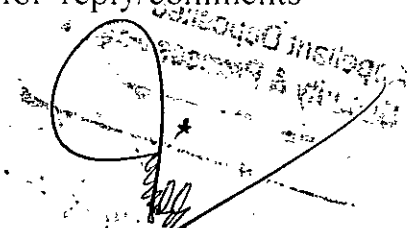


20.10.2022

Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney alongwith Mr. Obaid-Ur-Rehman DEO for the respondents present.

Reply/comments on behalf of respondents not submitted. Representative of the respondents requested for time to submit reply/comments. Adjourned. To come up for reply/comments before the S.B on 27.12.2022.



(Mian Muhammad)  
Member (E)

18.05.2022 Learned counsel for the appellant present and heard.

Learned counsel for the appellant submits that the appellant was removed from service on 26.06.2021 against which he filed departmental representation on 09.07.2021 which was responded on 25.11.2021 and within one month, thereafter filed the service appeal which is apparently seems to be within time, therefore, the appeal is admitted to full hearing, subject to all just and legal objections by the other side. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 14.06.2022 before S.B at camp court Abbottabad.

Rs-500/-  
Appellant Deposited  
Security & Process Fee


A. Arshad Khan  
24/5/22



(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad

14.06.2022 Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Reply on behalf of respondents is still awaited. Notices be issued to the respondents for submission of written reply/comment on or before 18.08.2022 before S.B at camp court Abbottabad.



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

18.8.2022

Tour to Camp Court A/Abad  
cancelled, therefore, the is adjourned  
on 20-10-22 for the same




Roudar

16.05.2022

None for the appellant present.

Notices for prosecution of appeal be issued to the appellant as well as his counsel.

To come up for Preliminary hearing before S.B on  
18/05/2022 at camp court Abbottabad.


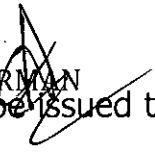
  
(Kaleem Arshad Khan)  
Chairman  
Camp Court Abbottabad

Form- A

FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 7914/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/12/2021	<p>The appeal of Mr. Noor Wali Khan presented today by Mr. Muhammad Tasleem Khan Kaloch Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p> <p>This case is entrusted to touring S. Bench at Abbottabad for preliminary hearing to be put there on <u>14-03-2022</u></p> <p>16.05.2021 None for the appellant present.</p> <p style="text-align: right;">CHAIRMAN </p> <p>Notices for prosecution of appeal be issued to the appellant as well as his counsel.</p> <p>To come up for Preliminary hearing before S.B on 13.06.2022 at camp court Abbottabad.</p> <p style="text-align: right;">(Kaleem Arshad Khan) Chairman Camp Court Abbottabad</p>

**BEFORE THE SERVICE TRIBUNAL**  
**K.P.K PESHAWAR**

Service appeal No 7914 of 2021

Mr Noor Wali Khan... ..Appellant

**VERSUS**

The Govt of KPK through Secretary E&S  
Peshawar etc..... Respondents

**APPEAL**  
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4.	copy of show cause notice and reply.	"A&B"	10-13
5.	copy of impugned removal order dated 26.06.2021.	"C"	14-15
6.	Copy of Departmental appeal and impugned order 25.11.2021.	"D&E"	16-19
7.	copy of attendance register sheet.	"F"	20-21
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**Dated 21.12.2021**

نور ولی خان

**NOOR WALI**  
(Appellant)

Through:-

**MUHAMMAD TASLEEM KHAN KALOCH**  
**ADVOCATE HIGH COURT**  
**At Mansehra**

1.

**BEFORE THE SERVICE TRIBUNAL**  
**K.P.K PESHAWAR**

Service appeal No \_\_\_\_ of 2021

Mr. Noor Wali Khan, son of Qalandar,  
resident of Uchar Nala, P/O Kamila, Dassu,  
District Kohistan Ex- Chowkidar, posted at  
GPS Uchar Nala, Kohistan upper.

.....Appellant

**VERSUS**

- 1) Government of Khyber Pakhtunkhwa  
through Sectary Elementary and  
secondary Education Peshawar.
- 2) Director Elementary and secondary  
Education Peshawar.
- 3) District Education Officer (Male)  
Kohistan upper.

.....Respondents

**APPEAL UNDER SECTION 4 OF KPK**  
**SERVICE TRIBUNAL, ACT, 1974 AGAINST**  
**THE IMPUGNED ORDER NO 4433-40**  
**DATED 26.06.2021, PASSED BY**  
**RESPONDENT No. 03 WHEREBY MAJOR**  
**PENALTY OF REMOVAL FROM SERVICE**  
**OF APPELLANT ON THE GROUND OF**  
**ALLEGED UNSPECIFIED ABSENCE FROM**  
**DUTY WAS IMPOSED WITHOUT ANY**

**INQUIRY AND INTENDING OPPORTUNITY  
BEING HEARD WITHOUT AND BEYOND TO  
THE LAW, SUCH CONDUCT OF THE  
RESPONDENTS IS ILLEGAL AND VOID-AB-  
INITIO.**

**PRAYER:-**

On acceptance of the instant service appeal, the impugned order bearing No **4433-40** dated **26.06.2021**, passed by respondent **No. 03** may kindly be set-aside declaring, them illegal, void and against the law on the subject and appellant be re-instated into service with all back benefits.

**Respectfully Sheweth:-**

1. That, appellant is a civil servant and initially appointed on 05.12.1995 as Chowkidar, in GPS Uchar Nala vide endorsement No. 885-88.
2. That, appellant was performing his duty with great zeal and devotion, sincerely for long time since 05.12.1995 in GPS Uchar Nala Kohistan upper.
3. That, appellant receive only one show cause notice received from the

respondent No. 03 office on dated 09.06.2021 which was duly replied by appellant on 18.06.2021.

**(copy of show cause notice and reply are annexed as annexure "A&B").**

4. That, appellant was in a duty GPS Uchar Nala Kohistan upper the respondent No. 03 without any legal and codal justification the appellant was removed from the service on the basis of alleged absence different dated of previous year vide impugned removal order No. 4433-40 dated 26.06.2021.

**(copy of impugned removal order dated 26.06.2021 is annexed as Annexure "C").**

5. That, appellant feeling aggrieved from the above removal order filed a Departmental appeal on dated 08.07.2021 which was rejected vide impugned order 25.11.2021.

**(Copy of Departmental appeal and impugned order 25.11.2021 annexed as Annexure "D&E").**

6. That, on alleged absents dated 03.12.2020 school was closed due to polio duty from 30 November to 06 December 2020.

**(copy of attendance register sheet annexed as annexure "F").**



7. That, respondent No. 01 and 02 issued a notification on dated 08.07.2021 w.e.f 01.04.2019 for the absenteeism the mechanism to be observe for penalty of civil servant and the impugned order is a totally illegal.

(copy of notification dated 08.07.2021 annexed as annexure "G").

8. That, felling aggrieved from the impugned order 4433-40 dated 26.06.2021 and after departmental appeal order dated 25.11.2021 appellant no other remedy except to file present service appeal before this Honourable Tribunal for interference inter alia, on the following amongst other grounds.

### **GROUND:-**

- A) That, appellant never remained absent as alleged and the entire illegal proceedings were carried out fictitiously, while sitting in office by respondent No 03 out of mala-fide.
- B) That, before imposing the impugned penalty, no publication as required under **rule 9 of E&D, Rules, 2011**, was ever made in the leading newspapers, commonly available in the

District of the appellant. The reference of news papers publication in the impugned order are not commonly available in the area of the appellant, hence, the impugned order is wholly illegal, unlawful, without lawful authority and of having no legal effect.

C) That, no inquiry into the alleged allegations was ever conducted and the impugned penalty was imposed without having the allegations proved.

D) That, appellant was never confronted with the alleged allegations at any point of time, condemning his unheard.

E) That, before passing the impugned order, appellant was not put on notice to present his view point/explanation under the Doctrine of **AUDI AULTEM PARTEM**, hence, the impugned order is not sustainable and maintainable under the law on this very sole ground.

F) That, no evidence worth name was attempted to collect by respondent No 03 against the appellant for alleged absence from duty and he has been condemned on flimsy and perverse grounds with mala-fide intention.

- G) That, appellant had a long unblemished service record at his credit and he has been removed from service with a single stroke of pen without observing due process of law and having the allegations proved.
- H) That, no complaint was ever filed by any one against the appellant for his being absent from duty as alleged on any working day with any authority.
- I) That, the impugned order on its very face value, is illegal, unlawful, without lawful authority, without jurisdiction and of having no legal effect.

**PRAYER**

On acceptance of the instant service appeal, the impugned order bearing No **4433-40** dated **26.06.2021**, passed by respondent **No. 03** may kindly be set-aside declaring them illegal, void and against the law on the subject and appellant be re-instated into service with all back benefits.

نور والی خان

**Dated 21.12.2021**

**NOOR WALI**  
(Appellant)

Through:-



**MUHAMMAD TASLEEM KHAN KALOCH**  
**ADVOCATE HIGH COURT**  
At Mansehra

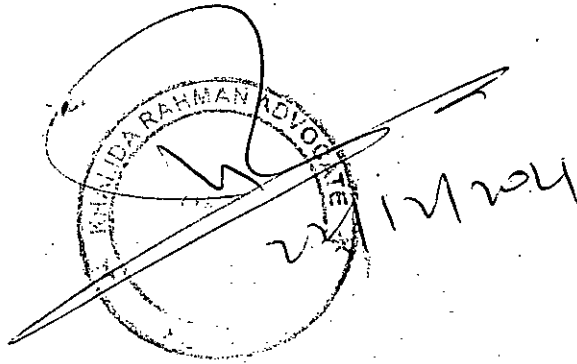
**CERTIFICATE :**

I, Mr. Noor Wali Khan, son of Qalandar, resident of Uchar Nala, P/O Kamila, Dassu, District Kohistan Ex- Chowkidar, posted at GPS Uchar Nala, Kohistan upper; it is certified that the contents of fore-going Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this Honorable Tribunal. Further stated that neither any appeal filed before any court nor pending before this court or any other court.

نور ولی خان

**NOOR WALI KHAN  
(DEPONENT)**

**ATTESTED**



**BEFORE THE SERVICE TRIBUNAL**  
**K.P.K PESHAWAR**

Service appeal No \_\_\_\_\_ of 2021

Mr. Noor Wali Khan... ..**Appellant**

**VERSUS**

The Govt of KPK through Secretary E&S  
Peshawar etc.....**Respondents**

**APPEAL**

**AFFIDAVIT**

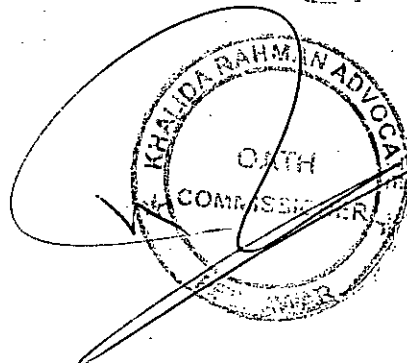
I, Mr. Noor Wali Khan, son of Qalandar, resident of Uchar Nala, P/O Kamila, Dassu, District Kohistan Ex- Chowkidar, posted at GPS Uchar Nala, Kohistan upper, do hereby solemnly affirm and declare on oath that the no such subject matter appeal has ever been filed before this honorable court nor pending nor decided. That the contents of fore-going affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this Honourable tribunal.

**Dated 21.12.2021**

نور ولی خان

**Noor Wali Khan  
(DEPONENT)**

**ATTESTED**



[Handwritten signature]

**BEFORE THE SERVICE TRIBUNAL**  
**K.P.K PESHAWAR**

Service appeal No \_\_\_\_\_ of 2021

Mr Noor Wali..... **Appellant**

**VERSUS**

The Govt of KPK through Secretary E&S  
Peshawar etc..... **Respondents**

**APPEAL**

**CORRECT ADDRESSES OF THE PARTIES**

**APPELLANT:**

Mr. Noor Wali Khan, son of Qalandar,  
resident of Uchar Nala, P/O Kamila, Dassu,  
District Kohistan Ex- Chowkidar, posted at  
GPS Uchar Nala, Kohistan upper.


**RESPONDENTS:**

- 1) Government of Khyber Pakhtunkhwa  
through Sectary Elementary and  
secondary Education Peshawar.
- 2) Director Elementary and secondary  
Education Peshawar.
- 3) District Education Officer (Male)  
Kohistan upper.

**Dated 21.12.2021**

**NOOR WALI**  
(Appellant)

Through:-

  
**MUHAMMAD TASLEEM KHAN KALOCH**  
**ADVOCATE HIGH COURT**  
At Mansehra

10

ANNEXURE "A"



OFFICE OF THE DISTRICT EDUCATION OFFICER (M) KOHISTAN (UPPER)

Email: emiskohistan@yahoo.com

Phone Number: 0998407128

Statement of Allegations/ Show Cause Notice:

Muhammad Amin District Education officer (M) Kohistan Upper, the Competent Authority under the Ehyee Pakhtunkhwa Government Servant Efficiency & Disciplinary Rules 2011, do hereby serve upon you, Mr. Noor Wali Khan, Chowkidar GPS Uchar Nala this show cause notice as follows:-

1. You remained willfully absent from your duty and school was found closed on 29.04.2021 during the surprise visit of the Deputy District Education Officer without proper permission/intimation on leave.
2. You have drawn your salary illegally during the absent period from your duty.

Thus you proved a non-punctual, inefficient, dishonest, and negligent and subvert government servant and you have committed the gross act/omissions of misconduct, inefficiency, subversion and corruption, specified in Rule 3 of the mentioned rules.

While going through the material on record of previous visit of Deputy District Education Officer on 21.07.2021 & 03/12/2020, you remained absent from your duty, the allegations, mentioned above, have been proved and you proved guilty of the charges under the provisions of E&D Rules 2011. Thus award of inquiry is hereby dispensed with under Rule 7 of the aforesaid rules.

As a result, therefore, as the Competent Authority, have tentatively decided to impose upon you the major penalty of removal from service and recovery of illegal drawn pay of your absent period, mentioned in Rule 3(1) (a) and (b), of the Ibid Rules.

You are, therefore, required to show cause as to why any penalty mentioned in rule 4 of the aforesaid Rules should not be imposed upon you and also intimate whether you desire to be heard in person.

If no reply on your behalf to this effect is received, to this office, within 07 days of issue of this show cause, it shall be presumed that you have no defense to put in and, in that case, Ex parte action will be taken against you.

(Muhammad Amin)  
District Education Officer (M)  
Kohistan Upper.

Dated 07/06/2021

Endorsement No. 219297

Copies for information and necessary action forwarded to the:

1. Director Elementary & Secondary Education, Ehyee Pakhtunkhwa Peshawar
2. The Deputy Commissioner Kohistan Upper
3. The PA to District Education Officer (M) Kohistan Upper
4. The Sub Divisional Education Officer (M) Daska, Kohistan Upper
5. Mr. Noor Wali Khan, Chowkidar GPS Uchar Nala
6. Copy to Master File for record.

District Education Officer (M)  
Kohistan Upper.

Acknowledgment: I Mr. Noor Wali Khan, Chowkidar GPS Uchar Nala received my copy.

Date:

Signature

Attested  
21-12-2021

[Signature]



## **BATTER COPY**

### **OFFICE OF THE DISTRICT EDUCATION OFFICER(M) KOHISTAN(UPPER)**

Email: emiskohistan@ybluu.com Phone Number. 0998407128

#### **STATEMENT OF ALLEGATIONS/SHOW CAUSE NOTICE:**

I Muhammad Amin District Education officer (M) Kohistan Upper, the competent Authority under the Khyber pakhtun khwa Government Servant Efficiency & Disciplinary, Rules 2011, Do hereby serve upon you Mr. Noor Wali Khan, Chowkidar GPS Uchar Nala this show cause notice as follows:

1. You remained willfully absent from your duty and school was found closed on 29.04.2021 during the surprise visit of the Deputy District Education Officer without proper permission/intimation or leave.
2. You have drawn your salary illegally during the absent period from your duty.

Thus you proved a non-punctual, inefficient, dishonest, and negligent and subvert government servant and you have committed the gross act/omissions of misconduct, inefficiency, subversion and corruption specified in Rule 3 of the mentioned rules.

While going through the material on record of previous visit of Deputy District Education officer on 24.02.2021 & 03.12.2020, you remained absent from your duty, the allegations, mentioned above, have been proved and you proved guilty of the charges under the provisions of E&D Rules 2011. Thus need of inquiry is hereby dispensed with under Rule 7 of the aforesaid rules.

As a result, thereof I as the competent Authority, have tentatively decided to impose upon you the major penalty of removal from service and recovery of illegal drawn pay of the your absent period. mentioned in Rule 4(1),(a) and (b), of the ibid Rules.

You are, therefore, required to show cause as to why any penalty mentioned in rule 4 of the aforesaid Rules should Mt be imposed. upon you and also intimate whether you desire to be head in person.

If not reply on your behalf to this effect is received, to this office, within 07 days of issue of this show cause, it shall be presumed that you have no defense to put in and. In that case. Ex parte action will be taken against you.

**(Muhammad Amin)  
District Education Officer (M)  
Kohistan upper.**

Endorsement No.8782-87

dated 09.06.2021

Copies for information and necessary action forwarded to the:

1. Director Elementary & Secondary Education, Khyber pakhtunkhwa Peshawar.
2. The Deputy Commissioner kohistan Upper
3. The PA to District education Officer (M) kohistan Upper.
4. The sub Divisional education Officer (M) Dassu, Kohistan upper.
5. Mr. Noor wall.Khan, Chowkidar GPS Uchar Nala.
6. Copy to Master File for record.

**District education officer(M)  
Kohistan Upper.**

Acknowledgment I Mr. Noor wall khan, chowkidar GPS uchar nala received my copy .

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



Annexure "B"

تعمیراتی کاموں کے لیے فراہم کردہ رقم

موجودہ مالی سال 2020-21 کے لیے فراہم کردہ رقم

درج ذیل کے تحت فراہم کی گئی ہے

موجودہ مالی سال 2020-21 کے لیے

1- پبلک ورکس ڈیپارٹمنٹ کے تحت فراہم کردہ رقم  
2- پبلک ورکس ڈیپارٹمنٹ کے تحت فراہم کردہ رقم  
3- پبلک ورکس ڈیپارٹمنٹ کے تحت فراہم کردہ رقم

4- پبلک ورکس ڈیپارٹمنٹ کے تحت فراہم کردہ رقم

5- پبلک ورکس ڈیپارٹمنٹ کے تحت فراہم کردہ رقم

6- پبلک ورکس ڈیپارٹمنٹ کے تحت فراہم کردہ رقم

7- پبلک ورکس ڈیپارٹمنٹ کے تحت فراہم کردہ رقم

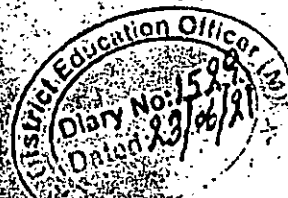
علیہ نوٹری فنانس ڈیپارٹمنٹ

موجودہ مالی سال 2020-21 کے لیے

Attested

21-12-2021

Handwritten signature



## Better copy

بخسور جناب DEO مردانہ اپر کوہستان بمقام داسو  
 بخوالہ شوکا ز نوٹس نمبری 87-8782 مورخہ 09.06.2021 ازاں آفس ہذا۔  
 درخواست بمراد جواب شوکا ز نوٹس۔

جناب عالی!

- (۱)۔ یہ کہ ملازم آنحضرت کے زیر سایہ ملازم ہے اور آج تک بلا ہذا کبھی غیر حاضری نہ  
 کی اور ہمیشہ فرض شناسی سے اپنی ڈیوٹی سرانجام دیتا آرہا ہے۔
- (۲)۔ یہ کہ مورخہ 03.12.2020 کو بھی سائل اپنی ڈیوٹی پر حاضر تھا۔ کہ سائل کو  
 اطلاع ملی علاقہ قلم کوٹ جلکوٹ میں سائل کا قریبی رشتہ دار فوت ہو چکا ہے  
 ۔ اب وہاں پر ماتم پرسی پر جانا انتہائی لازمی تھا سائل بحالت مجبوری اُس دن  
 فوتگی کی طرف روانہ ہوا کیونکہ گھر پر دوسرا کوئی نہ تھا۔ جو اس ماتم پرسی جاسکے۔
- (۳)۔ یہ کہ اسی طرح مورخہ 24.02.2021 کو اچانک سائل کے بچے کو پچیس کا  
 مرض لاحق ہوا اور سائل کو مجبوراً فل فور اُس کے علاج کے لیے کمیلہ بازار ڈاکٹر  
 کے پاس لانا پڑا۔
- (۴)۔ یہ کہ اس طرح مورخہ 29.04.2021 کو علاقہ جہامرا جلکوٹ میں سائل  
 کے ایک قریبی رشتہ دار کی فوتگی کی خبر ملی اور سائل کو وہاں جانا پڑا۔
- (۵)۔ یہ کہ ان تین دنوں کے علاوہ سائل ہمیشہ روزانہ اپنی ڈیوٹی پر حاضر رہا اور کبھی  
 شکایت کا موقع نہ دیا ہے۔ یہ بھی محض مذکورہ بالا مجبوریوں کے تحت ہوا ہے جو  
 کہ گھر پر دوسرا ذمہ دار فرد نہیں تھا۔
- (۶)۔ یہ کہ پھر بھی آئندہ محتاط رہے گا اور شکایت کا موقع نہ دے گا۔  
 استدعا ہے کہ شوکا ز نوٹس داخل دفتر فرما کر سائل کو معاف فرمایا جاوے۔

مورخہ 18.06.2021

نورولی خان چوکیدار GPS اچھارنالہ۔

ڈائری انگریزی

(14)

Annexure "C"



# OFFICE OF THE DISTRICT EDUCATION OFFICER (M) KOHISTAN (UPPER)

Email: emiskohistan@yahoo.com Phone Number: 0998407128

## OFFICE ORDER/REMOVAL FROM SERVICE

1. Whereas Mr. Noor Wali Khan, Chowkidar GPS Uchar Nala Kohistan Upper remained willfully absent from his duty without proper permission, intimation or leave.
2. Whereas he was found absent during visit of Deputy District Education Office (M) Kohistan on 03.12.2020, 24.02.2020 and 29.04.2021.
3. Whereas he was called several times to resume his official duty properly, but he badly failed to comply the Departmental Orders.
4. Whereas he has drawn his salary illegally during his absent period without performing his duty.
5. Whereas a show cause notice was served upon him vide this office order No. 2776-81 Dated: 09.05.2021, which was delivered to him, vide his proper acknowledgement and dated signature.
6. Whereas he replied to the show cause which was termed as unsatisfactory and non-convincible.
7. He badly failed to avail the chance of personal hearing.
8. Whereas while going through the material on record and personal observations of the undersigned, all the charges/allegations leveled against him have been proved to the full satisfaction of the undersigned.

Therefore the undersigned being the competent authority do hereby impose Major Penalty of Removal from Service, upon Mr. Noor Wali Khan, Chowkidar GPS Uchar Nala Kohistan Upper under Rule 4(b) of E&D Rules 2011, with immediate effect, in the interest of public service.

(MUHAMMAD AMIN)  
 District Education Officer (M)  
 District Kohistan Upper.  
 Dated: 26-6/06/2021

End No. 4433-40

Copy for information and necessary action forwarded to:

1. The PA to Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Commissioner Kohistan Upper.
3. The District Accounts Officer Kohistan Upper.
4. The PA to District Education Officer (M) Kohistan Upper.
5. The Sub Divisional Education Officer (M) Dasso Kohistan Upper.
6. The B&AO local office to stop the pay of the concerned teacher immediately.
7. The Ex-Chowkidar Mr. Noor Wali Khan GPS Uchar Nala Kohistan Upper.
8. Copy to Master File for record.

*(Signature)*  
 District Education Officer (M)  
 District Kohistan Upper

*Attested  
 21-12-2021  
 (Signature)*

15

**BATTER COPY**

**OFFICE OF THE DISTRICT EDUCATION OFFICER(M)  
KOHISTAN(UPPER)**

Email: emiskohistan@yahoo.com Phone Number. 0998407128

**Office order/Removal from service**

1. Whereas Mr. Noor wali Khan, Chowkidar GPS Uchar Nala Kohistan Upper remained willfully absent from his duty without proper permission, intimation or leave.
2. Whereas he was found absent during visit of Deputy District Education Officer(M) Kohistan on 03.12.2020, 24.02.2020 and 29.04.2021.
3. Whereas, he was called, several times to resume his official duty properly , but he badly failed to comply the department orders.
4. Whereas he has drawn his salary illegal, during his absent period without performing his duty.
5. Whereas a show cause notice was served upon him vide this office order No. 2776-81 dated 09.06.2021, which was delivered to him, vide his proper acknowledgement and dated signature.
6. Whereas he replied to the show cause which was termed as unsatisfactory and non convincible.
7. He badly failed to avail the chance of personal hearing.
8. Whereas while going though the material on record and personal observation of the undersigned all the charge/ allegation leveled against him have been proved to the full stratification of the undersigned.

Therefore the undersigned being the competent authority do hereby impose Major penalty of removal from service, upon Mr. Noor Wali Khan, Chowkidar GPS Uchar Nala, Kohistan Upper Under Rule, 4(b) of E&D Rules 2011, with immediate effect, in the interest of public service.

**(Muhammad Amin )  
District Education Officer (M)  
Kohistan upper.**

Endorsement No.4433-40

dated 26.06.2021

Copies for information and necessary action forwarded to the:

1. The PA to Director Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.
2. The Deputy Commissioner Kohistan upper.
3. The District Accounts Officer Kohistan upper.
4. The PA to District Education Officer Kohistan (M) Kohistan upper.
5. The Sub Divisional Education Officer (M) Dassu Kohistan Upper.
6. The B&AO Local Office to stop the pay of the concerned teacher immediately.
7. The Ex. Chowkidar Mr. Noor Wali Khan GPS Uchar Nala Kohistan Upper.
8. Copy to Master File for record.

**District education officer(M)  
Kohistan Upper.**

خدمت جہان ڈائریکٹر صاحب ریجنل ایئر سٹیشنری ایئر لائنز  
فیوچر تو ٹھوڑا سا دور "D" Annexure

جہان عالی! درخواست اپیل پرورد بھائی نوٹسری

درخواست حسب ذیل عرض ارسال ہے۔

1 یہ کہ درخواست گزار ریڈیو ایئر اسٹیشنری ایئر لائنز سے بحکمہ تعلیم  
ضلع کویتان ایئر میں نوٹسری ڈائریکٹری سکول ایئر لائنز میں  
اپنی ڈیوٹی سرانجام دے رہا تھا۔

2 یہ کہ جہان ڈائریکٹری ایئر اسٹیشنری ایئر لائنز کویتان ایئر لائنز ایئر لائنز  
خلیفہ قانون نوٹسری سے مورخہ 26 جون 2021 کو نکال دیا ہے۔  
(آڈر ریف ہے)

3 یہ کہ سائیکل مورخہ 29-04-2021 کو اسٹیشنری ایئر لائنز کی صورت میں  
ڈیوٹی پر غیر حاضری کی صورت میں اور مورخہ 03-12-2020 کو سائیکل کا  
جمعہ سائیکل کو حادثہ پیش آیا تھا جس کی وجہ سے غیر حاضری رہا

4 یہ کہ سائیکل کی غیر حاضری کی وجہ سے (Major Penalty) کا ٹھکانا  
غیر قانونی ہے سائیکل کی چھوٹی چھوٹی اور اور ایئر لائنز سے  
یہ نوٹسری ہے۔

Attested  
21-12-2021

لڈا ایئر لائنز فرم سائیکل کی اپیل کو منظور فرمائیں  
ممنون فرمائیں۔ سائیکل کے بعد سائیکل کے لئے گا۔

نفاذی خان جو کئی اور ایئر لائنز کو جان اور  
08-07-2021 (موقع) 03466888799

تکلیف ایئر 116 Anne (VF)  
a-zam Nigbat

## Better copy

بخدمت جناب ڈائریکٹر صاحب ایلمنٹری اینڈ سیکنڈری ایجوکیشن خیبر پختونخواہ  
پشاور۔

جناب عالی!

درخواست اپیل بمراد بحالی نوکری۔

جناب عالی! درخواست ذیل عرض ارسال ہے۔

(۱)۔ یہ کہ درخواست گزار اپیلانٹ عرصہ دراز اٹھارہ سال سے محکمہ تعلیم ضلع  
کوہستان پر میں گورنمنٹ پرائمری سکول اچھارنالہ میں اپنی ڈیوٹی سرانجام  
دے رہا تھا۔

(۲)۔ یہ کہ جناب ڈسٹرکٹ ایجوکیشن آفیسر میل کوہستان پر نے بغیر انکوائری  
خلاف قانون نوکری سے مورخہ 26 جون 2021 کو نکال دیا ہے۔  
(آرڈر لف ہے)۔

(۳)۔ یہ کہ سائل مورخہ 29.04.2021 کو رشتہ داری فوتگی کی صورت میں ڈیوٹی  
پر غیر حاضری ہوگئی اور مورخہ 03.12.2020 کو سائل کا چھوٹا بیٹے کو  
حادثہ پیش آیا تھا جس کی وجہ سے غیر حاضر رہا۔

(۴)۔ یہ کہ سائل کی غیر حاضری کی وجہ سے Major penalty لگانا غیر قانونی  
ہے سائل کے چھوٹے چھوٹے بچے اور واحد ذریعہ معاش یہی نوکری ہے۔  
لہذا امہربانی فرما کر سائل کی اپیل کو منظور فرما کر ممنون فرمائیں۔ سائل عمر  
بھر دعا گور ہے گا۔

المرقوم 08.07.2021

نورولی خان چوکیدار GPS اچھارنالہ کوہستان پر

دستخط اردو

18

AMMEND "E"



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA PESHAWAR  
No. 3495 / A-20/C-IV/Kohistan Vol-06  
Phone: 091-9225344  
Dated Peshawar the 25/11/2021  
Email: ddadmn.ese@gmail.com

To

The District Education Officer,  
(Male) Kohistan (Upper).

Subject: **APPEAL**

Memo:

I am directed to refer to appeal of Mr Noor Wali Ex-Chowkidar GPS Uchaar Naala Dassoo Kohistan upper No Nil dated 7/11/2021 on the subject cited above and to state that the Competent Authority has examine appeal, is hereby rejected.

Assistant Director (Admn)  
Directorate E& Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Enclosure:

- 1. Copy to Mr. Noor Wali Ex-Chowkidar GPS Uchaar Naala Dassoo Kohistan Upper.
- 2. PA to Director, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.
- 3. Master File.

Attested  
21-12-2021  
*[Signature]*

Assistant Director (Admn)  
Directorate E& Secondary Education  
Khyber Pakhtunkhwa, Peshawar

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**Batter copy**

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION**

**KHYBER PAKHTUNKHWA PESHAWAR,**

No. 3425/A-20/C-IV/ Kohistan VOI 06

Dated Peshawar the 25/11/2021

To,

The District Education Officer,

(Male) Kohistan (Upper).

Subject Appeal.

Memo:

I am directed to refer to appeal of Mr. Noor Wali Ex-Chowidar GPS Uchaar Naala Dasso Kohistan upper No. Nil dated 08.07.2021 on the subject cited above and to state that the Competent authority has examine appeal, is hereby rejected.

**Assistant Director (Admn)  
Directorate E& Secondary Education  
Khyber Pakhtunkhwa, Peshawar**

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

Dated 25.11.021

Copy forwarded to the

1. Mr. Noor Wali Khan Chowkidar GPS Uchaar Naala Dasso Kohistan Upper.
2. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Master File.

**Assistant Director (Admn)  
Directorate E& Secondary Education  
Khyber Pakhtunkhwa, Peshawar**



# Annexure "F" - (20)

بابت ماہ دسمبر سال 2020  
 چیئر مین حاضری ملازمین سپس / چار نام

روزانہ		روزانہ		روزانہ		روزانہ		روزانہ		روزانہ		تاریخ
دستخط	رواگی	دستخط	رواگی	دستخط	رواگی	دستخط	رواگی	دستخط	رواگی	دستخط	رواگی	روز
P		P		P		P		P		P		1
P		P		P		P		P		P		2
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P		P		P		P		P		P		4
P		P		P		P		P		P		5
P		P		P		P		P		P		6
P		P		P		P		P		P		7
P		P		P		P		P		P		8
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P		P		P		P		P		P		10
P		P		P		P		P		P		11
P		P		P		P		P		P		12
P		P		P		P		P		P		13
P		P		P		P		P		P		14
P		P		P		P		P		P		15
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P		P		P		P		P		P		17
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P		P		P		P		P		P		27
P		P		P		P		P		P		28
P		P		P		P		P		P		29
P		P		P		P		P		P		30
P		P		P		P		P		P		31

نام: عبد اللہ  
 عہدہ: SPS  
 قومی شناختی کارڈ نمبر: 13401-2241616-1  
 فون نمبر: 03444415944

نوٹ: 30th Dec 2020  
 No teachers present in the school.  
 (Your suggestions will be welcome)

Sub Division  
 Non Officer (M)  
 08/12/2020

بابت ماہ فروری سال 2020  
 نام: رحمہ جعفری مدرسہ سیدین      Qps اجار نام

نام: عبد اللہ		نور اعظم						Sps					
عہدہ:		pst						Sps					
قومی شناختی کارڈ نمبر: 13401.9207709.7		13401.2241616.1						13401.1509005.7					
فون نمبر: 03468359905		03129915944						03468573277					
تاریخ	آمد	دستخط	رواگی	دستخط	آمد	دستخط	رواگی	دستخط	آمد	دستخط	رواگی	دستخط	
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افتاقہ													
استحقاقہ													
بیماری													
میزان													

22

Annexure "GA"



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

**NOTIFICATION**

Consequent upon the approval of the Competent Authority (Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa), the new Online Action Management System (OAMS) has taken place w.e.f 01-04-2019 in Khyber Pakhtunkhwa. The following system/mechanism will be observed.

- 1. On First Time Absenteeism**  
Show cause notice will be issued to the delinquent teacher/official and the competent authority will decide whether to exonerate or deduct one day salary on the basis of reply/explanation of the concerned alleged accused teacher duly supported by valid documentary proof in support with the explanation/reply.
- 2. On Second Time Absenteeism**  
Show cause notice will be issued followed by imposition of minor penalty of "Censure" and deduction of one-day salary.
- 3. On Third Time Absenteeism**  
Show cause notice for stoppage of one increment for one year.
- 4. On Fourth Time Absenteeism**  
Show Cause Notice for stoppage of two increments for three years.
- 5. On Fifth Time Absenteeism**  
Show Cause Notice for imposition of any of the major penalties specified under E&D Rules 2011, which includes Down-grading, Compulsory retirement, Removal from Service or Dismissal from service as the case may be.

**NOTE:**

- For each academic year, teacher absenteeism will start from the first occurrence.
- District Education Officer (M&F) will be responsible to take action against the teacher from BPS-01 to BPS-15 (Being Competent Authority)  
The District Education Officer (M&F) will forward cases of BPS-16 and above to the Director E&SE, Khyber Pakhtunkhwa. The Director E&SE, Khyber Pakhtunkhwa will take action against the staff in BPS-16 being Competent Authority.  
The Director E&SE, Khyber Pakhtunkhwa will forward the cases of BPS-17 and above to the Secretary E&SE Department Khyber Pakhtunkhwa for necessary action.

Attested  
24-12-2021  
JSM

Endst: No. 9970-8031

/F.No.1/B&T/OAMS/2016-17

Director  
E&SE Department  
Khyber Pakhtunkhwa

Dated 08/12/2021

Copy forwarded for information to the:

1. Director EMIS E&SED Khyber Pakhtunkhwa, Peshawar.
2. Director General EMA, Khyber Pakhtunkhwa with the request to inform and direct all District Monitoring Officers to observe the above notification in true letter and spirit.
3. All the District Education Officers (M&F) in Khyber Pakhtunkhwa with the directions have a strict compliance with the above notification.
4. PS to Secretary E&SED Khyber Pakhtunkhwa, Peshawar.
5. PA to Director E&SE, Khyber Pakhtunkhwa, Peshawar.
6. Head of ASI, PC Hotel Peshawar.
7. Master File.

Mh/1.7/2021  
Deputy Director (B/T)  
Directorate of E&SE

9  
3

**"B"**

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

No. *Razvi*

*TB ATN*

Appeal No. *7914* of 20 *21*

*Noor Wali Khan* Appellant/Petitioner

Versus

*Through Serys (CESF)* Respondent

Respondent No. *3*

Notice to: - *DEO (Male) Kohistan Upper*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on *14/6/22* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

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

Day of..... *5* 20 *22*

*at court  
At Abad*

*[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.

*Razvi*

*TB A/A*

Appeal No.....*77/14*..... of 20 *21*

.....*Noor Wali Khan*..... Appellant/Petitioner  
Versus

.....*Tarqin Saeed (FSS)*..... Respondent

Respondent No. *3*

Notice to: —

*DEO (Male) Kohistan Upper*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on.....*14/4/22*.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

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

Day of.....*5*.....20 *22*

*at camp court  
At Abad*

*[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.