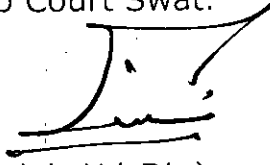


06.10.2022


Mr. Junaid, Advocate, junior of learned counsel for the appellant present and submitted an application for adjournment on the ground that mother of learned counsel for the appellant is hospitalized in Peshawar. Adjourned. To come up for preliminary hearing on 10.11.2022 before the S.B at Camp Court Swat.

**SCANNED
KPST
Peshawar**


(Salah-Ud-Din)
Member (J)
Camp Court Swat

05.11.2022

Appellant in person present and requested for adjournment on the ground that his counsel has proceeded to Lahore for *Tableegh*. Adjourned. To come up for preliminary hearing on 05.12.2022 before the S.B at Camp Court Swat.

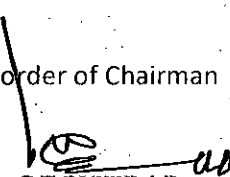


(Salah-Ud-Din)
Member (J)
Camp Court Swat

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 1135/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/07/2022	<p>The appeal of Mr. Karim Khan resubmitted today by Mr. Momin Khan Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on <u>7-9-22</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p> <p>07.09.2022</p> <p>Appellant alongwith clerk of his counsel present. Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is indisposed. Adjourned. To come up for preliminary hearing on 06.10.2022 before the S.B at Camp Court Swat.</p> <p> (Salah-Ud-Din) Member (J) Camp Court Swat</p>

SCANNED
KPST
Peshawar

عدالت جناب سروس ٹریبونل خیبر پختونخواہ گلگتہ سوات

کدیم خان بناام DEO وغیرہ

درخواست بمراد تبدیلی تاریخ پیشی
بعروضات ذیل

جناب عالی! حسب ذیل عرض ہے -

(1) یہ کہ مقدمہ عنوان بالا عدالت حضور میں زیر سماعت
ہے جس میں امر در 22/10/06 تاریخ پیشی مقرر ہے -

(2) یہ کہ پیشتر کا وکیل موصل خان ایڈووکیٹ کی والدہ طلبہ
جو کہ ضعیف العمر ہے اور شدید بیمار ہے جس کے وجہ سے
پشاور ہسپتال میں زیر علاج ہے اور عدالت حضور میں
پیشی ہونے سے قاصر ہے -

لینا استدعا ہے کہ بمنظور
درخواست ہذا سائل/پیشتر
کو تاریخ تبدیل کرنے کا حکم
صادر فرمایا جائے -


علی
سائل/پیشتر

The appeal of Mr. Karim Khan son of Shah Khail resident of Chungai Shamoza Tehsil Barikot Swat received today i.e. on 07.07.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal is not signed by the appellant.
- 2- Copy of complaint mentioned in para-3 of the memo of appeal (Annexure-C) is not attached with the appeal which may be placed on it.
- 3- Copy of service appeal mentioned in para-15 of the memo of appeal (Annexure-N) is not attached with the appeal which may be placed on it.
- 4- Page no. 14, 15, 16, 22, 24, 25, 27, 30 and 32 of the appeal are illegible which may be replaced by legible/better one.
- 5- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.

No. 2182 /S.T,

Dt. 07/7 /2022

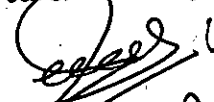

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Momin Khan Adv.
High Court Swat.

Respected Sir,

All objection is removed

objection No 4: Page No 14, 15, 16 Put before
the Court along with objection thanks.


Momin Khan Adv.

20-7-22:

objection No 2: That is No written complaint.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST

CASE TITLE: Kadim Khan v/s DEO Swat etc

S#	CONTENTS	YES	NO
1	This Appeal has been presented by:		
2	Whether Counsel/Appellant/Respondent/Deponents 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?	x	✓
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
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 cutting/overwriting?	✓	
17	Whether list of books has been provided at the end of the appeal?	x	✓
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: Momin Khan

Signature: [Signature]

Dated: 7-7-2022

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

SCANNED
KPST
Peshawar

Appeal No. 1135/2022

Karim Khan

V/S

DEO Swat etc

INDEX

S #	Description	Annexure	Pages #
1.	Appeal with certificate		1-9
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3.	Affidavit		11
4.	Copy of condonation of delay with affidavit		12-13
5.	Copy of appointment order dated 27-12-1999	A.	14-16
6.	Copy of grant of leave	B.	17
7.	Copy of complaint & order dated 19-07-2017	C.	18
8.	Copy of application for adjustment	D.	19
9.	Copy of written request	E.	20-23
10.	Copy of order dated 09-10-2017	F.	24
11.	Copy of arrival report	G.	25-26
12.	Copy of corrigendum	H.	27-29
13.	Copy of departmental appeal	I.	30-35
14.	Copy of enquiry report	J.	36-37
15.	Copy of pay release order	K.	38
16.	Copies of writ petition & order	L.	39-44
17.	Copy of order dated 31-07-2018	M.	45
18.	Copies of departmental appeal & service	N.	46-57
19.	copy of judgment dated 04-10-2021	O.	58-61
20.	Copies of inquiry & order dated 15-01-2022	P.	62
21.	copy of department appeal - Receipt	Q.	63-68
22.	Wakalatnama - Power of Attorney		69-72

Through Counsel

Appellant

MOMIN KHAN

Advocate, High Court

Office: Near District Courts Swat
Cell No: 0346-9195769

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

Service Appeal No 1135 of 2022

Karim Khan son of Shah Khail

Resident of Chungai, Shamoza, Tehsil Barikot,

District Swat

.....Appellant

VERSUS

1. District Education Officer (M) District Swat
2. Govt. of Khyber Pakhtunkhwa Secretary Elementary & Secondary Education Khyber Pakhtunkhwa at Peshawar.
3. Director Elementary & Secondary Education Khyber Pakhtunkhwa at Peshawar.

.....Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974, against the order dated 15-01-2022 of the respondent No. 1, whereby the appellant's has been dismissed from his service and for not taking any action on the department appeal filed by the appellant on 10-02-2022 before the respondent No. 2.

PRAYER IN APPEAL

On acceptance of this service appeal the order dated 15-01-2022 passed by the respondent No. 2 be

declared as illegal, discriminatory, against law, void ab-initio and may graciously be set aside the same and the appellant may be reinstated on service with all back benefits. Any other relief which are proper in the instant circumstances of the may also be granted though not specifically asked for.

Respectfully Sheweth,

The facts of the instant case are as under:-

- 1) That the appellant is a regular employee of the Education Department and appointed on 27-12-1999. (Copy of appointment order dated 27-12-1999 is attached as annexure "A")
- 2) That the appellant applied for the grant of leave which was granted to the appellant for the period of 01-03-2017 to 15-12-2017 under the relevant rules. (Copy of grant of leave is attached as annexure "B")
- 3) That the appellant went on leave, in the meanwhile the one Abdul Mustan with mala-fide intention and out of personal grudges made a complaint against the appellant, consequently the respondent No. 1 cancelled the leave granted to the appellant vide office order dated 19-07-2017. (Copy of complaint & order dated 19-07-2017 is attached as annexure "C")
- 4) That upon the cancellation of the leave the Appellant had reported back, in compliance of the office order issued by the respondent No. 1 and assumed his duty at GPS Dedawar on

03-08-2017. (Copy of application for adjustment is attached as annexure "D")

- 5) That the petitioner is performing his duties, but the salary of the appellant has not been released by the respondent No. 1, hence the appellant filed written request to the respondent No. 1 to the effect to make adjustment of the appellant so as to release the salary of the appellant. (Copy of written request is attached as annexure "E")
- 6) That in meanwhile the center incharge / Abdul Mustaan collected service book of all teachers of Illaqa Shamozaai for allocation of annual increment of the year 2016, including the appellant. Later on, the appellant needed his service book for necessary entries in SDEO office, therefore, the appellant approached the respondent No. 1 office for collection of service book, respondent No. 1 out of personal grudges with the appellant withheld the original service book, and said that the same has been lost in his office. The appellant again made an application to the respondent for handing over the original service book, but of no avail.
- 7) That after bringing into notice the aforementioned harassment at the hands of respondent No. 1, the appellant had been further humiliated by making another premature and illegal transferred of the Appellant from GPS Dedawar to GPS Zara Khela vide corrigendum dated 09-10-2017. (Copy of order dated 09-10-2017 is attached as annexure "F")

- 8) *That despite of usurping the statutory right of the Appellant, the appellant assumed duty at GPS Zara Khela on 10-10-2017. (Copy of arrival report is attached as annexure "G")*
- 9) *That the wrath of the respondent does not end here, and after one week another corrigendum issued by the respondent No. 1 vide which again the adjustment order of the appellant was placed at GPS Bar Cham, Rangila on dated 16-10-2017. (Copy of corrigendum is attached as annexure "H")*
- 10) *That the appellant agitated the maltreatment, harassment and humiliation by filing departmental appeal before this worthy office against the action & omission adverse to the rights of the appellant, but the same is not been decided, and remains pending before the authority. (Copy of departmental appeal is attached as annexure "I")*
- 11) *That in the meanwhile departmental proceedings also been initiated on the charges of dual duties, the inquiry report was submitted, wherein the appellant has been exonerated of the charges leveled upon the complaint of one Abdul Mustaan, and it was held in the aforesaid inquiry report that the allegation of the said Abdul Mustaan are based on malevolent intentions, hence the recommendation for punitive action against the Abdul Mustaan was also suggested. (Copy of enquiry report is attached as annexure "J")*
- 12) *That it is depressing to mention that despite of the aforementioned inquiry report neither the salary of the appellant has been released nor the adjustment order related to posting of the appellant has been acted upon, and a service book*

of the Appellant has also not been recovered despite of clear recommendation by the inquiry officer. (Copy of pay release order is attached as annexure "K")

- 13) That after the result of the inquiry in favour of the appellant, the respondent No. 1 did not implement the recommendation of the inquiry report, therefore, the appellant went to the Honorable Peshawar High Court for redressal of his grievances. But the Honorable Court held that the relief sought in the writ petition pertains to the "terms & condition" of service, hence having no jurisdiction to entertain the same and held to approach the Service Tribunal, and the petitioner filed service appeal before the honorable Service Tribunal. (Copies of writ petition & order is attached as annexure "L")
- 14) That during the appeal of the appellant & direction of this office, the respondent No. 1 initiating inquiry and after that the respondent No. 1 removed the appellant from his service vide order dated 31-07-2018. (Copy of order dated 31-07-2018 is attached as annexure "M")
- 15) That the appellant filed department appeal before this worthy office, and that after the appellant filed service appeal. (Copies of departmental appeal & service is attached as annexure "N")
- 16) That the said appeal was allowed vide order / judgment dated 04-10-2021, whereby the respondent No. 1 were directed to re-instate the appellant in to service for the purpose de-novo inquiry to be conducted within 90 days of the receipt of this judgment. (copy of judgment dated 04-10-2021 is attached as annexure "O")

- 17) That the respondent No. 1 not conducted the inquiry independently and not giving proper opportunity to the appeal for his defense as the department / respondent No.1 already were trying to deprive the appellant for his post without any reason and ultimately, without any properly & cogent reasons illegally, unlawfully once again terminated the appellant vide order 15-01-2022. (Copies of inquiry & order dated 15-01-2022 is attached as annexure "P")
- 18) That the appellant filed Department appeal before respondent No.2 on 10-02-2022. (copy of department appeal is attached as annexure "Q")
- 19) That the respondent No. 2 did not decide the departmental appeal within a instituted period, hence the appellant is approaching this Honorable Tribunal for the redressal of his grievances against the action and inaction of the respondents on the following ground inter alia.

GROUNDS:-

- A) That the action of respondent is unlawful, against the law, arbitrary and against the norms of justice.
- B) That the august apex court of the county have laid guiding principles in many judgments that authority cannot dismissed the service, so, the act of respondent is contrary to those guidelines therefore it is liable to set aside.
- C) That the respondent No. 2 has not been decided the appeal of the petitioner is too illegal & unlawful.

- D) *That the sheer abuse of the powers and consequent harassment of the appellant at the hand of the respondent & one Abdul Mustaan is gross violation of fundamental right of the appellant.*
- E) *That in case of imposing major penalty principle of natural justice requires that a regular inquiry was to be conducted in the matter and opportunity of defense of personal hearing was to be provided to the civil servant proceeded against him otherwise the procedure against him without following the rules would be amount to condemned unheard. So, on this ground to the impugned order regarding dismissal / removal is liable to be struck down on this score alone.*
- F) *That the penalty of dismissal / removal from service imposed upon appellant for absence from service is illegal being violative of section 7 (a).*
- G) *That the appellant were illegally treated & dismissal/ removal from service is too harsh so, the impugned order is not maintainable in the eye of law.*
- H) *That in service law concept of penalty was to make an attempt to reform the individual wrong doer but such penalty deprived the appellant from the right of earning, which defeat the reformatory concept of punishment in administration of justice so, the*

order of dismissal is not sustainable on this ground too.

- I) That just after the first termination order the appellant is still jobless and living a miserable life, although the appellant has spend his glorious period of life of his youth in the services of respondent / department and for now the appellant is suffering from the fatal dilemma of overage, and he has not in position to avail any other opportunity in any other department / services.
- J) That the inaction of respondent department is against the law, rules, because the appellant was ill and unable to perform his duty, but the respondent department is against the law & rules not reinstate the appellant.
- K) That the apprehended forceful premature termination of appellant is unjustified illegal. The said act of the respondent is be clear & sheer violation of the Fundamental Rights of the appellant which are envisaged and guaranteed by the Constitution of the Islamic Republic of Pakistan, 1973.
- L) That no show cause notice, charge sheet, personal hearing and no explanation been conducted / served against appellant, which is against the laid down rules and regulations and thus this act of the respondents is amounts to abuse of law.

PRAYER

It is therefore humbly prayed that on acceptance of this service appeal the order dated 15-01-2022 passed by the respondent No. 2 be declared as illegal, discriminatory, against law, void ab-initio and may graciously be set aside the same and the appellant may be reinstated on service with all back benefits. Any other relief which are proper in the instant circumstances of the may also be granted though not specifically asked for

Appellant
through counsel



MOMIN KHAN
Advocate, High Court
& Federal Shariat Court Islamabad

CERTIFICATE:

(As per directions of my client) No such like Appeal earlier has been filed by the appellants on the subject matter before this Honorable Court.


ADVOCATE

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

Service Appeal No _____ -M of 2022

Karim Khan..... (Appellant)

VERSUS

District Education Officer (M) Swat and others..... (Respondents)

ADDRESSES OF THE PARTIES

APPELLANT

Karim Khan son of Shah Khail Resident of Chungai, Shamoza, Tehsil

Barikot, District Swat

CNIC No: 15602-1553077-1

Cell No: 0346-2409677

RESPONDENTS

1. District Education Officer (M) District Swat
2. Govt. of Khyber Pakhtunkhwa Secretary Elementary & Secondary Education Khyber Pakhtunkhwa at Peshawar.
3. Director Elementary & Secondary Education Khyber Pakhtunkhwa at Peshawar.

Appellant

Through Counsel



MOMIN KHAN

Advocate, High Court

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

Service Appeal No _____ -M of 2022 -

Karim Khan..... (Appellant)

VERSUS

District Education Officer (M) Swat and others..... (Respondents)

AFFIDAVIT

I, Azizullah Khan (attorney for appellant), do hereby solemnly affirm and declare on oath that the contents of the above titled Appeal is true and correct to the best of my knowledge and belief.


DEPONENT

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

Service Appeal No _____ -M of 2022

Karim Khan..... (Appellant)

VERSUS

District Education Officer (M) Swat and others..... (Respondents)

Application for Condonation of delay if any in submission of the above
captioned service appeal

Respectfully Sheweth!

1. That the captioned appeal has filed today.
2. That the delay occurred in filing the captioned service appeal was due to unavoidable circumstances, because of the behaviour of the respondents as they mala-fidely did not give any findings on the departmental appeal of the appellant / applicant, and kept him awaiting in hanging position and in order to approached to this honorable tribunal, the appellant / applicant still waiting for reply of the department / respondents, which were beyond the control of applicant / appeal.

It is, therefore, humbly prayed that by the acceptance of instance application delay of any in filing the captioned revision petition may kindly be condoned.

Appellant

Through Counsel



MOMIN KHAN
Advocate, High Court

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

Service Appeal No. _____ -M of 2022

Karim Khan..... (Appellant)

VERSUS

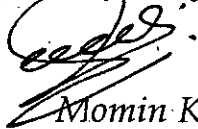
District Education Officer (M) Swat and others.:..... (Respondents)

AFFIDAVIT

I, Azizullah Khan (attorney for appellant), do hereby solemnly declare & affirm on oath that the contents of the accompanying application are true and correct to the best of my knowledge & belief.


Deponent

Identified by



Momin Khan
Advocate High Court

Annex "A"

(14)

Page - 3 -

M. CM MINGORA

- 38/2 MOHAMMAD ANWAR ALI S/O MUBARRAK ALI 15.4.75 GPS No. 3 Mingora A.V.R
- 39/3 Monnassad Tahir S/O Mohammad Gul 10.4.74 GPS; Gulkada -do-
- 40/4 Hamid Ahmad S/O Nisar Ahmad 22.5.77 GPS, Barkalay Saidu -do-

BHAMOZAI Pr-66)

- 41/1 Karim Khan S/O Shateel 2.1.71 GPS, Shinkay -do-
- 42/2 Nisar Alam S/O Umar Wahid 17.6.77 GPS Chalaria -do-

GHALAGAI

- 71 Ishfaq Ali S/O Mohammad Qadir 1.1.77 GPS, Loi Panghalay -do-

TOTANO BANDAI

- 43/2 Mohammad Khan S/O Mohammad Khan 1.8.75 GPS Inzar Kelalai -do-
- 44/3 Nisar Ali S/O Farwanat Shah 1.4.75 GPS Galagay -do-

SHAN DHERAI

- 45/1 Noorul Amin S/O Abdul Mutalib 16.4.76 GPS, Shandherai -do-

KALA KALAI

- 46/1 Bakhtaj Ali S/O Gul Ali 1.5.73 GPS Sarkotay -do-

ROZARA KHALI KALAI

- 47/1 Hakim Khan S/O Nooray 19.1.71 GPS Wamto -do-
- 48/2 Mukhtyar Mohammad S/O Laji Nawab 8.1.76 GPS Yakh tangai -do-

SOX TALL

- 50/1 Abdul wali S/O Shuja 8.1.79 GPS Manai -do-

DEOLAI

- 51/2 Fazli Haq S/O Fazal Akbar 7.2.76 GPS Shagai Baysai -do-
- 52/3 Insaat Haq S/O Insaat Haq 1.1.77 GPS Hmakay -do-

KUZA BANDAI

- 53/1 Nisar Mohammad S/O Mohammad Nisar 15.10.76 GPS, Mamdherai -do-

BAHAARA KHALI KALAI

- 54/1 Mohammad Ilyas S/O Mohammad Ilyas 1.1.77 GPS Chindakhwary -do-
- 55/2 Shuhob S/O Mohammad Ali Jafar 1.1.77 GPS Akhona Kalay -do-

KUZA KHALI MINGORA

- 56/1 Nisar Akbar S/O Nisar Akbar 1.4.74 GPS, Kuz Kandu -do-

15

OFFICE OF THE DISTRICT EDUCATION OFFICER (PRIMARY) DISTRICT SWAT

OFFICE ORDER

Consequent upon the advertisement published in the dailies dated 3-9-1999, screening test administered on 2-10-99, interviews held on 4-10-99 by the Departmental selection committee and merit list drawn appropriately as per the method communicated, the appointments of the following trained and qualified PPS teachers are hereby ordered in PPS-7 @ Rs. 1480-81-2695 plus usual allowances as admissible under the rules against the posts shown against his/their names tentatively as per the prescribed rules with effect from 29-02-2000, just after winter vacations on the following terms and conditions:

S.No./ Merit No.	Name F/Name and Residence	D/O Birth	Name of school where posted	Remarks
DISTRICT SWAT OPEN MERIT Q25 (TOTAL POSTS 119+2 DISABLE= 121)				
1/1	Bakht Bahadar S/O Ghulam Qadar R/O Rahimabad.	12-2-74	GPS No.2 Mingora A.V.Pon	-do-
2/2	Abdul Majid S/O Mohammad Akbar Jan R/O Galoch.	13-8-76	GPS Shah Dherai	-do-
3/3	Allaudin S/O Shah Room R/O Deolai.	1-3-73	GPS Chinda Khwara	-do-
4/4	Ihsanullah Khan S/O Shujaul Mulk R/O Panjigram.	7-6-77	GPS Gulistan	-do-
5/5	Mohammad Ghaffar Khan S/O Abdul- Hamid R/O Iburgara Dherai.	13-3-72	GPS Rahmanabad	-do-
6/6	Akhtar Ali S/O Baharudin Khan R/O Totano Bandai.	1/1/77	GPS Dakorak	-do-
7/7	Khurshid Ahmad S/O Ishtamand R/O Ghaliqay.	10-10-71	GPS -do-	-do-
8/8	Rahmat Ali S/O Mohammad Quresh R/O Kuza Bandai.	1-10-73	GPS Achar	-do-
9/9	Amjad Ali S/O Ghulam Rahim R/O Odigram.	1-4-77	GPS Achar	-do-
10/10	Bafiullah S/O Talibani R/O Mingora.	12-8-71	GPS Khwaja Abad	-do-
11/11	Fazal Subhan S/O Mohram Jalal R/O Kabal.	17-10-76	GPS Bar Jabar	-do-
12/12	Sardar Ali S/O Shah Wazir Khan R/O Goglara.	4-6-77	GPS Kuz Durban	-do-
13/13	Samiullah S/O Yaqub Khan R/O Jambal.	1-3-77	GPS Baligram	-do-
14/14	Hussain Akbar S/O Ali Akbar R/O Chantalai.	3-3-77	GPS Tarogai	-do-
15/15	Rahim Ali S/O Fazal Wahid R/O Roringar.	15-2-72	GPS Ohupriyal Garral.	-do-
16/16	Abdali Khan S/O Mursang Zeb R/O Goglara.	26-5-77	GPS Tona No-2	-do-

Cont: on Page No-2/-

16

TERMS & CONDITIONS:-

1. Their appointments are hereby temporary and liable to be terminated at any time without assigning any reason.
2. He/They have to submit the resignation prior notice of resignation to the D.O. (Primary) staff for one month's salary in lieu of.
3. The D.O. (Primary) staff and all personnel should ensure the checking of photo copies of their certificates/degrees duly compared with the original documents and prepare three sets of attested photo copies of educational and professional certificates and degrees. One set may be utilized in their personal file for office record while another two sets may be sent to this office duly verified for the maintenance of personnel file in this office and for being their verified from the concerned B.L.S./University/Air/Army/Police/Praxis after proper verification from the concerned institution/vars/their services will automatically be seen and their pay will also be directed not to draw the pay of the staff until the verification of their certificates/degrees is complete.
4. He/They will not apply for any other post for the purpose of transfer to a place of his choice during the period of continuous 7 years.
5. He/They will produce physical fitness certificates from the Medical Superintendent/Civil Surgeon as required.
6. His/Their age should not exceed 35 years below 18 years.
7. No Tu/La is allowed.
8. Charge report should be sent to all concerned in triplicate.

6094-6244
 D.O. (Primary) Staff
 Dated 27.12.1999

Copy of the above is forwarded to the:-

1. The Director of Primary Education, D.O. (Primary) Staff.
2. The District Accounts Officer, D.O. (Primary) Staff.
3. The Sub-Divisional Engineer, D.O. (Primary) Staff.
4. The Head Teacher, D.O. (Primary) Staff.
5. The Candidate concerned.
6. The Master file record of the candidate.

M. Aziz

Addressed & verified

D.O. (Primary) Staff



Annex "B"

17

9/1/17

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) SWAT

GRANT OF LEAVE

Sanction is hereby accorded to the grant of Extra ordinary leave in respect of Mr. Karim Khan SPST GPS Deduwar District Swat for the period with effect from 01/03/2017 to 15/12/2017 (275 days) without pay as admissible to him under the leave rules 1981.

Necessary entries to this effect should be made in his S/Book and leave account from which are returned herewith.

(MOHAMMAD AMIN)
DISTRICT EDUCATION OFFICER (M)
SWAT

4643-45
Endst: No _____ / PF/66/Karim Khan/PST/M

4/2/17
Dated: 4/2/2017

Copy of the above is forwarded:-

1. The District Comptroller of Accounts Swat at Swat Sharif.
2. The SDEO (M) Babozai Swat.
3. The SDEO (M) Barikot Swat.
3. The ASDEO Circle Concerned.
4. The teacher Concerned.

4/2/2017
DISTRICT EDUCATION OFFICER (M)
SWAT

9



OFFICE OF THE DISTRICT EDUCATION

OFFICER (M) SWAT

(9240228-9240209)

Annex "C"

18

OFFICE ORDER.
CANCELLATION OF LEAVE.

Consequent upon the report of Sub Divisional Officer (M) circle Barikot vide his letter No.123-24 dated 18.3.2017 and gone abroad/performing double services as seaman of Mr.Karim Khan SPST GPS Dedawar.

The leave already sanctioned with effect from 01.03.2017 to 15.12.2017 (275 days) without pay vide this office Endst:No.4643-45/P.F/66/Karim Khan/SPST/M Dated 04/02/2017 is hereby cancelled with immediate effect in the interest of public service & the official concerned is directed to join his duty immediately otherwise disciplinary actions be taken against him.

Necessary to this effect should be made in his original service book and other necessary documents.

(Mohammad Amin)
DISTRICT EDUCATION OFFICER (M)
SWAT

Endst:No: 1083540 /PF/66/Karim Khan/SPST/DEO/M.

Dated 18/3/2017.

Copy forwarded to:

- 1- PA to Director E&SE KPK Peshawar.
- 2- DMO Swat.
- 3- The District comptrollers of Account Swat at Saidu Sharif.
- 4- The Sub Divisional Education Officer (M) Primary Swat w/r to his No & dated cited above & with the direction to ensure the attendance of the teacher concerned under intimation to this office .
- 5- P.A to District Education Officer (M) Swat the local office.
- 6- The teacher concerned.

19/3/17
DISTRICT EDUCATION OFFICER (M)
SWAT

Annex 'D'

(19) (12)

To

The DEO (M) Swat.

Subject: Application for Adjustment (After leave cancellation).

Respected Sir;

With humble request that DEO office was given a sanction of 275 days (10 months) leave w.e.f 01/03/2017 to 15/12/2017. The leave was granted without pay and ordered no "4643-45" dated 04/02/2017.

After few months it was canceled by the same office before availing the total granted leave. According to cancellation of office order I took charge in the same School (GPS Dedawar) today on 03/08/2017. So I request you please issue the adjustment order in "GPS Dedawar" Shamozai Swat.

Copies of "leave sanction order" and "cancellation" are attached.

I shall be very thankful to you.

Karim
03/08/2017

KARIM KHAN

SPST

GPS DEDAWAR.

Forwarded in original to SDEO (M) Barikot
for m/s. pl. *Chaudhary*
6/9/2017
ASDEO (M)
Barikot.

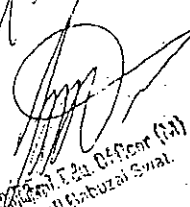
(10)

(20)

Arrival Report

Certified that Mr. Karim Khan SPST
GPS Dedawar arrived at afternoon of
this day, Date: 03/08/2017. He was on leave
w.e.f 01/03/2017 to 15/12/2017 vide letter No. —
4643-45 Dated: 04/02/2017. The said leave was
cancelled by the same office. Endst. No: 10835.
He availed only Five months of his Ten
Months Leave and he obeyed the order of
the office and he arrived at GPS Dedawar
on the date mentioned above.

Karim
03/08/2017
Karim Khan SPST
GPS Dedawar.

cl

Karim Khan SPST (Sd)
Tehsil Dedawar Swat.

Shaukat
Head master,
Govt. Primary School
Dedawar, Swat
HEAD MASTER
GPS DEDAWAR.

C.T.C
Aul

Charge Report

21

Certified that Mr. Karim Khan SPST
Govt. Primary school Dedawar took
over charge at Govt Primary School
Dedawar at afternoon of this day.

Date 03/08/2017.

Karim Khan
SPST GPS Dedawar.

C-T-C
Aug.

Muhammad Ali
HEAD MASTER,
Govt. Primary School
Dedawar, Swat
HEAD MASTER
GPS DEDAWAR.

حکومت صائب ڈی۔ سی۔ ای۔ او - سرکار ہندوستان

مدد عائد درخواست گزار کی ادائیگی کے لئے منظور شدہ رقموں کی تفصیلی سرکاری رپورٹ

Annex "E"

22

صائب عالی

گزارش کی حالت ہے کہ میں نے کمر خاں SPST ایئر کنڈیشننگ ڈیویژن (ایم) کے ذریعہ اپنی
میں قانونی چھٹی کی نقل جو لاہور میں مقیم ہے، ڈی۔ پی۔ او کی ایئر کنڈیشننگ ڈیویژن کی طرف سے
اپنی ڈیویژن پر حاکم ہوا اور 3 اگست 2017ء سے 2017ء کے دوران میں اس ڈیویژن
میں ڈیویژن (ایم) رہتا رہا۔ جی بی ایئر کنڈیشننگ ڈیویژن کے تحت ایئر کنڈیشننگ ڈیویژن کے
صادر ہوئی برائے اسٹیب اہلکاروں کے لئے ایئر کنڈیشننگ ڈیویژن کے ذریعہ ایئر کنڈیشننگ ڈیویژن کے
پاس دوران دو انکوائریز ہوئی ہیں جن میں سے ایک ایئر کنڈیشننگ ڈیویژن کی طرف سے
مشتبہ اقدام کیا گیا۔ اور یہ میرا سرکاری رپورٹ ہے جس میں ایئر کنڈیشننگ ڈیویژن کے متعلق ہوا ہے

لہذا آپ کو مطلع کیا جا رہا ہے کہ درخواست کی حالت ہے کہ درخواستی کے تین دن بعد
دلواد بھیجے کیونکہ میں ایئر کنڈیشننگ ڈیویژن کے تحت ایئر کنڈیشننگ ڈیویژن کے متعلق
ہو رہا ہے۔ اگرچہ ان چیزوں کی دہرائی تین دن بعد نہیں ہوئے تو میں عدالت کو
اجوع کر دیتا ہوں۔ SDFO سرکل کے لئے ایئر کنڈیشننگ ڈیویژن کے ساتھ (پرسنل) عدالت کے
مختار ہوا ہے۔

- (1) میری تنخواہ کی ادائیگی کی رقم فوراً صادر فرمادیجئے۔ جو ملی غیر ضابطہ سے ادائیگی کی گئی۔
- (2) میری سرکاری نوکری (Service Bank) کے تحت دے دیجئے۔
- (3) دو انکوائریز ہو چکی ہیں ان کے لئے لکھنے کے لئے فوراً دلواد بھیجئے
- (4) Initial آرڈر یا اس آرڈر کے تحت Corrigendum پر عمل درآمد کیا جائے اور اس کے بقول دلواد
کے تحت GPS ڈیویژن یا GPS کے ذریعہ ایئر کنڈیشننگ ڈیویژن کے لئے لکھنے کے لئے عدالت پر
اصحاحات صادر فرمادیجئے۔

21-11-2017

کمر خاں SPST
جی بی ایئر کنڈیشننگ ڈیویژن کے متعلق

کتاب حساب 5000 سال پروردگار سے

عنوان: عطا شدگی سرورس تک

23

حساب عالی: گزارش کی جاتی ہے کہ آپ صراحتاً ان دنوں سے نوٹیفیکیشن جاری ہوا کہ جو اساتذہ سینئر ہیں اور پی ایچ ڈی، ایس ڈی، ایس ایچ ڈی، اور ایم اے کے حامل ہیں حکومت پاکستان کے تحت وہ تمام اساتذہ گزرتے ہیں 15 (پی ایچ ڈی) کے لئے رہے گا۔

اساتذہ حساب عالی: میں SPST ہیں اور مذکورہ پروموشن کے لئے سینئر امیدوار ہوں۔

آپ صراحتاً سے گزارش ہے کہ مجھے بھی اس کی اور کچھ سرورس تک عطا فرمائیں تاکہ اساتذہ لائبریری کے لئے اساتذہ امیدوار ہوں۔ آپ کی بڑی سپورٹ ہے۔

الفاروق

تدریس عالی

ایس ڈی، ایس ایچ ڈی، پی ڈی

صفحہ 28-11
2017



OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) SWAT

24

Annex "F"

CORRIGENDM.

Please read Zarakhela instead of SPST Dadawar in the adjustment order of Karim Khan SPST issued vide this office order under Endst:1353-55/P.F/66/Karim Khan dated 11/09/2017 in the interest of public service.

(MOHAMMAD AMIN)
DISTRICT EDUCATION OFFICER
MALE SWAT

Dated 9/10/2017

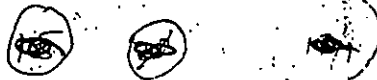
Endst: NO. 2811-13 /

Copy forwarded to :-

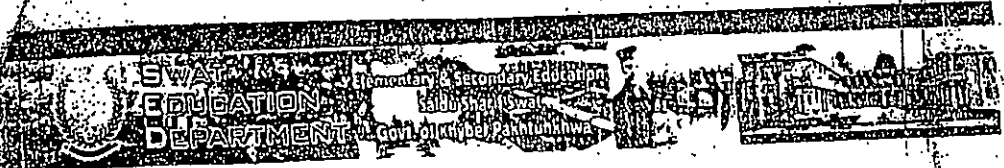
1. District Comptroller of Accounts Swat.
2. The SDEO (M) Circle Barikot Swat.
3. Teachers concerned.
4. PA to DEO Swat.

DISTRICT EDUCATION OFFICER
MALE SWAT

Amey "G"
~~Amey~~



25



CHARGE REPORT

Received that Mr./Miss. KARIM KHAN Son/daughter of SHAH KHAIL
CHUNGAI is hereby ^{Transferred} appointed against the post of SPST
based in BPS: 14 at (School Name) GPS ZARAKHELA
District Education Officer Endstt No: 2811-12 Dated 09-10-2017

10-10-2017

Karim
Signature of the Official
Swat, KP Pakistan

FOR HEAD OF THE SCHOOL ONLY

Received that we have on the (fore/afternoon) FORE of this day (date) 10-10-2017
and gave a charge of post SPST in above mentioned school to this charge report holder.
Received his/her require documents file for school record.

Z. S. Khan
Head Master,
Govt. Primary School,
Zarakhela, Distt: Swat.

Seal & Signature
Head of the School

Copy of the above is forwarded to:

- Head of the concern school.
- ASPEO Circle Office
- Sub-Divisional Education Officer (SDEO) Swat.
- District Education Officer (DEO) Office Swat.
- For his/her Record.

C.T.C
Amey

CHARGE REPORT

(17/ii)

Certified that Mr-Karim Khan S.P.S.T. (26)

G.P.S Dedawar has been transferred vide

D.E.O Swat order. End no. = 2811-13 dated 9-10-2017

He took over ^{the} charge as S.P.S.T at G.P.S

Zarkhela on 10-10-2017 before noon.

Copies to

- ① C-Incharge
- ② School file
- ③ A.S.D.E.O office.

K. Karim
Headmaster,
Gawa Primary School,
Zarkhela, Distt: Swat.

10-10-2017

Signature G-Servant

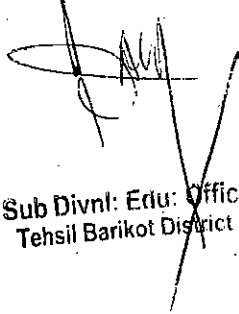
KARIM KHAN

Karim
10/10/2017

Head Teacher of Gps Zarekhela

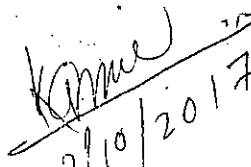
28

Relieve Mr. Karim Khan Sps7 from today Oct 18, 2017 and direct him to take over charge of his duty at Gps. Rangzela (Bar chon) immediately. He may not be allowed to put his signature in the attendance Register at your School.


Sub Divnl: Edu: Officer (M)
Tehsil Barikot District Swat.

Certified that I have received my Transfer order to G.P.S Rangzela Barcham on dated 18-10-2017 ~~before noon~~ on 11:40 AM

sign Govt servant Karim Khan S.P.S.T


18/10/2017

ATTENDANCE REPORT

29


Certified That Mr. Karim Khan has performed

his duty at GPS Rangila Barcham

from 24-10-2017 To 11-11-2017 Regularly.

I found him punctual.

Head Teacher GPS RANGILA BARCHAM

 11/11/2017

Head master,
Govt: Primary School,
Rangila Bar Cham, Swat.

2
 میں دوبارہ منظور ہو کر DEO کے طور پر سرکاری طور پر تعلق دیا گیا ہے۔ متعلقہ SDEO کے
 DEO کے طور پر بھی یہ کہا گیا کہ سرکاری طور پر تعلق دیا گیا ہے۔ انہوں نے سرکاری طور پر تعلق دیا گیا ہے۔
 انکو ایڑی مقرر کی۔ جس کے ذریعے SDEO کے طور پر تعلق دیا گیا ہے۔ لیکن انکو ایڑی مقرر
 کو دینے سے انکار کیا۔ انکو ایڑی مقرر کے طور پر تعلق دیا گیا ہے۔ لیکن انکو ایڑی مقرر
 لیکن تاحال سرکاری طور پر تعلق دیا گیا ہے۔

3

SDEO جناب عبدالستفان کے متعلقہ نام کے ساتھ سرکاری طور پر تعلق دیا گیا ہے۔
 ایک مہینے کے اندر اندر تین دفعہ کہانی۔ جو عہدہ قانونی اور انکم تھیں ہے۔
 تبادلوں کی تفصیل اور انڈیکس مقرر ہے۔

4

Endst: No: 1353-55/PF/66/Karim.khan/SPST/DEO/M
 Dated: 11-09-2017

18

دوسری دفعہ تبادلہ کی تفصیل
 Endst: No: - 2811-13
 Dated: 09-10-2017

تیسری دفعہ تبادلہ
 Endst: No: - 3162-63
 Dated: 16-10-2017

2
 میں تینوں Releasing کے نام پر DEO کے طور پر تعلق دیا گیا ہے۔ 21-11-2017 کو
 DEO کے طور پر تعلق دیا گیا ہے۔ لیکن یہ کہا گیا ہے کہ اس حکم نامے کو حتمیت نہیں
 DEO کے حکم نامے پر ہے۔
 Endst: No - 5501-2/PF/Release of pay /SPST. Dated: 27-11-2017.

حضرت جناب ڈاکٹر بلال صاحب ریاضی مدرسہ اسلامیہ سکولز تحصیل شیخوپورہ

فرعہ۔ این ڈی ای او جناب عبدالستور صاحب صاحب روپہ
جناب عالی

تذکرہ میں مکرہن صہمی کرم خان صاحب کو بھیج کر یونین کو نسل شہجوزی تحصیل بہرکوت
قلعہ سوات کا پیر کئی اور مستقل باشندہ ہیں اور ان کی سواں سے این ڈی ای او پوسٹ پر
تفیناٹ ہوں۔ یہ سال میں یکم مارچ 2017ء سے دس مہینے تک رہی گریو ضروریات تکلیف
ڈی ای او سوات کے دفتر سے چھٹی کی تھی۔ تاہم مہینے گزار کر این ڈی ای او سرکل بہرکوت سوات
نے ڈی ای او آفس جا کر میری خدمت پر مشورہ تھی کیونکہ اس کی رازدی۔

عدوہ ازین این ڈی ای او صاحب کو میں نے درخواست دی کہ میرے لیے بہرکوت میں
ایئر کنٹکٹ کرائی جائے۔ صاحب موصوف نے میری ایئر کنٹکٹ کورنگٹ پرائمری سکول فضل آباد بہرکوت
میں کر دی۔ چونکہ دوہرا یونین کو نسل ہے۔ میں نے اس سلسلے میں ڈی ای او سوات سے رابطہ کیا۔ انہوں
نے مہربانی کر کے میری تبدیلی کورنگٹ پرائمری سکول ڈیرہ در یونین کو نسل شہجوزی سوات کر دی۔ میں
ڈی ای او صاحب کی ایجا پر ڈیرہ در میں کچھ لی ڈی ای او نے کارکنوں نے جنہیں اجبر الہمی ہے کہ تعاون حاصل کئی
تھے ڈیرہ در سے پھانسیا گیا۔ لیکن ڈی ای او صاحب نے میری تبدیلی کورنگٹ پرائمری سکول ڈیرہ خیل کر دی۔ اس پر
این ڈی ای او صاحب نے فرات میں آیا اور میری تبدیلی کا بہرکوت کورنگٹ سکول رائیڈ کر دی۔
میرا بہرکوت صاحب موصوف نے میرا سرور ایب میں چرایا ہے۔ تنخواہ بھی بند ہے۔ میں بالکل
میں۔ بہرکوت میں ہوں۔ خدمت میں این ڈی ای او صاحب میرے ساتھ کو یعنی بہرکوت کر رہا ہے۔ کچھ بار میں
ان کے گھر گئی اور مددہ کیا کہ میں دفتر آ کر آپ کا کام سنبھال سکے۔ حسب و عادت میں دفتر میں لیکن وہ اپنے طرز
میں فکر کیا اور کہنے لگا کہ آپ کا کام نہیں سوسکتا۔

جناب والد۔ آپ اس قلمی صفت میں آ رہے خدمت میں دفن کر رہے ہوں۔ کہ مجھے کورنگٹ پرائمری سکول
لا زہرہ خیل یونین کو نسل شہجوزی تحصیل بہرکوت میں رہنا چاہیے اور میں ڈی ای او بہرکوت کی جائے
گیں مجھے میرا سرور ایب کے کہ تنخواہ کی بہرکوت کا بندوبست کی جائے۔ آپ کی بہرکوت میں ہوگی۔

SPST
العزیز
ڈاکٹر بلال صاحب ریاضی مدرسہ اسلامیہ سکول زہرہ خیل
یونین کو نسل شہجوزی تحصیل بہرکوت قلعہ سوات
(Contact No. 03149278757) مورخہ 19.10.2017

Please immediately
call me at your
Director
Elementary & Secondary
Khuzdar District
Khuzdar

32

اس تمام کوششوں کے باوجود ابھی تک وہ نہیں رہا ہے۔
Released ہوئی اور نہ پھر اس کے لیے کوئی اور طریقہ نہیں ہے۔
تفصیلاً آزاد نہیں ہو رہا ہے۔

آیا وہاں سے اللہ اس سے کہہ دیا ہے اور دیا ہے۔
پھر اس کے لیے کوئی اور طریقہ نہیں ہے۔
اور تفصیلاً وہ بھی نہیں ہے۔
بچا دیا ہے۔

پھر اس کے لیے کوئی اور طریقہ نہیں ہے۔

Kipore

سپریم کورٹ نے اس کے لیے کوئی اور طریقہ نہیں ہے۔
(SPT)

گورنمنٹ نے اس کے لیے کوئی اور طریقہ نہیں ہے۔
(Zarkhe la)

۱۰-۰۲-۲۰۱۷

خدمت جناب ڈائریٹر سپرنٹنڈنٹ اینڈ سیکرٹری انچارج ایجوکیشن، لاہور ضلع، لاہور۔
 درخواست نمبر: اے ڈی اے ڈی/2018

35

جناب عالی:۔
 بتور نام گزارش ہے کہ دفتر ہذا سے ایک انکوائری ہوئی تھی۔ انکوائری 25/01/2018 کو کی اور متعلقہ
 DEO سوات کو سوات Notice نمبر 18/04/06 کو ہوئی تھی لیکن بحال اس انکوائری پر عمل در آمد
 نہیں ہوا۔ میری تنخواہ 1 اگست 2017 سے ذاتیات اور سیاست کے بنیاد پر بند
 کیا گیا ہے اور میرا سروس بک بھی متعلقہ DEO جناب عبدالمستعان نے چھڑا دیا تھا
 جس کے ایک انکوائری کی گئی تھی۔ اور برآمد ہوئی ہے۔ لیکن بحال اس کا قبضہ
 میں ہے۔

آپ صاحبان سے التماس ہے کہ میری تنخواہ کی ادائیگی اور سروس بک کی
 وصولی اور انکوائری پر عمل در آمد کے احکامات صادر فرمادیں تاکہ انصاف
 کے تقاضے پوری ہو سکیں۔ اور فی آرڈر کے حکم بھی صادر فرمادیں۔ اس سے پہلے میں دو
 دفعہ درخواست کی ہے لیکن کچھ نتیجہ نہیں نکلا۔

ایک کاپی -
 کریغیان - SPST
 بی بی این - زرہ علیہ
 06-06-2018

~~DEO Sوات~~
 The immediate release
 of my application
 against the
 06/06/18

{ Submitted in DEO Sوات Diary No = 66 }
 Dated 07/06/2018
 Page 2 of 2

SUBJECT: ENQUIRY REPORT

Annex "J"

36

Introduction:

The undersigned has been nominated as enquiry officer vide Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar Notification Endstt: No. 6375-77 dated 27/12/2017 to hunt out the facts in the light of the request of District Education Officer (M) Swat letter No.5582 dated 28-11-2017 which is self-explanatory (F/A).

Case History:

A letter was submitted by District Education Officer (M) Swat, wherein, it was mentioned that an enquiry committee constituted consisting upon Mr. Zulfikar ul Mulk Dy. DEO (M) Swat as Chairman & Mr. Mohsin ADEO (Establishment Secondary) as member to enquire the matter regarding complaint against Mr. Abdul Mastaan SDEO (M) Barikot and Karim Khan SPST for his long absence/dual duties etc.

Meanwhile, the alleged Mr. Abdul Mastaan SDEO (M) Barikot submitted an application requesting that he is not satisfied with enquiry committee and demanded for conduction an impartial enquiry regarding the subject issue.

It is further mentioned in there, that a complaint was submitted by Mr. Karim Khan SPST regarding personal grudges with the earlier mentioned SDEO and he was complaining that his missing service book may kindly be recovered and his salary be released.

Procedure:

In compliance with the notification of the Directorate of E&SE and to find out the factual position of the case the undersigned proceeded as follows:

Checking of record:

All the available record has been thoroughly checked and enclosed herewith wherever necessary for further proceedings (F/B).

Statement/opinion of the Ex-Enquiry Officers:

For a crystal clear findings the undersigned met with the Ex-enquiry committee to record their opinion regarding the case and proceed further on the track (F/C).

Statement of the alleged SDEO:

A structured questionnaire was served to Mr. Abdul Mastaan the alleged SDEO and record his reply (F/D).

Statement of the Mr. Karim Khan SPST:

To justify the case, a similar natured questionnaire was also served to the teacher concerned for recording his reservations (F/E).

Findings:

Following findings drawn after conducting enquiry:

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29/11/18

B
25/01/2018

- (37)
- 1) According to available record and evidence, the allegation labeled by Mr. Abdul Mustaan SDEO against Mr. Karim Khan were baseless as they were not supported with any documentary proof.
 - 2) Mr. Abdul Mustaan failed to provide any evidence which shows Mr. Karim Khan has ever been abroad.
 - 3) Charges of dual duty of Mr. Karim Khan could not be proved.
 - 4) Charges framed against the said teacher shows malevolent intentions.
 - 5) Cancellation of sanctioned leave without pay of 275 days before availing completely and thrice adjustments of the teacher concern during a month shows personal dislikes.
 - 6) The teacher concerned proved a regular official through documental proof yet again his salary was not released up till now

Conclusion:

After following the procedural sequence mentioned above, snooping into the matter through documentary evidences the under signed came to the conclusion that:

1. Charges labeled against Mr. Karim Khan SPST were not proved.
2. The above findings reflected that there were personal grudges between SDEO concerned and Mr. Karim Khan SPST.

Recommendations:

Keeping all the facts in view, it is recommended that:

1. Since Mr. Abdul Mustaan SDEO (M) Barikot failed to prove any charge labeled against Mr. Karim Khan SPST hence, he may be reverted to his original post of Subject Specialist and may never be appointed on any managerial post in future.
2. The salary of Mr. Karim Khan SPST may be released with immediate effect along with all benefits.
3. The teacher concern may be adjusted at his original duty station.
4. The teacher concern may be kept under strict observations on his duty place in future.

Enquiry Officer

25/01/2018
Assistant Director (G)

Directorate of Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar



Annex "K"

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

PH: 091-9225344/Fax: 091-9225345 Email: ddu.esekp@gmail.com

F. No. 915/2018 Dated 06/06/2018

Near: Government Shaheed Hussain Sharif Higher Secondary School No-1 City Peshawar.

To

The District Education Officer
Male Swat

Sub: IMMEDIATE RELEASE OF PAY IN R/O Mr. KARIM KHAN SPST GPS ZARAKHELA, SWAT

Memo,

Attached is the copy of the complaint of Mr. Karim Khan SPST GPS Zara Khela, of your district with the direction that immediately releases the salary of the applicant at GPS Zarakhela.

In case of non compliance of this order action will be taken under E&D rules 2011 against all the responsible ones

Compliance report be submitted to this office within three days positive

Red S Khan
Deputy Director (Estab)
E&SE Khyber Pakhtunkhwa

Endst: No. 1251-55 Dated 06/06/2018

Copies communicated to;

1. PS to Secretary E&SED KP, Peshawar
2. Deputy Commissioner Swat
3. District Account Officer Swat
4. Mr. Karim Khan SPST GPS Zarakhela, Swat
5. Personal file

Deputy Director (Estab)
E&SE Khyber Pakhtunkhwa

BEFORE THE PESHAWAR HIGH COURT MINGORA
BENCH (DARUL QAZA) AT SWAT

Annex "L"

39

W.P No 219 M of 2018

Karim Khan son of Shah Khail

Resident of Chungai, Shamoza, Tehsil Barikot,

District Swat

Petitioner

VERSUS

1. Govt. of KPK through Secretary Elementary & Secondary Education Khyber Pakhtunkhwa at Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa at Peshawar.
3. District Education Officer (M) District Swat.
4. Abdul Mastan SDEO (M) Tehsil Barikot, District Swat.

Respondents

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

Respectfully Sheweth,

The facts of the instant case are as under:-

- 1) That the petitioner is a regular employee of the Education Department currently posted at GPS Dedawar, Tehsil Barikot, District Swat.

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(5) (10)

(40)

**PESHAWAR HIGH COURT, MINGORA BENCH/
DAR UL QAZA, SWAT**

FORM OF ORDER SHEET

Court of

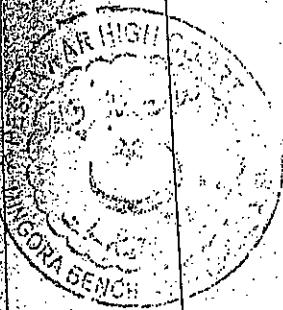
Case No. of

Serial No. of order for proceeding	Date of order 21.03.2018	Order or other Proceedings of Judge or Magistrate and that of parties or counsel where necessary. W.P. No. 219-W/2018
Present: Mr. Arshad Khan, Advocate for the Petitioner.		

<p>MOHAMMAD IBRAHIM KHAN, Karim Khan the Petitioner herein, is imploring the constitutional jurisdiction of this Court with the following perspective prayer:-</p> <p style="text-align: center;">"It is therefore humbly prayed that on acceptance of this writ petition, to issue directions to the respondent department:-</p> <ol style="list-style-type: none">1. To release the salary of Petitioner since august 2017 till date.2. To issue directions to the Respondent No. 3 to make adjustment of the Petitioner at GPS School Zara Khela.3. To handover the service book illegally retained by the Respondent No.3.4. Any other relief which this Honorable Court deems fit and proper in the circumstances may also be very kindly granted.		

2. Arguments of learned counsel for the Petitioner heard in motion and available record perused with his able assistance.

3. From perusal of the record and contention raised by learned counsel for the Petitioner, it transpires that in essence the Petitioner is aggrieved from his repeated transfer orders from one school to another during the shortest span of time. He has also prayed for release of his salary coupled with request for adjustment at the school of his choice i.e. GPS Zara Khela and handing over of service book for necessary entries. But as the above-referred matters relate to terms and conditions of his service, for which the competent forum is the Khyber Pakhtunkhwa Service Tribunal constituted under Service Tribunals Act, 1973. The jurisdiction of all other Courts including the High Court is specifically ousted because of the provision contained in Article 212 (2) of the Constitution. So, the prayers of the Petitioner in view of *ibid* Article



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212 (2) could not be acceded to, which reads as under: -

(2) Notwithstanding anything hereinbefore contained where any Administrative Court or Tribunal is established under clause (1), no other court shall grant an injunction, make any order or entertain any proceedings in respect of any matter to which the jurisdiction of such Administrative Court or Tribunal extends and all proceedings in respect of any such matter which may be pending before such other court immediately before the establishment of the Administrative Court or Tribunal; other than an appeal pending before the Supreme Court, shall abate on such establishment.

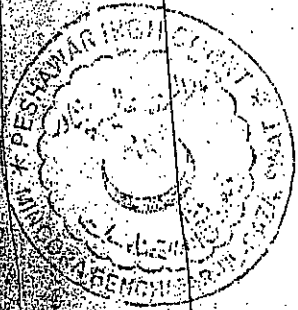
4. Similarly, Section 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974

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(S) (D)

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provides a complete procedure to the Petitioner in such like circumstances. According to the said Section any civil servant aggrieved by any final order upon presentation or departmental appeal, whether original or appellate, made by a departmental authority in respect of any of the terms and conditions of his/her service, may within thirty days of the communication of such order to his/her or within six months of the establishment of the appropriate Tribunal; whichever is later, prefer an appeal before the Tribunal having jurisdiction in the matter.



5. As admittedly transfer is one of the terms and conditions of civil servant as defined in Chapter-II Section 10 of Civil Servants Act, 1973, therefore, this Court lacks jurisdiction to entertain the writ petition challenging the transfer orders.

6. Consequently, this writ petition being not maintainable before this Court is hereby dismissed in limine. However, the Petitioner

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would be at liberty to approach the proper forum for redressal of his grievances, if need be.

Announced
Dt. 21.03.2018.

~~JUDGE~~

JUDGE

No. 28
Date of ... 26.3.18
Date of ...
No. of ... 60
Date of ... 26.3.18
Director ...

Certified to be true copy

[Signature]
26/3/18

File
22/03/18

"Nawab (D.D.) Hon'ble Mr. Justice Muhammad Ghazanfar Khan
Hon'ble Mr. Justice Muhammad Ibrahim Khan

C.T.C.
[Signature]

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR.

Service Appeal No _____ of 2018

Karim Khan son of Shah Khail

Resident of Chungai, Shamoza, Tehsil Barikot,

District Swat

.....Appellant

VERSUS

1. Govt. of KPK through Secretary Elementary & Secondary Education Khyber Pakhtunkhwa at Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa at Peshawar.
3. District Education Officer (M) District Swat.
4. Abdul Mastan SDEO (M) Tehsil Barikot, District Swat.

.....Respondents

SERVICE APPEAL UNDER SECTION 4,
OF THE KPK SERVICE TRIBUNAL ACT,
1974, AGAINST THE action & inaction of,
the respondent No. 3 WHEREBY the
appellant's salary has been with held
since august, 2017 till date, issuing
premature and illegal transfer / posting
from one station to another and
Department Appeal filed by the appellant
on 19-10-2017, which is still pending

C.T.C

[Signature]

before the Respondent No. 2, hence, the instant appeal.

PRAYER IN APPEAL

On acceptance of this appeal, to issue directions to the respondent department.

- i) To release the salary of Appellant since august 2017 till date.
- ii) To issue directions to the respondent No. 3 to make adjustment of the Appellant at GPS School Zara Khela.
- iii) To handover the service book illegally retained by the respondent No. 3.
- iv) Any other relief which this Honorable Court deems fit and proper in the circumstances may also be very kindly granted.

Respectfully Sheweth,

The facts of the instant case are as under:-

- 1) That the appellant is a regular employee of the Education Department currently posted at GPS Dedawar, Tehsil Barikot, District Swat.
- 2) That the appellant applied for the grant of leave which was granted to the appellant for the period of 01-03-2017

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[Signature]

to 15-12-2017 under the relevant rules. (Copy of order dated 04-02-2017 is attached as annexure "A")

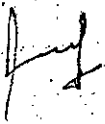
- 3) That the appellant went on leave, in the meanwhile the respondent No. 4 with mala-fide intention and out of personal grudges made a complaint against the appellant, consequently the respondent No. 3 cancelled the leave granted to the appellant vide office order dated 19-07-2017. (Copy of office order dated 19-07-2017 is attached as annexure "B")
- 4) That upon the cancellation of the leave the Appellant had reported back, in compliance of the office order issued by the respondent No. 3 and assumed his duty at GPS Dedawar on 03-08-2017. (Copies of office order dated 11-09-2017, arrival report & charge report are attached as annexure "C")
- 5) That the appellant till date is performing his duties, but the salary of the appellant has not been released by the respondent department, hence the appellant filed written request to the respondent No. 3 to the effect to make adjustment of the appellant so as to release the salary of the appellant. (Copy of application is attached as annexure "D")
- 6) That in meanwhile the centre incharge / respondent No. 4 collected service book of all teachers of Illaqa Shamozaï for allocation of annual increment of the year 2016,

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including the appellant. Later on, the appellant needed his service book for necessary entries in DAO office, therefore, the appellant approached the respondent No. 4 office for collection of service book, respondent No. 4 out of personal grudges with the appellant withheld the original service book, and said that the same has been lost in his office. The appellant again made an application to the respondent No. 3 for handing over the original service book, but of no avail. (Copy of the application is attached as annexure "E")

- 7) That after bringing into notice the aforementioned harassment at the hands of respondent No. 4, the appellant had been further humiliated by making another premature and illegal transfer of the Appellant from GPS Dedawar to GPS Zara Khela vide corrigendum dated 09-10-2017. (Copy of corrigendum dated 09-10-2017 is attached as annexure "F")
- 8) That despite of usurping the statutory right of the Appellant, the appellant assumed duty at GPS Zara Khela on 10-10-2017. (Copy of charge report is attached as annexure "G")
- 9) That the wrath of the respondent No. 4 does not end here, and after one week another corrigendum issued by the respondent No. 3 vide which again the adjustment order of the appellant was placed at GPS Bar Cham, Rangila on

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dated 16-10-2017. (Copy of corrigendum is attached as annexure "H")

- 10) That the appellant agitated the maltreatment, harassment and humiliation by filing department appeal before the respondent No. 2 against the action & omission adverse to the rights of the appellant, but the same is not been decided, and remains pending before the authority. (Copy of application ¹⁹⁻¹⁰ -2017 are attached as annexure "I")
- 11) That in the meanwhile departmental proceedings also been initiated on the charges of dual duties, the inquiry report was submitted, wherein the appellant has been exonerated of the charges leveled upon the complaint of respondent No. 4, and it was held in the aforesaid inquiry report that the allegation of respondent No. 4 are based on malevolent intentions, hence the recommendation for punitive action against the respondent No. 4 was also suggested. (Copy of inquiry report dated 07-02-2018 is attached as annexure "j")
- 12) That it is depressing to mention that despite of the aforementioned inquiry report neither the salary of the appellant has been released nor the adjustment order related to posting of the appellant has been acted upon, and a service book of the Appellant has also not been recovered, and the respondent No. 4 still working as

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SDEO Barikot, Swat despite of clear recommendation by the inquiry officer.

13) That after the result of the inquiry in favour of the appellant, the respondent No. 3 did not implement the recommendation of the inquiry report, therefore, the appellant went to the Honorable Peshawar High Court for redressal of his grievances. But the Honorable Court held that the relief sought in the writ petition pertains to the "terms & condition" of service, hence having no jurisdiction to entertain the same and held to approach this Honorable Tribunal. (Copies of writ petition & judgment dated 21-03-2018 are attached "K")

14) That the appellant have no other proper remedy, except to file the appeal this Honorable Tribunal Court, on the following grounds..

GROUND:-

- A) That the action of respondents are unlawful, against the law, arbitrary and against the norms of justice.
- B) That the august Apex Court of the County have laid guiding principles in many judgments that authority cannot stop salary

C.T.C
H.J.

even at the time of suspension so the act of respondents are contrary to those guidelines therefore it is liable to set aside.

- C) That it is admitted position that the Appellants were still working in the department and salaries has not been released to them without any reason, so the act of respondents as with holding of salaries of the Appellants is not in accordance with law.
- D) That the sheer abuse of the powers and consequent harassment of the Appellant at the hand of the respondent No. 4 is gross violation of fundamental right of the Appellant.
- E) That the stoppage / non-payment of salary since august, 2017, is an inhuman treatment on the part of respondents No. 3 and 4 and the Appellant has been relegated to the status of bonded labour.
- F) That withholding the service book of the Appellant and frequent transfer / posting speak volume of the misuse, and arbitrary exercise of power on the part of respondents

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No. 3 & 4, which need the interference of this honorable court.

- G) That the high handedness of the respondent No. 4 is evident from the facts that the despite of clear recommendation related to release of salary of the Appellant, and reverting the respondent No. 4 from SDO post have not been implemented so far.
- i) That further grounds, with leave of this Honorable Court, would be raised at the time of arguments before this Honorable Court.

PRAYER

It is therefore humbly prayed that on acceptance of this appeal, to issue directions to the respondent department.

- i) To release the salary of Appellant since august 2017 till date.
- ii) To issue directions to the respondent No. 3 to make adjustment of the Appellant at GPS School Zara Khela.
- iii) To handover the service book illegally retained by the respondent No. 3.

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[Signature]

iv) Any other relief which this Honorable Court deems fit and proper in the circumstances may also be very kindly granted

Appellant

Karim
Karim Khan

Through Counsel

H.
ARSHAD KHAN

Advocate, High Court

CERTIFICATE:

No such like appeal earlier has been filed by the Appellant on the subject matter before this Honorable Court.

Appellant

Karim
Karim Khan

Through Counsel

H.
ARSHAD KHAN

Advocate, High Court

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OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE)-SWAT.

Removal

31/07/2018

Annex "M"

54

NOTIFICATION

1. Whereas Mr. Karim Khan SPST GPS Barcham Rangela Swat was proceeded against the Khyber Pakhtunkhwa Government servant (Efficiency & Discipline) Rules 2011 for the charges mentioned in the show cause notice and as per visit remarks of Dy District Education Officer (M) of this office dated 16.5.2018.

2. Whereas reported by the Sub Divisional Education Officer (M) Barikot vide his letter No.362 dated 5.12.2017 that you were found absent from your duty since 14.11.2017 without any proper sanction of leave from the competent authority.

3. Whereas a show cause notice was served upon you on your home address vide this office Endst: No.14195-99 dated 08.06.2018

4. Whereas your reply dated 12.6.2018 to the show cause notice dated 8.6.2018 was found unsatisfactory.

5. Whereas the District Education Officer (M) Swat being competent authority after having considered the charges and evidences on the record against you were proved.

6. Now, Therefore I Nawab Ali District Education Officer (M) Swat being competent authority do hereby impose upon you the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011 " the major penalty of "REMOVAL FROM SERVICE" under Rules 4 (b) (iii) with immediate effect in the interest of public service.

(NAWAB ALI)
DISTRICT EDUCATION OFFICER (M)
SWAT

Endst: No: 754-60 /P.F/Show Cause Notice/PST/DEO/M.

Dated 31/7/2018.

Copy forwarded to:

- 1- The Director Elementary & Secondary Education KPK Peshawar w/r to his letter No2580/F.No.9/Enquiry of Abdul Karim with the request that the pay can not be drawn due to removal from service being absent from duty since long.
- 2- The District comptrollers of Account Swat at Saidu Sharif.
- 3- The District Monitoring Officer Swat.
- 4- The Sub Divisional Education Officer (M) Barikot Swat with the direction to make necessary entry in original service book under intimation to this office.
- 5- ASDEO (M) concerned with the direction to serve the order on the accused teacher.
- 6- P.A to District Education Officer (M) Swat the local office.
- 7- The teacher concerned.

DISTRICT EDUCATION OFFICER (M)
SWAT

~~Annex~~ "N" Annex "N"

55

BEFORE THE Director Elementary & Secondary
Education Khyber Pakhtunkhwa Peshawar.

Department Appeal No _____ of 2018

Karim Khan "SPST" Government Primary School
Zara Khela, Tehsil Barikot, Swat.....Appellant

VERSUS

District Education (M) District Swat
..... Respondent

DEPARTMENTAL APPEAL AGAINST THE
ORDER DATED 31-07-2018 PASSED BY
THE RESPONDENT, WHERE BY THE
PETITIONER HAS BEEN REMOVED FROM
SERVICE.

Prayer of appeal

On acceptance of this
Departmental appeal the order
dated 31-07-2018 passed by
respondent may kindly be set-
aside and the appellant may
kindly be reinstated with all
back benefits. Any other remedy

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[Signature]

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(56)

not specifically asked for in the
appeal and the appellant is
entitled, therefore may kindly be
granted.

Respectfully Sheweth:

BRIEF FACTS

- 1) That, the appellant was serving as SPST at Government Primary School Zara Khela, Tehsil Barikot, District Swat by virtue of order dated 25-01-2018 of this office. (Copy of order is attached)
- 2) That in compliance of the above mentioned order, the petitioner regularly attended his duty at GPS Zara Khela, but on mala-fide and personal grudges SDEO Tehsil Barikot namely Abdul Mastan the concerned principal refused to provide the register for attendance.
- 3) That this office continually directed the office of District Education Officer Swat to adjust the services of the petitioner at GPS Zara Khela, and also to release the salary of the petitioner by order dated 07-06-2018. (Copy of order dated 07-06-2018 is attached)
- 4) That the respondent / DEO Swat in blatant violation of the direction of this office initiated another inquiry at the behest of

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Prof

(S)

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SDEO Abdul Mastan, to which the petitioner replied but the respondent in clear defiance of the repeated orders of this office, and at the instigation of SDEO Barikot imposed a major penalty upon the petitioner, which is glaring illustration of making mockery of the rights of the petitioner, and an unprecedented abuse of authority by the respondent and SDEO Barikot.

PRAYER

On acceptance of this
Departmental appeal the order
dated 31-07-2018 passed by
respondent may kindly be set-aside
and the appellant may kindly be
reinstated with all back benefits.

Any other remedy not
specifically asked for in the
appeal and the appellant is
entitled, therefore may kindly be
granted.

Appellant

Karim Khan "SPST"
Government Primary School
Zara Khela Swat.
Cell No. 0340-5839785-
Dated: 20th August, 2018

C-T-10
- [Signature]

Annex "O"

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT, SWAT.

Service Appeal No.1451/2018

Date of Institution ... 03.12.2018
Date of Decision ... 04.10.2021

58

Karim Khan son of Shah Khail Resident of Chungai, Shamozaï,
Tehsil Barikot, District Swat.

(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary
Elementary & Secondary Education Khyber Pakhtunkhwa
Peshawar and two others.

(Respondents)

Arshad Khan,
Advocate

For appellant.

Asif Masood Ali Shah,
Deputy District Attorney

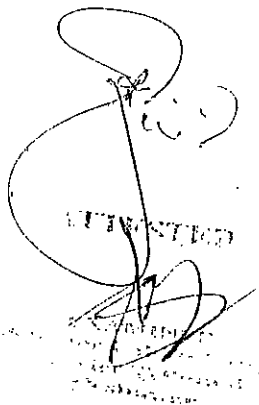
For respondents.

Rozina Rehman
Atiq ur Rehman Wazir

Member (J)
MEMBER (E)

JUDGMENT

Rozina Rehman, Member (J): Briefly stating the facts necessary for the disposal of the lis in hand are that appellant was a regular employee of the Education Department. He was proceeded against departmentally on the charges of dual duties but was exonerated of the charges. Despite inquiry report, neither his salary was released nor adjustment order related to the posting of appellant was acted upon, he, therefore, filed writ petition in the august Peshawar High Court, Peshawar but he was advised to approach Service Tribunal. In the meanwhile, Show cause notice was issued to the appellant and


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major penalty of removal from service was imposed upon appellant. He preferred departmental appeal which was not responded to, hence, the present service appeal.

2. We have heard Arshad Khan Advocate for appellant and Asif Masood Ali Shah learned Deputy District Attorney for the respondents and have gone through the record and the proceedings of the case in minute particulars.

3. Arshad Khan Advocate learned counsel appearing on behalf of appellant, inter-alia, argued that show cause notice and the impugned order has been passed in violation of the decision rendered by the upper hierarchy and that frequent transfer posting of the appellant violated the rights of appellant. He contended that case of the appellant was decided in a mechanical manner without diverting to the facts of the case and that the appellant was subjected to administrative persecution.

4. Conversely, learned D.D.A submitted that the appellant remained absent from duty on the dates of the visits of the officers as well as during the entire period between 01.03.2017 to 15.12.2017. He contended that the appellant never performed duty at his duty station since 14.11.2017 and as per complaints of the S.D.E.O Barikot Swat, appellant remained absent from duty time & again as he was working abroad and lastly, he submitted that show cause notice was served upon the appellant and after observing codal formalities, he was removed from service.

ATTESTED


5. From the record, it is evident that appellant filed writ petition in the august Peshawar High Court, Peshawar and he prayed for

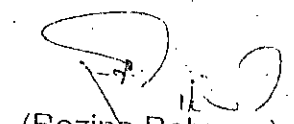
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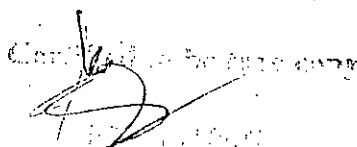
appellant may be released with all back benefits and he may be adjusted at his original duty station. From the record, it is evident that no proper inquiry was conducted in respect of the allegations mentioned in the show cause notice. Travelling history coupled with other material available on file were not provided to the appellant. The respondents have candidly violated the set norms & rules and conducted the proceedings in an authoritarian manner. We have observed that the appellant was kept deprived of affording opportunity of defense. It is a well settled legal proposition duly supported by numerous judgment of the apex court that for imposition of major penalty, regular inquiry is a must.

6. For what has been discussed above, this appeal is allowed. The respondents are directed to reinstate the appellant into service for the purpose of de-novo inquiry to be conducted within 90 days of the receipt of this judgment. Needless to mention that the appellant shall be provided proper opportunity of defense during the inquiry proceedings. The issue of back benefits shall be subject to final outcome of the de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.
04.10.2021


(Atiq ur Rehman Wazir)
Member (E)
Camp Court, Swat


(Rozina Rehman)
Member (J)
Camp Court, Swat


Atiq ur Rehman Wazir
Member (E)
Camp Court, Swat



OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) SWAT.

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Annex "P"

NOTIFICATION

1. Whereas you Mr. Karim Khan SPST GPS Rangela Barcham Swat, was proceeded against the Khyber Pakhtunkhwa Government servant (Efficiency & Discipline) Rules 2011 for the charges mentioned in the show cause notice and as per visit remarks of Dy District Education Officer (M) of this office dated 16.5.2018.
2. Whereas reported by the Sub Divisional Education Officer (M) Barikot vide his letter No.362 dated 5.12.2017, you were found absent from your duty since 14.11.2017 without any proper sanction of leave from the competent authority.
3. Whereas a show cause notice was served upon you on your home address vide this office Endst: No.14195-99 dated 08.06.2018
4. Whereas your reply dated 12.6.2018 to the show cause notice dated 8.6.2018 was found un-satisfactory.
5. Whereas the District Education Officer (M) Swat being competent authority after having considered the charges and evidences on the record against you were proved.
6. Whereas you Mr. Karim Khan Ex-SPST GPS Rangela Barcham was removed from service vide this office order issued under Endst: No.754-60 dated 31.07.2018.
7. Whereas feeling aggrieved from the above mentioned order dated 31.07.2018, the said Mr. Karim Khan filed service appeal before the Khyber Pakhtunkhwa Service Tribunal which was decided vide Judgment dated 04.10.2021 wherein the Honorable Tribunal directed the respondents to re-instate into service for the purpose of de-novo enquiry.
8. Whereas the said Mr. Karim Khan SPST was re-instated into service for the purpose of de-novo enquiry vide this office Endst: No.234-40 dated 29.11.2021.
9. Whereas the undersigned being the competent authority constituted enquiry committee vide Notification Endst: No.693-97 dated 08.11.2021.
10. Whereas the enquiry committee conducted the said enquiry after giving him proper opportunity of hearing in his defense and considered the evidences available on record such as FIA travel history e.t.c, and recommended major penalty of "DISMISSAL FROM SERVICE" under E&D Rules.

Now, Therefore I Muhammad Riaz District Education Officer (M) Swat being competent authority do hereby impose upon him the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011 " the major penalty of "DISMISSAL FROM SERVICE" under Rules 4 (b) (iv) with immediate effect in the interest of public service.

Consequent upon the above, this office re-instatement into service order issued vide Endst: No. 234-40 dated 29.11.2021 is hereby withdrawn in the interest of public service.

(MUHAMMAD RIAZ)
DISTRICT EDUCATION OFFICER (M)
SWAT

Endst: No. 2307-13 /P.F/Show Cause Notice/PST/DEO/M.

Dated 15 / 1 /2022.

Copy forwarded to:

- 1- The Director Elementary & Secondary Education KPK Peshawar.
- 2- The District comptrollers of Account Swat at Saidu Sharif.
- 3- The District Monitoring Officer Swat.
- 4- The Sub Divisional Education Officer (M) Barikot Swat with the direction to make necessary entry in original service book under intimation to this office.
- 5- ASDEO (M) concerned with the direction to serve the order on the accused teacher.
- 6- P.A to District Education Officer (M) Swat the local office.
- 7- Mr. Karim Khan S/O Shakhail Mohalla Kuz Palaw Village Chugai P.O Zara Khela Tehsil Barikot Swat.

DISTRICT EDUCATION OFFICER (M)
SWAT

No. 58

RGL74393301

Rs. 105 Ps.

uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

63

Received a registered*
addressed to _____

Date Stamp _____

Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) _____ (in words) _____

Weight _____ Kilograms _____ Grams

Insurance fee Rs. _____ Ps. _____ (in words) _____
Name and address of sender _____

SWAT

50

**BEFORE THE DIRECTOR ELEMENTARY & SECONDARY
EDUCATION KHYBER PAKHTUNKHWA AT PESHAWAR**

64

Service Appeal No _____ of 2022

Karim Khan son of Shah Khail

Resident of Chungai, Shamoza, Tehsil Barikot,

District Swat

.....Appellant

VERSUS

District Education Officer (M) District Swat.....Respondent

DEPARTMENTAL APPEAL AGAINST, the order dated 15-01-2022 of the respondent, whereby the appellant's has been dismissed from his service.

PRAYER IN APPEAL

On acceptance of this appeal the order dated 15-01-2022 passed by the respondent be declared as illegal, discriminatory, against law, void ab-initio and may graciously be set aside the same and the appellant may be reinstated on service with all back benefits. Any other relief which are proper in the instant circumstances of the may also be granted though not specifically asked for

Respectfully Sheweth,

The facts of the instant case are as under:-

- 1) That the appellant is a regular employee of the Education Department and appointed on 27-12-1999.
- 2) That the appellant applied for the grant of leave which was granted to the appellant for the period of 01-03-2017 to 15-12-2017 under the relevant rules.
- 3) That the appellant went on leave, in the meanwhile the one Abdul Mustan with mala-fide intention and out of personal grudges made a complaint against the appellant, consequently the respondent cancelled the leave granted to the appellant vide office order dated 19-07-2017.
- 4) That upon the cancellation of the leave the Appellant had reported back, in compliance of the office order issued by the respondent and assumed his duty at GPS Dedawar on 03-08-2017.
- 5) That the petitioner is performing his duties, but the salary of the appellant has not been released by the respondent, hence the appellant filed written request to the respondent to the effect to make adjustment of the appellant so as to release the salary of the appellant.

- 6) That in meanwhile the center incharge / Abdul Mustaan collected service book of all teachers of Illaqa Shamozaai for allocation of annual increment of the year 2016, including the appellant. Later on, the appellant needed his service book for necessary entries in DAO office, therefore, the appellant approached the respondent office for collection of service book, respondent out of personal grudges with the appellant withheld the original service book, and said that the same has been lost in his office. The appellant again made an application to the respondent for handing over the original service book, but of no avail.
- 7) That after bringing into notice the aforementioned harassment at the hands of respondent, the appellant had been further humiliated by making another premature and illegal transferred of the Appellant from GPS Dedawar to GPS Zara Khela vide corrigendum dated 09-10-2017.
- 8) That despite of usurping the statutory right of the Appellant, the appellant assumed duty at GPS Zara Khela on 10-10-2017.
- 9) That the wrath of the respondent does not end here, and after one week another corrigendum issued by the respondent No. 3 vide which again the adjustment order

of the appellant was placed at GPS Bar Cham, Rangila on dated 16-10-2017.

- 10) That the appellant agitated the maltreatment, harassment and humiliation by filing department appeal before this worthy office against the action & omission adverse to the rights of the appellant, but the same is not been decided, and remains pending before the authority.
- 11) That in the meanwhile departmental proceedings also been initiated on the charges of dual duties, the inquiry report was submitted, wherein the appellant has been exonerated of the charges leveled upon the complaint of one Abdul Mustaan, and it was held in the aforesaid inquiry report that the allegation of the said Abdul Mustaan are based on malevolent intentions, hence the recommendation for punitive action against the Abdul Mustaan was also suggested.
- 12) That it is depressing to mention that despite of the aforementioned inquiry report neither the salary of the appellant has been released nor the adjustment order related to posting of the appellant has been acted upon, and a service book of the Appellant has also not been recovered despite of clear recommendation by the inquiry officer.

- 13) That after the result of the inquiry in favour of the appellant, the respondent did not implement the recommendation of the inquiry report, therefore, the appellant went to the Honorable Peshawar High Court for redressal of his grievances. But the Honorable Court held that the relief sought in the writ petition pertains to the "terms & condition" of service, hence having no jurisdiction to entertain the same and held to approach the Service Tribunal, and the petitioner filed service appeal before the honorable Service Tribunal.
- 14) That during the appeal of the appellant & direction of this office, the respondent initiating inquiry and after that the respondent removed the appellant from his service vide order dated 31-07-2018.
- 15) That the appellant filed department appeal before this worthy office, and that after the appellant filed service appeal.
- 16) That the said appeal was allowed vide order / judgment dated 04-10-2021, whereby the respondent were directed to re-instate the appellant in to service for the purpose de-novo inquiry to be conducted within 90 days of the receipt of this judgment.
- 17) That the respondent not conducted the inquiry independently and not giving proper opportunity to the

appeal for his defense as the department / respondent already were trying to deprive the appellant for his post without any reason and ultimately, without any property & cogent reasons illegally, unlawfully once again terminated the appellant vide order 15-01-2022.

- 18) That the appellant have no other proper remedy, except to file the appeal this worthy office, on the following grounds.

GROUND:-

- A) That the action of respondent is unlawful, against the law, arbitrary and against the norms of justice.
- B) That the august apex court of the county have laid guiding principles in many judgments that authority cannot dismissed the service, so, the act of respondent is contrary to those guidelines therefore it is liable to set aside.
- C) That the sheer abuse of the powers and consequent harassment of the appellant at the hand of the respondent & one Abdul Mustaan is gross violation of fundamental right of the appellant.

- D) That in case of imposing major penalty principle of natural justice requires that a regular inquiry was to be conducted in the matter and opportunity of defense of personal hearing was to be provided to the civil servant proceeded against him otherwise the procedure against him without following the rules would be amount to condemned unheard. So, on this ground to the impugned order regarding dismissal / removal is liable to be struck down on this score alone.
- E) That the penalty of dismissal / removal from service imposed upon appellant for absence from service is illegal being violative of section 7 (a).
- F) That the appellant were illegally treated & dismissal/ removal from service is too harsh so, the impugned order is not maintainable in the eye of law.

J) That no show cause notice, charge sheet, personal hearing and no explanation been conducted / served against appellant, which is against the laid down rules and regulations and thus this act of the respondents is amounts to abuse of law.

PRAYER

It is therefore humbly prayed that on acceptance of this appeal, to issue directions to the respondent to reinstate the appellant with all back benefits. Any other relief which this Honorable Court deems fit and proper in the circumstances may also be very kindly granted

Appellant

Karim Khan

Karim Khan

Identified by

Momin Khan

MOMIN KHAN

Advocate, High Court

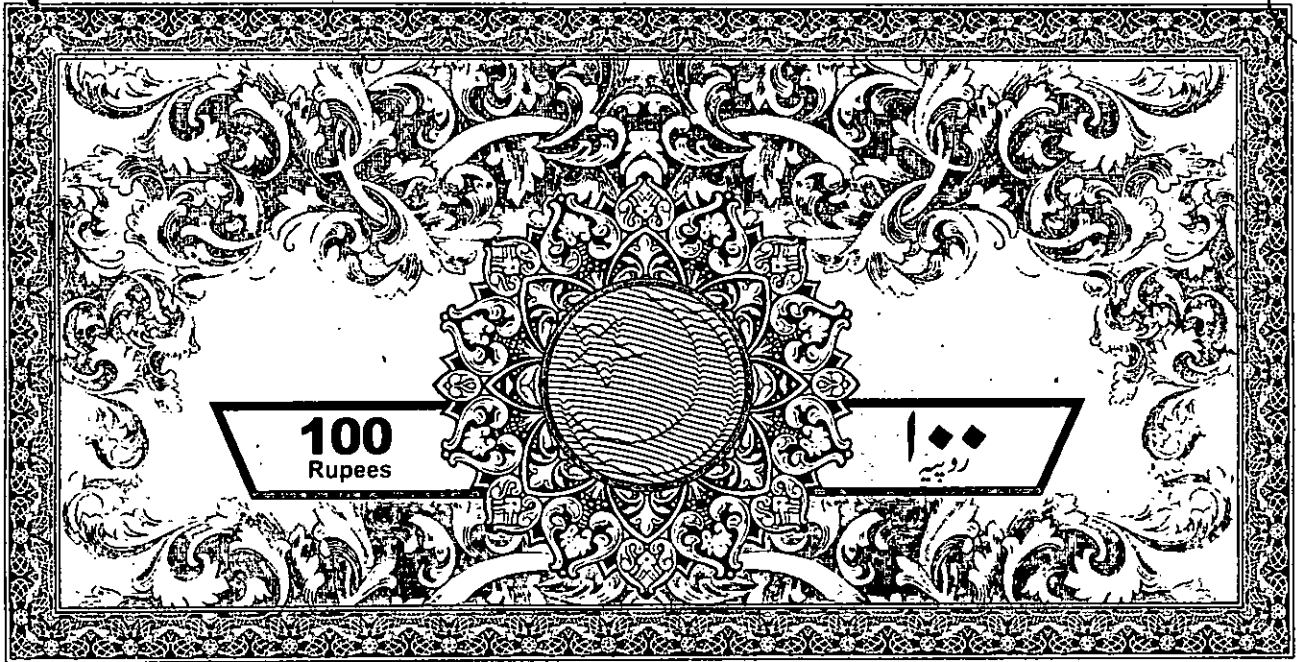
& Federal Shariat Court Islamabad

10-2-22.

W337348




71



72

Rs: 10/-

نوٹ: اس کالت ہارکے ذمہ داری ہوتی ہے۔

بار کونسل نمبر: BC. 09-1882	 	بریل نمبر: 73
بار ایسوسی ایشن نمبر: 261		ڈسٹرکٹ بار ایسوسی ایشن سوات
رابطہ نمبر: 0346-9195769		

بعدالت جناب: سروس ٹریبیونل جسٹس سوات

مخائب: امیر اہل	دعویٰ اور خواست: سروس ٹریبیونل
گدیہ خان بنام	علت نمبر:
ڈسٹرکٹ ایجوکیشن آفیسر (م) وگندہ	مورخہ:
	جرم:
	تھانہ:

بامث تحریر آگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے برائے پیروی مقدمہ

آن مقام سوات کیلئے مومن خان ایڈووکیٹ مائیکو ورث کو مقرر کر کے

اقرار کیا جاتا ہے، کہ صاحب موصوف کو مقدمہ کی کل کاروائی کو کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث کرنے دعویٰ، جواب دعویٰ، اقبال دعویٰ، اور درخواست برائے سرسبزگی مقدمہ، منسوخی ڈگری یکطرفہ، اجراء و پیروی کرنے کا مختار ہوگا۔ نیز دائر کرنے اپیل نگرانی، نظر ثانی و پیروی کرنے کا مختار ہوگا۔ اور مقدمہ مذکورہ کیلئے کل وقتی یا جزوی کاروائی کیلئے کسی دیگر وکیل یا مختار قانون کو اپنے ہمراہ یا اپنے بجائے تقریر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی جملہ مذکورہ اختیارات حاصل ہوں گے، اور اس کا ساختہ و پرداختہ منظور قبول ہوگا، بدوران مقدمہ جو خرچہ و ہرجانہ کسی بھی سبب سے حاصل ہوگا، وہ وکیل موصوف وصول کرنے کا حقدار ہوگا، کوئی تاریخ پیشی مقام مذکورہ بالا سے باہر ہو، تو وکیل صاحب پیروی مقدمہ کرنے کے پابند نہ ہوں گے، مقدمہ کسی عدالت میں بعدم پیروی خارج ہونے یا ڈگری یکطرفہ ہونے کے صورت میں وکیل صاحب ذمہ دار نہیں ہوں گے،

لہذا کالت نامہ لکھ دیا کہ سندر ہے

مقام سوات کے لئے منظور ہے۔

امیر اہل گدیہ خان جسٹس سوات

Attested And Accepted

ایڈووکیٹ دستخط: Momin Khan

6-7-22

المقوم: