DISTRICT  
OFFICER (E&SE), D.I.KHAN, WHEREBY THE APPELLANT WAS  
REMOVED FROM SERVICE UNDER THE GARB OF GHOST  
TEACHERS WHICH IS ILLEGAL, WITHOUT LAWFUL  
AUTHORITY, MALA FIDE, UNFAIR, UNJUST AND BE  
SET-ASIDE THE SAME.

PRAYERS

- TO DECLARE THE IMPUGNED ORDER DATED  
22.12.2012 ISSUED BY EXECUTIVE DISTRICT  
OFFICER (E&SE), D.I.KHAN AS ILLEGAL,  
WITHOUT LAWFUL AUTHORITY WHICH IS  
BASED ON MALAFIDE RESULT OF  
IMPROPERLY EXERCISE OF OFFICIAL  
AUTHORITY AND THE SAME MAY PLEASE  
BE SET ASIDE IN THE INTEREST OF JUSTICE.
- TO ISSUE DIRECTIONS TO THE DISTRICT  
EDUCATION OFFICER, D.I.KHAN OR TO  
THE QUARTER CONCERNED TO  
RE-INSTATE THE APPELLANT ON HIS POST  
AS P.S.T FORTHWITH AND TO PAY HIS ALL  
BACK BENEFITS.

Respected Sir,

*The appellant humbly submits as under:-*

1. That the appellant was appointed as PST in the Education Department, D.I.Khan on merit after observing all codal formalities vide order dated 02.7.2007 issued by the District Education Officer (Male), D.I.Khan. Since the school were closed due to summer vacations therefore the



appellant after the expiry of summer vacations took over the charge of his duties in the first week of September 2007 and started to perform duties as PST regularly. Copy of appointment letter attached herewith.

2. That the appellant performed his duties for a considerable long period of more than five years and drawn his monthly salary regularly uptill 31.12.2012. Copy of salary bills attached herewith.
3. That the appellant was not paid his salary for the month of January 2013 and on his query the officials of the office of District Education Officer (Mule), D.I.Khan informed the appellant verbally that his service has been terminated and therefore his monthly salary has been withheld. They further said that as many as 1613 individuals were illegally appointed as PST in the Education Department D.I.Khan during the regime of MMA Govt. in the Province of Khyber Pakhtunkhwa all of them have been terminated from their service and different inquiries have been pending to this effect before the different quarters. They further said that the case of the appellant has been clubbed with the case of aforesaid 1613 illegal appointees and the fate of his case will be determined with the cases of above noted 1613 illegal appointees.
4. That no formal written order of the termination of the service of the appellant was ever communicated to the appellant nor the appellant termination order has been issued. Furthermore the alleged termination order was stated to be ordered on summaries ground which includes appellant remain absent from his duty. It is pertinent to mention here that alleged termination effected by the respondents without observing Khyber Pakhtunkhwa Efficiency & Discipline Rules, including personal notice, three advertisement in nationwide daily newspapers which reveals ulterior motive and malafide on the part of the respondents/Department.
5. That the appellant repeatedly resorted to the Education Department through various applications, but no pay heed over it, thus, feeling disgruntled from the inaction of District Education Officer, D.I.Khan, the appellant filed W.P. No. 841-D/2020 for redressal of his grievances, whereby it was held that:-

*Be that as it may, despite of inquiry so conducted against the appellant by the then Inquiry*

Officer/Principal G.H.S Paroa, D.I.Khan, whereby the appellant was terminated from service on the pretext of absence from duty but no decision/proper removal order on the basis of recommendation of the inquiry officer was ever yet issued to the appellant. In such view of the matter, this Court deem it appropriate to dispose of this petition with the direction to the respondents to decide the case of appellant in light of recommendation of inquiry report so conducted by the Principal G.H.S, Paroa, D.I.Khan accordingly.

6. Thereafter, the District Education Officer, D.I.Khan vide his letter dated 08.12.2021 addressed to the Additional Registrar, Peshawar High Court, D.I.Khan Bench that the appellant was removed from his service in view of impugned office order dated 22.12.2012. Copy of letter dated 08.12.2021 is attached herewith.

7. That it is momentous to mention here that aforesaid impugned office order dated 22.12.2012, whereby the appellant was removed from service was received to the appellant on 24.01.2022 through WhatsApp. Abstract of WhatsApp is attached herewith.

8. That as earlier discussed here-in-above, the inaction of Department terminate the services of appellant is based on mala-fide result of improper exercise of official authority and having no binding effect upon rights of the appellant accrued to him by dint of his eligibility, appointment and past government service.

In view of the above made submissions, it is very humbly requested that on gracious acceptance of the instant departmental appeal to declare the impugned office order dated 22.12.2012 whereby the services of appellant as PST were removed under the garb of ghost teachers as illegal, without lawful authority which is based on malafide

result of improperly exercise of official authority and the same may please be set aside in the interest of justice.

It is further prayed that to issue directions to the District Education Officer, D.I.Khan or to the quarter concerned to re-instate the appellant on his post as PST forthwith and to pay his all back benefits

Dated:- 3 / 2 /2022

Your Humble Appellant

**Shoukat Ali Jan**  
Son of Abdul Qadir  
resident of Islamabad Colony  
Ratta Kulachi, D.I.Khan

*Shoukat Ali Jan*  
3/2/2022

40

**Pakistan Post**  
EMTTS - Express Mail Track &  
Trace System  
Delivery & Information at lightning speed

Tracking Id

International Tracking

Help Line

Call 051-111-111-117 or 051-8487080 or 051-8840360. Complaints can also be registered through <http://www.pp.gov.pk/complaints>

Re: **7** query

Article Tracking No : rad00725499

Booking Office : D.I.Khan

Delivery Office : Peshawar

**Article Track Detail**

**February 03, 2022**

3:43 PM	D.I.Khan	Received at D.I.Khan DMO
3:43 PM	D.I.Khan	Dispatch from district mail office D.I.Khan to district mail office Peshawar (BagID:BAG26426201)


**February 04, 2022**

8:26 AM	Peshawar	Dispatch from DMO Peshawar to delivery office Peshawar GPO (BagID:BAG26321920)
10:34 AM	Peshawar GPO	Sent out for delivery
3:31 PM	Peshawar GPO	Delivered at delivery office Peshawar GPO to ADDRESSEE

*Handwritten signature*

Customer Services  
Customer's Guide  
Customer Care Centers  
Locate Post Office  
Calculate Postage  
Contact Us  
Whatsapp Contact

Our Website  
Clients  
Sitemap  
Post Codes  
Terms of Use  
About EMTTS  
About Us  
Tariff  
Special Offers  
Flyers

  
Pakistan Post Mobile App

  
Pakistan Post EAD Mobile App

*Attested*

*Signature*  
Senior Postmaster  
D.I.Khan G.P.O  
P. Code: 29050

KHA. D MEHMOOD

Advocate  
bc-15-8415  
Date of Issue: October 2020  
Valid up to: October 2023



وکیل

وکالت

Secretary  
KP Bar Council

کورٹ فیس

بجوات جناب جسٹس محمد رفیق کھانہ

محکمہ عدالت عالیہ خیبر پختونخوا

دعویٰ یا جرم

تفصیل دعویٰ یا جرم

باعث تحریر آنگہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام محکمہ عدالت عالیہ خیبر پختونخوا

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے، کہ میں ہر پیشی پر خود بذریعہ اختیار حاصل روز و عدالت حاضر ہوتا رہوں گا۔ اور بروقت پکارتے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر مطلع حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا۔ تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام بکھری کے علاوہ کسی جگہ یا بکھری کے اوقات سے پہلے یا بیچے یا بعد از تظیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام بکھری کے علاوہ کسی جگہ یا بکھری کے اوقات سے پہلے یا بیچے یا بعد از تظیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر بکھری کے علاوہ اور جگہ سماعت دوسرے یا بعد از تظیل یا بکھری کے اوقات کے آگے پیچھے پیش ہونے پر مطلع کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا بخاندہ واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو مکمل ساختہ پروا اخلہ صاحب موصوف پیش کردہ ذات خرد منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی و غری، یا جواب دہی یا درخواست اجراء سے ڈگری و نظر ثانی اپیل نگرانی و جرم درخواست پر دستاویز تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرانے اور جرم کا روپیہ وصول کرنے اور رسید لینے اور دال کرانے اور جرم کے بیان دینے اور اس پر پٹائی یا راضی نامہ و قلم بر حلف کرنے، اقبال و ڈگری کا بھی اختیار ہوگا۔ اور بصورت مقررہ ہونے تاریخ پیشی مقدمہ مذکورہ بیرون از بکھری صدر پیروی مقدمہ مذکورہ نظر ثانی و اپیل و نگرانی و جرم مقدمہ یا منسوفی ڈگری کا طرف یا درخواست حکم امتناعی یا قرقی یا گزرتاری عمل از فیصلہ اجراء سے ڈگری بھی صاحب موصوف کو بشرط ادا تکلیف شدہ نشانہ پیروی کا اختیار ہوگا اور تمام ساختہ پروا اخلہ صاحب موصوف پیش کردہ ذات خود منظور قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اپیل یا نگرانی یا دیگر معاملہ مقدمہ مذکورہ کسی دوسرے وکیل یا پیرو مشرکواسپے بجائے یا اسپتہ امرہ مقرر کریں۔ اور ایسے مشیر قانون کو بھی ہر امر میں دہی اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ برجا نہ انشاء پر ہوگا، تو صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پروا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

مورثہ 31 مئی 2022ء

مشہور وکالت نامہ نر ایابت اور آٹھی لرن کتب ایابت اور ناور تہ۔

Accepted  
کے

03364330001

ایابت

0337411444

Ahmad Ali  
Advocate



وکالت نامہ

212

President

M. Aslam  
Secretary

کورٹ  
فیس

جناب جسٹس گلزار صاحب  
پنجاب ہائی کورٹ  
لاہور  
دعویٰ یا جرم  
تفصیل دعویٰ یا جرم

باعث خرید آنکھ  
مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے مقدمہ نمونہ نمبر  
انگریزی علی خان (مقدمہ نمونہ نمبر)

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا اپنا بذریعہ وکیل عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب  
موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب  
موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ یا کچہری کے اوقات سے پہلے یا بیچے یا روز تعطیل  
بیوی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر کچہری کے علاوہ اور جگہ سماعت ہونے یا روز تعطیل یا کچہری کے اوقات کے آگے یا بیچے پیش ہونے  
پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا سماعت نہ دلیں کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے جو  
کوکل ساختہ پر وادع صاحب موصوف میں کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسماعے ڈگری  
نظر ثانی اپیل نگرانی و برہم درخواست برہم کے بیان دینے اور پر عااش یا رائی نامہ فیصلہ برہم کرنے اقبال دعویٰ کا بھی اختیار ہو گا اور بصورت مقرر ہونے  
تاریخ پیشی مقدمہ مذکور ہیران از کچہری صدر ہیردی مقدمہ مذکور نظر ثانی اپیل و نگرانی و برآمدگی مقدمہ یا سنسٹی ڈگری یک طرفہ یا درخواست حکم اتہانی یا ترقی  
یا ترقی ثانی از فیصلہ اجراء ڈگری بھی صاحب موصوف کو بشرا ادائیگی ٹائمہ مختصر ہیردی کا اختیار ہو گا اور تمام ساختہ پروادع صاحب موصوف میں کردہ  
از خود منظور قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو گا کہ مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی  
اپیل نگرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا بر شرا کہ اپنے ہوائے یا اپنے اجراء مقرر کریں اور اپنے مشیر قانون کو بھی ہر امر میں وہی اور اپنے  
انتخابات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں ہر جگہ ہر جان التواء پر سے گا وہ صاحب موصوف کا حق ہو گا کہ  
صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی بروی نہ کریں اور اسکی بصورت  
میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ گندہ دیا ہے تاکہ مسترد ہے  
مورخہ 31 مارچ 2022  
مضمون وکالت نامہ سنایا ہے اور اچھی طرح سمجھا لیا ہے اور منظور ہے

Accepted

0337 1411414

"A"

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

No. *109d*

*TB DIK*

APPEAL No. *877/878* of 20 *22*

*Mst Razia Gul, Shaikat Ali Jan*  
Appellant/Petitioner

Versus

*Through Jaj. (Case) Pesh*  
RESPONDENT(S)

Notice to Counsel Appellant/Petitioner: *Ahmad Ali Khan (Advocate)*  
*Supreme Court of Pakistan*  
*D I Khan*

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *29-6-22* at *8:00 AM*

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

*at camp court*  
*D I Khan*

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

"A"

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

Resd  
No.

TB D/K

APPEAL No. 878, 877 of 20 22

Mst Razia Gul Shaikat Ali Jan

Appellant/Petitioner

Versus

Through Secy: (ESSE) Pesh

RESPONDENT(S)

Notice to Appellant/Petitioner: Shaikat Ali Jan S/O  
Abdul Qadir R/O Islam Abad Colony  
P.O Ratta Kulachi Teh & DIST D/Khan

Take notice that your appeal has been fixed for Preliminary hearing  
replication, affidavit/counter affidavit/record/arguments/order before this Tribunal  
on 29-6-22 at 11:00 AM

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

At Camp Coll  
D/Khan

Registrar,  
Khyber Pakhtunkhwa Service Trib  
Peshawar.