

10.11.2022

Appellant in person present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Several opportunities have been given to the respondents including the last chance for submission of reply/comments, however they have failed to submit reply/comments even today. Learned Assistant Advocate General is seeking further time for submission of reply/comments, therefore, last opportunity is further extended subject to payment of cost of Rs. 5000/-, failing which their right for submission of reply/comments shall be deemed as struck off. Adjourned. To come up for submission of reply/comments as well as preliminary hearing on 09.12.2022 before the S.B at Camp Court Swat.



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

07.09.2022

Appellant alongwith his counsel present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present and sought further time for submission of reply. Adjourned. To come up for reply and preliminary hearing on 05.10.2022 before the S.B at Camp Court Swat.



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

05.10.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present and sought time for submission of reply. Adjourned. Last opportunity given. To come up for reply as well as 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

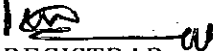
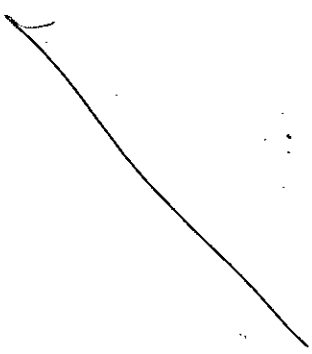




Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 1089/2022

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|----------------------------|---|
| 1 | 2 | 3 |
| 1- | 04/07/2022 | <p>The appeal of Mr. Rasool Jan resubmitted today by Mr. Malak Saddam 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> |
| 2- | 6-7-2022 | <p>This case is entrusted to touring Single Bench at Swat for preliminary hearing to be put there on <u>6-07-2022</u>. Notices be issued to appellants and his counsel for the date fixed.</p> <p style="text-align: right;">CHAIRMAN</p> <p style="text-align: center;"></p> |
| | 6 th July, 2022 | <p>Learned counsel for the appellant present.</p> <p>Let pre-admission notice be issued to the respondents for reply. To come up for reply/preliminary hearing on 02.08.2022 before S.B at camp court Swat.</p> <p style="text-align: right;"> (Kalim Arshad Khan) Chairman</p> <p><i>Due to summer vacation the case is adjourned to 7-9-22 for the same,</i></p> <p style="text-align: right;"></p> |
| | 2-8-22 | |

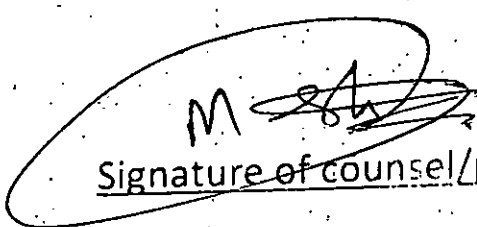
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

FORM 'A'

To be filled by the Counsel/Applicant

| | | | |
|------------------------------|--|-------------------------------------|------------------------------------|
| Case Number | | | |
| Case Title | Resool Jan vs Govt of KP & others | | |
| Date of Institution | | | |
| Bench | SB | | DB |
| Case Status | Fresh | | Pending |
| Stage | Notice | | Reply Argument |
| Urgency to clearly stated. | | | |
| Nature of the relief sought. | | | |
| Next date of hearing | | | |
| Alleged Target Date | | | |
| Counsel for | Petitioner <input checked="" type="checkbox"/> | Respondent <input type="checkbox"/> | In person <input type="checkbox"/> |


Signature of counsel/party

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

FORM 'B'

Inst# _____

Early Hearing _____ -p/20 _____

In case No. _____ -p/20 _____

Rasool Jan vs Govt of K.P.K & others.

Presented by _____ on behalf of _____ Entered
in the relevant register.

Put up alongwith main case _____

| | |
|--|--|
| Last date fixed | |
| Reason(S) for last adjournment, if any by the Branch Incharge. | |
| Date(s) fixed in the similar matter by the Branch Incharge | |
| Available dates Readers/Assistant Registrar branch | |

Assistant Registrar

REGISTRAR

The appeal of Mr. Rasool Jan Junior Clerk GGHS Kalam DEO office (F) Swat received today i.e. on 29.06.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Index of the appeal is incomplete which may be completed.
- 2- Index with spare copies is not attached.
- 3- Check list is not attached with the appeal.
- 4- Approved file cover is not used.
- 5- Annexure-J/I and reply to show cause notice (Annexure-N) are incomplete which may be completed.
- ⑥ Copy of impugned order of stoppage of increments mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 7- Departmental appeal having no date be dated.
- 8- In page no. 3, 5 and 8 some Texts are missing.

No. 2130 /S.T;

Dt. 30/6 /2022

Malak Saddam Adv.
High Court Swat.

M. Tahir
REGISTRAR
for SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Re-submitted after removal of
objection may kindly be fix for
bench.

M. Saddam
Advocate.

04-07-2022

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST

Case Title: Rezaul Jan vs Govt of K.P.K & others.

| S# | CONTENTS | YES | NO |
|----|--|-----|----|
| 1 | This Appeal has been presented by: | ✓ | |
| 2 | Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents? | ✓ | |
| 3 | Whether appeal is within time? | ✓ | |
| 4 | Whether the enactment under which the appeal is filed mentioned? | ✓ | |
| 5 | Whether the enactment under which the appeal is filed is correct? | ✓ | |
| 6 | Whether affidavit is appended? | ✓ | |
| 7 | Whether affidavit is duly attested by competent Oath Commissioner? | ✓ | |
| 8 | Whether appeal/annexures are properly paged? | ✓ | |
| 9 | Whether certificate regarding filing any earlier appeal on the subject, furnished? | ✓ | |
| 10 | Whether annexures are legible? | ✓ | |
| 11 | Whether annexures are attested? | ✓ | |
| 12 | Whether copies of annexures are readable/clear? | ✓ | |
| 13 | Whether copy of appeal is delivered to 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? | ✓ | |
| 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: Mohd Sadeem Adu
Signature: M. S. Adu
Dated: 01-07-2022



BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1089P/2022

SCANNED
KPST
Peshawar

Rasool Jan

Versus

The Government of Khyber Pakhtunkhwa and other

INDEX

| S.No. | Description of Documents | Annexure | Pages |
|-------|---|---------------------------|-------------------|
| 1. | Appeal alongwith Affidavit | | 1-10 |
| 2. | Address of Parties | | 11 |
| 3. | <u>Application with affidavit</u> | | 12- 14 |
| 4. | Copy of Appointment Order | A | 15 |
| 5. | Copy of Order | B | 16 |
| 6. | Copy FIR No. 5 dated 20.12.2018 | C | 17 |
| 7. | Copy of Legal Notice dated 10.02.2021 | D | 18 |
| 8. | Copy of Complaint and Transfer Application | E -E-1 | 19-22 |
| 9. | Copy of Recommendation Letter dated 16.09.2021 | F | 23 |
| 10. | Copy of complaint dated 06.09.2021 and focal person suspension order dated 20.08.2021 | G - Ga-1 | 24-25 |

| | | | |
|-----|--|--------|-------|
| 11. | Copy of Letter to BISE Swat | H-11-1 | 26-27 |
| 12. | Copy of Civil Suit dated 27.10.2021 | I | 28-34 |
| 13. | Copy of Termination Order, Interim Relief Order of PHC Mingora Bench | J-J-1 | 35-37 |
| 14. | Copy of Bogus Letter of DEO Male and Transfer Letter | K | 38-39 |
| 15. | Copy of Bogus Order and Inquiry report | L-L-1 | 40-43 |
| 16. | Copy of Showcause | M | 44 |
| 17. | Copy of Reply of showcase | N | 45-49 |
| 18. | Copy of Major Penalty letter | O | 50 |
| 19. | Copy of Salary Source Letter | P | 51 |
| 20. | Copy of Application | Q | 52 |
| 21. | Copy of Transfer Order | R | 53 |
| 22. | Copy of FIR between tribes and statement of the Elders of Kalam | S | 54-55 |
| 23. | Copy of Appeal | T | 56- |
| 24. | Copy of Charge Sheet and other notices | U | 57-70 |
| 25. | Copy of order/ Judgment dated 12.04.202 of Service Tribunal | V | 71-76 |
| 26. | Wakalatnama | | 77 |

Appellant,

Rasool Jan

Through



Malak Saddam

Advocate high Court, Swat

(1)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No. 1089/2022

Rasool Jan (Junior Clerk) resident of Kalam Tehsil Behrain District Swat working as Junior Clerks at GGHS Kalam of District Education Officer (Female) Saidu Sharif Swat.....Appellant

VERSUS

1. The Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. The District Education Officer (Female) at Gulkada, District Swat.....Respondent

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER OF THE
RESPONDENT No. 2 BEARING NO. 554-58 DATED 30-12-2021,
WHERE BY THE DEPARTMENTAL APPEAL OF THE APPELLANT
WAS IGNORED AND DID NOT RESPONDED, WHICH ORDER IS
AGAINST THE LAW, FACTS AND IS NOT SUSTAINABLE IN LAW.**

PRAYER:

- i. *It is very respectfully prayed that on acceptance of this service appeal the showcause dated null against the appellant and impugned order bearing no. 554-58 dated 30-12-2021 of stoppage of 2 Annual Increments and transfer may very kindly be set aside.*
- ii. *Respondent No. 2 & 3 are restrained from torturing the appellant and his family by different ways, and baseless inquiries, threatening, and assaulting in official whatsapp groups, fake and baseless news in the newspapers with the name of females of the appellant's family and from making fake complaints on Pakistan Citizen Portal against the appellant.*

- iii. **All the hidden orders issued against the appellant during the period of conflict (civil court proceeding) between the appellant and respondent No. 2 for the reason of damaging, confusing and making complicated the duty status /service record and career of the appellant, by the conspiracy of respondent No.2 & 3, should be declare null & void and restore the status of appellant on the position before dispute/civil case between the appellant and respondent No.3.**
- iv. **That Upper Swat District is establish recently and Deputy District Education Office is created/established in Upper Swat, and the respondent No. 3 being district education officer Lower swat has no role in Upper Swat, so the appellant is permitted to continue his service in Kalam District Upper Swat.**
- v. **Order/Judgment of this Honorable Service tribunal dated 12-12-2020 in Case Titled "Amjad Ali VS Education" may kindly be implemented according law.**
- vi. **The appropriate action may kindly be taken against the respondent No. 2 & 3, with the cost of this instant appeal.**
- vii. **Any other appropriate relief in the light of facts and circumstances of this appeal.**

Respectfully Sheweth:

1. That the appellant is the resident of Kalam Upper Swat, and appointed through NTS on merit on the post of Junior Clerk (BPS-11) date 5-12-2016. (Appointment order is annexed "A").
2. That respondent No.3 assigned appellant as litigation assistant dated 30-11-2018. (Office order is annexed "B").
3. That Anti-Corruption chalked FIR dated 20-12-2018 under section 409/5 (2) pc Act Police Station Anti-corruption Swat, against respondent No. 3 due to misuse of her authorities/power against the sub ordinates female teachers. (FIR No. 5 dated 20-12-2018 is annexed "C").

4. That respondent No. 3 ordered the appellant to hire a senior criminal lawyer in Peshawar to file BBA (Bail Before Arrest), and appellant hire Mr. Inam Yousafzai Advocate and fix Fees/amount of 160,000/- after consultation with respondent No.3, and Mr. Inam Yousafzai advocate perused the case before Anticorruption court at Peshawar and later on in Camp Court Swat.
5. That the respondent No. 3 requested to appellant to pay the fees of Mr. Inam Yousafzai and she will give back later, and appellant paid the fees in installment, thus respondent No. 3 make several promises to pay the fees in the next salary but at every month she failed to pay it and after the quashment of FIR, she refused to pay saying that I did several works for you and did many transfers of your sister and other relatives on your recommendation so how can you demanding for your money.
6. That the appellant approached other office staff to negotiate with respondent No. 3 to pay the fees and other amount of the appellant, but she did not accept any JIRGA of the appellant, and thus the appellant issued a legal notice to respondent No. 3 regarding money dated 10-02-2021. **(Legal Notice dated 10-02-2021 is annexed "D")**.
7. That after receiving legal notice respondent No.3 being angry and threaten the appellant, and start illegal actions against the appellant misusing her power and authority and forced the Head Teacher of the appellant to submit a complaint against the appellant, and thus the Head Teacher submit a complaint against the appellant, so the appellant submit his transfer applications to male department thrice dated 8-4-2020, 3-8-2020 and 9-12-2020, but the respondent No. 3 did not transferred the appellant. **(Copy of Complaint and Transfer application are annexed "E" (Pages-4)**.
8. That the respondent No.3 conduct a base less, fake, one sided and self-made inquiry against the appellant, and recommended the *appellant's transfer to the respondent No.2. It is worth mentioning*

here that the appellant already submit 3 Nos of transfer application annexed in Para No. 7 of this appeal, but for damaging the reputation of the appellant and to pressurize him for withdrawal of legal notice and abandonment from the said money, the respondent No.3 made a baseless and fake inquiry. **(Copy of recommendation letter dated 16-09-2021 is annexed "F").**

9. That the respondent No.3 also lodge a complaint on Pakistan citizen portal through her focal person against the appellant, dated 6-9-2021, respondent No.3 is famous to make fake complaints against her own employees for which the competent authority suspended her focal person for making fake complains on Pakistan citizen portal using office devices/computer. **(Copy of Complain dated 6-9-2021 and focal person suspension order dated 20-8-2021 are annexed "G" (Pages-2).**

10. That respondent No.3 also start revenge against the little sister of the appellant **(Mst. Sania Ismail PST at GGPS Koknil Kalam Upper Swat)**, and wrote a letter to Controller of Examination BISE Swat to cancel her matric invigilator duty dated 28-09-2021. **(Copy of letter to BISE Swat is annexed "H" (Pages-2).**

11. That after not replying the legal notice and failure of the Jirga, the appellant filed a civil suit for recovery of money before the Senior Civil Judge at Gulkada Saidu Sharif Swat dated 27-10-2021. **(Copy of Civil Suit dated 27-10-2021 is annexed "I" (Pages-7).**

12. That after filling civil/recovery suit against respondent No.3, dated 27-10-2021 respondent No.3 being more angry, start career assassination by fake and baseless news in "Daily Azadi" dated 2-12-2021 by mentioning / printing the name of females of the appellant's family and the on 8-12-2021 terminated the sister of appellant dated 08-12-2022 stating that she was absent for a few days in the year 2019, and Honorable Peshawar High court Mingora Bench grant Interim Relief in the above termination order dated 22-12-2021, **(Copy**

of termination order, Interim relief order of PHC Mingora Bench is annexed "J" (Pages-2).

13. That the respondent No.2 punished the appellant in the shape of transfer to the disposal of DEO Male Swat, dated 17-9-2021 on the recommendation of respondent No.3, and a letter was issued from DEO Male to respondent No.2 stating that I cannot adjust the appellant as he is a dislike person and recommended for out of district transfer, and later on DEO Male stated to the appellant that this letter is **fake, Bogus** and not issued by him. **(Copy of Bogus Letter of DEO Male and Transfer letter is annexed "K" (Pages-2).**

14. That the practices of bogus/fake back date letters is the routine of DEO male and female Swat, and they use it against the employees as revenge and a writ petitioner was pending before the Honorable Peshawar High Court Mingora Bench for such a fake and bogus order from DEO Swat against a SST teacher "**Title: Saranzeb VS DEO Swat**" in which an inquiry was initiated and proved that transfer letter was bogus, fake and issued on back dates for personnel and political dispute between DEO and a Teacher namely Saranzeb. **(Copy of Bogus order and Inquiry report is annexed "L" (Pages-4)**

15. That after punishing the appellant in the shape of transfer, surprisingly the respondent No.2 issue a Showcause notice to the appellant without any recommendation, allegation, and inquiry or complaint from any one, misusing his power and authority, as the appointment authority is the District Education Officer Swat, and the respondent No.2 (Director Elementary & Secondary Education KPK) is the appellate authority and he cannot notice the showcause to the appellant under the law which shows and prove the personnel ill will, and conspiracy of respondents No.2 and 3. **(Copy of Showcause is annexed "M")**

16. That the appellant submit his written reply of showcause stating that

there is money dispute between respondent No.3 and appellant

6

which was ignored by the respondent No.2 and called the appellant for personnel hearing. **(Reply of showcause is annexed "N" (Pages-5)).**

17. That the appellant appear in person before respondent No.2 and start explaining that the inquiry is self-made, baseless and fake, in the meanwhile the respondent No. 2 Muhammda Ibrahim Director Elementary & Secondary Education interrupt and said that **"I know there is nothing against you, this inquiry is fakely conducted on my order to trap you, and to bring you here and to surrender you before respondent No.3 and abandonment of legal proceeding /recovery of money"**. and then he Start Laughing and said, give me your mobile and let me check that you are not recording my video and said why you making a complaint to chief minister against me, (respondent No.2) and respondent No.3, on which there is an inquiry initiated against me and respondent No.3. **(Note: Respondent No 2 & 3 with some other officers, female teachers conducted a get together party in rock city hotel kalam Behren which was noticed and condemned by community and teachers and later on a complaint was made to Chief Minister and an inquiry was initiated by Special Branch against the respondent No.2 and 3 and others and respondents are doubtful that this complaint was made by the appellant.)** During this conversation Mr. Adalat Khan Deputy Director and one a class IV namely unknown was also present there, respondent No.2 also warned me and said go back to Swat and do not ask again for recovery of money otherwise I will not let you with peace. **(I requested to this Honorable bench to called respondent No.2 in person and give him Half bil Quran for the statement above).**

18. The appellant did not withdraw civil recovery suit and then respondent No. 2 issues a major penalty recommendation to respondent No. 3 dated 10-11-2021. **(Copy of Major penalty letter is annexed "O").**

19. As the appellant was on disposal of DEO male and he also refuse to adjust, and now for imposing major penalty the respondent No.3 having bad intention and conspiracy against the appellant, again adjusted the appellant in GGHS Kalam for the reason to impose major penalty/ stoppage of increment. **(Salary Source letter is annexed "P")**.

20. That some elders of the Office of DEO Swat suggested to respondent No.3 to not impose major penalty against appellant as it will create legal hurdles and may cause of criminal proceeding against her. Then respondent No.3 first tries to compel the appellant to withdraw civil proceeding against her then make some communication with respondent No.2 but the appellant was kept in darks from this conversation and appellant submit application dated 15-12-2021 for providing conversation documents if any. **(Copy of application is annexed "Q")**.

21. That the respondent No.2 wrote a letter to respondent No. 3 for imposing major penalty, but she refuse to do so, then it was communicated to DEO Male for imposing major penalty, but he also refuse to do stating that appellant is not under his office but under the respondent No.3, and at the end the respondent No.2 itself impose major penalty in the shape of stoppage of 2 increments from the appellant and transferred him to GHSS Utror, but this order is kept hidden from the appellant and no copy issued to him, as appellant got it from the written statement's annexures before the civil court. **(Transfer orders is annexed "R")**.

22. It is worth mentioning here that the appellant is the resident of Kalam and there is a bloody conflict between the tribes of Kalam and Utror and the Kalamian are not allowed to go to Utror, and for this reason all the employee working in Utror are transferred to Kalam on emergency basis. **(FIR between tribes and statement of the Elders of Kalam is annexed "S" (Pages-2)**.

23. That the respondent No.2 intentionally having conspiracy with respondent No.3 transferred the appellant to Utror, knowing about the bloody conflict, The appellant appeal to respondent No. 2 to withdraw the order of Utror and stoppage of increment but the appellant got no reply. (Appeal is annexed "D" ("T"))
24. That after getting no reply of the appeal, the appellant went in person to the office of respondent No. 2 at Peshawar but the respondent No.2 refuse to meet with him then the appellant again send the appeal through Pakistan Post Office.
25. That now the respondent No.3 is not allowing to the appellant for making his attendance in the attendance register and threatened to go to Utror or the salary will be stopped.
26. It is worth mentioning here that the respondent No. 3 is famous for litigation with her own subordinates, threatening them, making bogus and fake inquiries, using her power illegally against her subordinates and in this regard respondent No. 3 was punished by CM KPK in the shape of charge sheet, Human Rights, Provincial Ombudsman, DC Swat, Secretary E&SE, also issues warning and notices to respondent No. 3 for using her power & authority illegally against her subordinates, and Anti Corruption chalked FIR No. 5 dated 20-12-2018 under section (409/5 (2) pc Act) against respondent No. 3 for using her illegal power against a female teacher namely Miss. Ishrat Begum under her jurisdiction. (Charge sheet, and other notices is annexed "U")
(Pages-14).
27. Mr. Amjad Ali (J/C) who was illegally promoted to KPO by the DEO and later on his promotions order was found irregular and reverted by another DEO, and Mr. Amjad Ali appealed before Honorable Service Tribunal which was dismissed by Service Tribunal Camp Court Swat, dated 12-04-2020 and respondent No. 3 did not implement that order yet because Mr Amjad Ali is close relative and business partner of the

(9)

respondent No.3, the appellant also make a complaint against Amjad Ali and respondent No. 3 for not implementing the court order which is also a reason of angriness of respondent No.3. (Order/Judgment dated 12-4-202 of Service Tribunal is annexed "V" (Pages-3).

So it is therefore very humbly prayed that on acceptance of this service appeal the showcause dated null against the appellant and impugned order bearing no. 554-58 dated 30-12-2021 of stoppage of 2 Annual Increments and transfer may very kindly be set aside with other points mentioned in prayer of this service appeal.

Appellant

Rasool Jan
Rasool Jan

Through Counsels,

M. S. H. C.

Malak Saddam

Advocate High Court Swat

(10)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No. _____/2022

Rasool Jan (Junior Clerk) resident of Kalam Tehsil Behrain District Swat working as Junior Clerks at GGHS Kalam of District Education Officer (Female) Saidu Sharif Swat.....**Appellant**

VERSUS

1. The Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. The District Education Officer (Female) at Gulkada, District Swat.....**Respondent**

AFFIDAVIT

It is solemnly stated on oath that the contents of this application are true and correct to the best of my knowledge and belief and nothing has either been misstated or kept concealed before this Honorable Tribunal.



Deponent

Rasool Jan

Identified By:


Malak Saddam

Advocate High Court

11

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No. _____/2022

Rasool Jan (Junior Clerk) resident of Kalam Tehsil Behrain District Swat working as Junior Clerks at GGHS Kalam of District Education Officer (Female) Saidu Sharif Swat.....**Appellant**

VERSUS

1. The Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. The District Education Officer (Female) at Gulkada, District Swat.....**Respondent**

ADDRESSES OF THE PARTIES

Appellant:

Rasool Jan resident of Kalam Tehsil Behrain District Swat working as Junior Clerks at GGHS Kalam of District Education Officer (Female) Saidu Sharif Swat.

Respondents:

1. The Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. The District Education Officer (Female) at Gulkada, District Swat

Appellant through Counsel


Malak Sadam

12

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No. _____/2022

Rasool Jan (Junior Clerk) resident of Kalam Tehsil Behrain District Swat
working as Junior Clerks at GGHS Kalam of District Education Officer (Female)
Saidu Sharif Swat.....**Appellant**

VERSUS

1. The Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar & Others
2. The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. The District Education Officer (Female) at Gulkada, District Swat.....**Respondent**

APPLIATION FOR THE GRANT OF INTERIM RELIEF BY WAY OF NOT STOPPING THE SALARY OF THE APPELLANT TILL THE FINAL DISPOSAL OF THE CASE AS THE SALARY IS THE ONLY SOURCE OF INCOME FOR LIVELIHOOD, MEDICAL, AND SCHOOLING OF THE CHILDRENS OF THE APPELLANT.

Respectfully Sheweth:

- i. That the above titled case is pending before this Honorable Tribunal in which no date of hearing is fixed as yet.
- ii. That the appellant has got a prima facie case in his favour.
- iii. That the balance of convenience is in the favour of the appellant as there is a personal dispute and civil case between the respondents and the appellant.
- iv. That the salary is only source on which the appellant and his family livelihood, medical and schooling of children are dependent.
- v. That if the interim relief is not granted that appellant will suffer an irreparable loss.
- vi. That there are several orders of courts available to not stop the salary of an employee as the salary is the only source of

131

It is, therefore very respectfully prayed that on acceptance of this application the respondents are restrain from the salary stoppage of the appellant.



Rasool Jan
Through Counsel



Malak Sadam
Advocate High Court

14

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No. _____/2022

Rasool Jan (Junior Clerk) resident of Kalam Tehsil Behrain District Swat
working as Junior Clerks at GGHS Kalam of District Education Officer (Female)
Saidu Sharif Swat.....**Appellant**

VERSUS

1. The Government of Khyber Pakhtunkhwa through Secretary
Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. The Director Elementary & Secondary Education Khyber Pakhtunkhwa
Peshawar.
3. The District Education Officer (Female) at Gulkada, District
Swat.....**Respondent**

AFFIDAVIT

*It is solemnly stated on oath that the contents of this application are
true and correct to the best of my knowledge and belief and nothing
has either been misstated or kept concealed before this Honorable
Tribunal.*


Deponent

Rasool Jan

Identified By:


Malak Sadam

Advocate High Court



OFFICE OF THE
DISTRICT EDUCATION OFFICER (Female) SWAT
#: (0946) 700686 #: (0246) 700686
Email: deofswat@gmail.com www.female.sed.edu.pk

NOTIFICATION

Consequent upon the recommendation of the Departmental Selection Committee, the following candidates are hereby appointed as Junior Clerk against vacant posts noted against each in BPS-11 (10510-740-31710) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government on the terms and conditions given below in the interest of public service with immediate effect.

| S.No. | Name: Parentage | Residence | Date of Birth | Post | Post where Vacant |
|-------|---|-----------------------|---------------|---------|----------------------------|
| 1 | Muhammad Naveed Anjum S/O Khan Zeb | Amankot | 26/11/1993 | J/Clerk | GGHS Matta, Swat |
| 2 | Noman Khan S/O Muhammad Parvaiz | Aboha | 03/06/1990 | J/Clerk | GGHS Aboha, Swat |
| 3 | Sameer Khan S/O Muhammad Ismail | Barikot | 29/2/1980 | J/Clerk | GGHS Totno Bandal, Swat |
| 4 | Zeeshan Muhammad S/O Muhammad | Mingora | 26/2/1990 | J/Clerk | GGHS Shalpin, Swat |
| 5 | Muhammad Rasool S/O Muhammad Ismail | Kalam | 01/01/1983 | J/Clerk | GGHS Kalam, Swat |
| 6 | Younas Khan S/O Ahmad Khan | Dehrai | 03/01/1991 | J/Clerk | GGHS Matta, Swat |
| 7 | Fawad Ali S/O Noor Muhammad | Saidu Sharif | 20/07/1985 | J/Clerk | GGHS Deolai, Swat |
| 8 | Mazroof Salam S/O Abdul Qayum | Gura Matta | 10/04/1990 | J/Clerk | GGHS Kwaray, Swat |
| 9 | Shahin Shah S/O Jehan Zeb | Khwja Abad Mingora | 14/03/1992 | J/Clerk | GGHS Sakhra, Swat |

TERMS & CONDITIONS

- They will be governed by such rules and regulations as may be issued from time to time by the Government.
- Their services can be terminated at any time in case their performance is found unsatisfactory during Probation period. In case of misconduct, he shall be proceeded under the rules framed from time to time.
- Their service is liable to be terminated on one month's prior notice from either side. In case of resignation without prior notice one month pay and allowances, if any, shall be forfeited in favor of Government through challan.
- They should join their posts within 15 days of the issuance of this order positively otherwise the appointment shall stand cancelled.
- The Principal/Head Master concerned should personally check and verify the original documents before handing over charge.

Annexure - B

(2)

(10)



**OFFICE OF THE
DISTRICT EDUCATION OFFICER (Female) SWAT
CONTACT #: (0946) 700686 Fax #: (0946) 700686**

OFFICE ORDER

Mr. M. Rasool Jan J/Clerk GGHS Kalam Swat is hereby transferred to perform his duty as Litigation Assistant in Darul Qaza Mingora Bench Swat, and Service Tribunal Mingora Bench Swat. He will also look after all the clerical works of GGHS Kalam till further order.


(SHAMIM AKHTAR)
DISTRICT EDUCATION OFFICER (F)
SWAT AT SAIDU SHARIF

Order No. 692-94

Dated: 30/11 2018

For information to the

1. District Account Officer Swat
2. District Monitoring Officer Swat at Karju Township
3. Headmistress GGHS Kalam Swat
4. Official Concerned.


DISTRICT EDUCATION OFFICER (F)
SWAT AT SAIDU SHARIF

Handwritten initials/signature

SUPREME LAW CHAMBER

High Court / Darul Qazza
Medical Science / MA Islamiat
(Gynecology)



ایڈووکیٹ ہائی کورٹ / دارالقضاء

ایم اے پوسٹ گریجویٹ سائنس / ایم اے - اسلامیات

ایل ایل ایم (جرمیات)

Contact: 0333-9414042

قانونی نوٹس

عام

شمیم اختر ولد رحمانی گل مکتبہ رسک روڈ پشاور اور حال متعین ڈی ای او زمانہ بمقام سیدو شریف ضلع سوات

السلام علیکم

مجھے موکل رسول جان نے وکیل مقرر کر کے اختیار دیا ہے۔ کہ آپ کو مندرجہ ذیل قانونی نوٹس ارسال کروں۔

- ۱- یہ کہ ٹھکانہ اپنی کرپشن نے آپ کے خلاف FIR چاک کیا۔ جس پر آپ نے میرے موکل سے بزرگ عبدالعزیز شاہین (ADEO) رابطہ کر کے مدد حاصل کرنا چاہی۔
- ۲- یہ کہ موکل نے آپ کے لئے پشاور میں انعام خان پوسٹری سینٹرائزڈ وکیٹ ہائی کورٹ کی خدمات حاصل کی جس نے پشاور اور بعد از سوات آ کر آپ کے کیس کی بیرونی کی۔
- ۳- یہ کہ وکیل موصوف کی فیس آپ نے موکل کو بعد از ادا کرنے کے لئے مہلت مانگی۔ اور مہلت ختم ہونے پر مزید مہلت مانگتی گئی۔
- ۴- یہ کہ آخر میں آپ نے کہا کہ میرا کیس ختم ہونے پر میں عمل فیس ادا کر دوں گی۔ جو کہ کیس ختم ہونے کے بعد بھی آپ ہال مٹول کرتی رہی۔
- ۵- یہ کہ اس کے علاوہ آپ نے دو دفعہ کلام میں بمقام شہلی Stay کیا اور موکل کی ذمہ داری پر عمل بعد میں ادا کرنے کا کہا۔ اور موکل کو کہا کہ وہ عمل ادا کرے۔
- ۶- یہ کہ تمام تر مہلت ختم ہونے اور بار بار رابطہ کرنے کے باوجود آپ نے کوئی عمل ادا نہیں کیا۔ اور تمام رقم مبلغ 298300/- روپے ابھی تک آپ کے ذمہ واجب الادا ہے۔
- ۷- یہ کہ نوٹس ہذا اصول ہونے کے ایک ہفتے کے اندر اندر آپ نوٹس دہندہ کی آپ کے ذمہ واجب الادا رقم بغیر کسی توقف کے ادا کرے۔ بصورت دیگر آپ کے خلاف قانونی رہندہ مجاز عدالت جناب سینیٹر رسول بیگ میں آپ کے خلاف باقاعدہ دعویٰ دائر کرینگے جس کا خرچہ بھی آپ کے ذمے ہوگا۔

لہذا آپ کو قانونی نوٹس ارسال کیا جا رہا ہے۔ تاکہ آپ مطلع ہو اور قانونی تقاضے پورے ہو۔

نوٹس دہندہ: گان

بزرگ سیدو شریف

میاں محمد ریاض ایڈووکیٹ

المترقوم: 10/02/2021

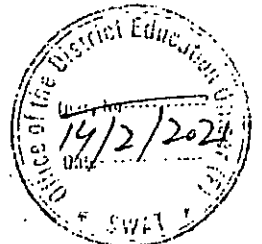
نوٹ:

نوٹس ہذا کے دو اور کاپیاں پرنٹس لئے گئے ہیں۔ کہ جن میں سے ایک آپ کو ارسال کی جا رہی ہے۔

جبکہ ایک اور کاپی پرنٹ میرے دفتر میں بغرض قانونی کارروائی محفوظ ہے۔

میاں محمد ریاض ایڈووکیٹ

ایڈووکیٹ ہائی کورٹ / دارالقضاء



CTC
M

Annexure - E

(131)

(19)

The DEO (F)

Saidu Sharif

(131)

Swat.

"Complaint against Clerk."

Madam,

It is stated that Mr. Rasool Jan the clerk of my school is a nice & able person. He is so talented person that he is busy every time in official work & is always on-duty in attendance register. So I am requested to provide an alternate person or provide me the dates of Mr. Rasool Jan on which he is engaging in court official work for the reason that in remaining days he should come to school to perform his duty & handle school dealings. I shall be very grateful to you for your this kindness.

Yours Obediently

Farida Begum
Head Mistress
Govt. Girls High School
Segram, Dist. Swat.

Farida Begum H/M

c/c
M

Annexure - E/1

~~Annexure - E/1~~

20
6

District Education Officer
Male District Sweet

SUBJECT - Transfer Application.

Respected Madam,

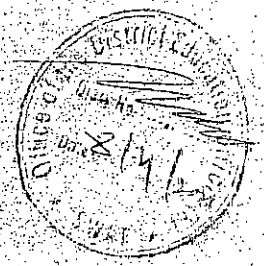
It is stated that I am working as I/c in GbHS Seegran, since 1-4-2018, I have completed 2 years plus tenure there, now the Administration of GbHS Seegran is not happy from me on some personal issues,

so it is requested to please transfer me from GbHS Seegran to SDPO Belraim or some else where.

I shall be very thankful to you for your this act of kindness.

Yours faithfully
Rasool Jan Akent,
I/c Seegran
7/04/2021

etc
Cm



~~XXXXXXXXXX~~ (7)

(7) خدمت خراب دکھائی اور زمانہ صلح ہوا

عنوان: دیپلمت پورا کرالٹو
مقام: سٹیٹ منسٹر آف ایجوکیشن

یہ کہ سٹیٹ منسٹر آف ایجوکیشن کو رپورٹ کرنا ہے کہ

یہ کہ سٹیٹ منسٹر آف ایجوکیشن سے ڈیپلمت کاغذ ملے گا

یہ کہ سٹیٹ منسٹر آف ایجوکیشن سے ڈیپلمت کاغذ ملے گا (میل) ڈیپلمت آف ایجوکیشن

یہ کہ SDEO کو (میل) میں ڈیپلمت کاغذ

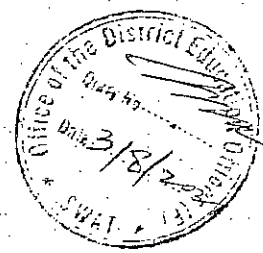
یہ کہ SDEO کو (میل) میں ڈیپلمت کاغذ

(male) ڈیپلمت آف ایجوکیشن سے ڈیپلمت کاغذ ملے گا

یہ کہ ڈیپلمت کاغذ ملے گا

یہ کہ ڈیپلمت کاغذ ملے گا
یہ کہ ڈیپلمت کاغذ ملے گا
یہ کہ ڈیپلمت کاغذ ملے گا

یہ کہ ڈیپلمت کاغذ ملے گا
3/8/2021



یہ کہ ڈیپلمت کاغذ ملے گا
(Signature)

~~Annexure E~~

گورنمنٹ ہائی اسکول، ڈی ایچ او، ڈی ایچ او، ڈی ایچ او، ڈی ایچ او

خون - درخواست گزار کو

مقرر کیا گیا ہے۔ اس کے بعد اس کی ضرورت ہے

یہ کہ اس کے بعد اس کی ضرورت ہے اس کے بعد اس کی ضرورت ہے

یہ کہ اس کے بعد اس کی ضرورت ہے اس کے بعد اس کی ضرورت ہے

یہ کہ اس کے بعد اس کی ضرورت ہے اس کے بعد اس کی ضرورت ہے

یہ کہ اس کے بعد اس کی ضرورت ہے اس کے بعد اس کی ضرورت ہے

یہ کہ اس کے بعد اس کی ضرورت ہے اس کے بعد اس کی ضرورت ہے

یہ کہ اس کے بعد اس کی ضرورت ہے اس کے بعد اس کی ضرورت ہے

یہ کہ اس کے بعد اس کی ضرورت ہے اس کے بعد اس کی ضرورت ہے

یہ کہ اس کے بعد اس کی ضرورت ہے اس کے بعد اس کی ضرورت ہے

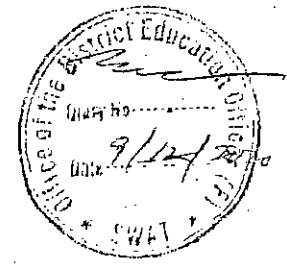
یہ کہ اس کے بعد اس کی ضرورت ہے اس کے بعد اس کی ضرورت ہے

اللہ

AC
M

اس کے بعد اس کی ضرورت ہے

9/12/2020



Annexure "F"

OFFICE OF THE
DISTRICT EDUCATION OFFICER (Female) SWAT

#: (0946) 924011 #: (0946) 9240214

JC/File/Rasool Jan

Dated 16/9/2021

Handwritten marks: a circled 'R', a circled '23', and some scribbles.

Director
Elementary & Secondary Education Department,
KPK Peshawar.

Subject: COMPLAINT / ENQUIRY REPORT
Memo:

Your kind attention is invited to the conduct of Mr. Rasool Jan Junior Clerk GGHS Seagram Swat along with Compliant Published on Pakistan Citizen Portal, Report of Headmistress, Recommendations of Inquiry report as well allied material, detail is as under;

Whereas report received from Head Mistress GGHS Seagram Swat dated 13/8/2021 against Mr. Rasool Jan Junior Clerk about his behavior, absenteeism and other kind of misconduct. (Annex: -A)

Whereas another report received from the school Headmistress GGHS Seagram on 23/8/2021 (Annexure-B) in connection with explanation called from the said clerk and also provide his un-parliamentarian words used in explanation (Annexures -C)

Whereas to Control misconduct of the said official and taking departmental action, this office constituted an Inquiry Committee vide office order under Endstt; no.8997-98 dated 30/8/2021 (Annexure-D)

Whereas another complaint submitted by the school Headmistress dated 31/8/2021 (Annexure-E) with different allegations absenteeism, CCTV Camera etc.

Whereas the public also not satisfied from the conduct of the said official, therefore, complaint published on Pakistan Citizen Portal (Annexure-F)

Whereas during the course of time, inquiry was conducted in the light of this office order under Endstt; No.8997-98 dated 30/8/2021(Already appended as Annexure-D) and the inquiry team investigated the matter in connection with complaints through discussion, questionnaire and personal information and submitted their report (Annexures G, H, I, J, K, L, M, N, O) with the following recommendations;

- Rasool Jan Junior Clerk Should be warned for his rude behavior towards the school Headmistress.
- His services should be Placed on the disposal of DEO(M) orders.
- His transfer should be made on Prior basis from the school for the peaceful environment in the institution.
- Proper recovery of the school staff service books, leave record, Zong internet device and other relevant items should be done at once.

Whereas during the course of time, the said official did not bother and always remained absent and similarly Monitoring team/DMO also found him absent at different occasion ie,

| Monitoring date | Absent days | Action of department | Annexures |
|-----------------|-------------|----------------------|-----------|
| 5/8/2021 | 01 day | Show cause notice | P |
| 2/7/2021 | 01 day | Show cause notice | Q |
| 8/7/2021 | 01 day | Show cause notice | R |

Keeping in view the above detail and recommendations of the inquiry team the undersigned suggest that the above name official, Mr. Rasool Jan Junior Clerk is not fit for the Girl Schools and is hereby recommended for the disposal of DEO(M) Swat for the best interest of Girls and female staff, please.

DISTRICT EDUCATION OFFICER (F)
SWAT

Handwritten initials: 'ac' and a signature.

Handwritten initials: 'J' and 'K'.

Annexure 'G'

Complaint Details - PMDU

Prime Minister's Performance Delivery Unit (PMDU)

Pakistan Citizen's Portal (PCP)

District Education Office (F), Swat, Khyber Pakhtunkhwa

KP050921-89010373 (AB)

Print Date: 06/09/2021

6/9/2021
HA

ms/ Mubsharat Aman
Zaibun Nisa
Also enquiring the matter
6/9/21

Complaint Details

| | | | |
|------------------------------|-------------------------------------|----------------------------------|--|
| FILE OF COMPLAINT | 05/09/2021 | CURRENT STATUS | In Progress (since 1 Days, 0 months, 0 |
| COMPLAINT CATEGORY/ LEVEL 1: | Education | COMPLAINT SUB-CATEGORY/ LEVEL 2: | Elementary & Secondary (Staff Performance) |
| LOCATION OF COMPLAINT: | Swat (Khyber Pakhtunkhwa, Pakistan) | COMPLAINT ADDRESS: | Mingora |
| ADDRESS: | Hidden by citizen | CITIZEN PROFILE | Hidden by Citizen |
| COMPLAINT SUBJECT | Staff performance | | |

DETAILS

سول جان نامی ایک کلرک جو گرلز ہائی سکول سیگرام میں جونیئر کلرک ہے وہ سکول میں ڈیوٹی نہیں کرتا اور کالج میں اپنا کام کرتا ہے۔ ڈیوٹی کرنے پر ہیڈ ماسٹر سے کو دھمکیاں دے رہا ہے اور اس سے پہلے گرلز سکول کالام میں بحیثیت کلرک ڈیوٹی کرتا تھا وہاں نوم کی شکایت پر ترائسفر ہو گیا۔ وہ ایک بدنام، بلیکمیٹر شخص ہے۔ وہ فیملی اساتذہ کو بلیکمیٹر کرتا ہے اور ڈی ای او فیملی اس کے کارروائی نہیں کرتی۔ وہ کہتا ہے کہ ڈی ای او پر ایف آئی آر درج ہوا تھا میں نے ضمانت کیا ہے وہ فیملی اساتذہ کو ایف آئی آر کے دھمکیاں دیتا ہے وہ فیملی کے ساتھ ڈیوٹی کرنے کے قابل نہیں ہے۔ لہذا اسے کسی اور محکمے یا مردوں کے سکول میں بھیج دیں تاکہ یہ شریف اور پاک دامن عورتوں کے عزت سے ہمہ کھلیں

Attachment

Attachment with complaint.

Complaint Processing History

| DATED | FROM | TO | STATUS | REMARKS |
|------------|---|---|-------------|---|
| 15/09/2021 | Directorate of Elementary & Secondary Education | DO Education (F), Swat | In-progress | Look into the matter please. |
| 15/09/2021 | Initiated | Directorate of Elementary & Secondary Education | In-progress | Complaint has been assigned to Directorate Elementary & Secondary Education |

مہر تاجاں
رہنما ڈویژن سوات
6/9/21



Annexure "G/1"

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.
Phone: 091-9225344 Email: ddadm.ece@gmail.com

OFFICE ORDER

Consequent upon the approval of the Competent Authority, the following officials/ officers of the following offices are hereby suspended with immediate effect due to frivolous/fake complaints resolution to increase the level of citizen satisfaction.

| S# | Name & Designation | Office Address |
|----|------------------------------------|---------------------------------------|
| 1 | Haq Nawaz Computer Operator | Local Directorate |
| 2 | Wasim Junior Clerk | DEO (F) Bannu |
| 3 | Ihsan Khan Computer Operator | DEO (F) Malakand |
| 4 | Younas Khan Junior Clerk | DEO (F) Swat |
| 5 | Aamir Assistant Programmer | DEO (M) Abbotabad |
| 6 | Tuqir Amir CT | GMS Wanda Feroze D.I Khan |
| 7 | Arif Junior Clerk | DEO (F) Malakand GGHS Nor Bakheela |
| 8 | Nasir Lodhi Jani Computer Operator | DEO (M) Manshera |

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 33910-98 / F.No. / A-23/MS/Citizen Portal Vol-1/2021

Dated Peshawar the 26/08/2021.

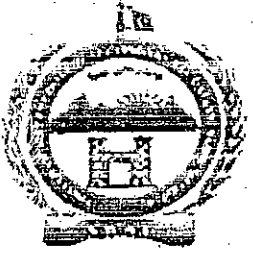
Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar
2. Section Officer (G) Govt. of Khyber Pakhtunkhwa E&SE Department.
3. Deputy Director (F&A) Local Directorate.
4. District Education Officers Concerned.
5. District Account Officer concerned.
6. Principal Concerned.
7. Computer operator/AP/J/Clerk, CT Concerned.
8. Master File.
9. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

Deputy Director (F&A)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

12 Annexure = "H"

26



BOARD OF INTERMEDIATE
& SECONDARY EDUCATION
SAIDU SHARIF, SWAT.
Marghuzar Road Kohrai,
Saidu Sharif, Swat
www.bisess.edu.pk

No. 4025 / CE/BISE, Swat.

Phone: 0946-865671

Dated. 29-07-2021

To,

The Superintendent,
GGHSS Shahdara C.No 13

Subject: Relieving of Mst. Sania PST GGPS Kukunil Swat.

Memo:

Reference letter of District Education Officer Female Swat, being a single teacher Mst. Sania Pst GGPS kukunil may be relieved from examination duty with immediate effect.

UMER HUSSAIN
Controller of Examinations
B.I.S.E, Saidu Sharif, Swat

Copy to:

1. District Education Office Female Swat.

ASSE-DAI: Education, Training & Development
Female, Swat

UMER HUSSAIN
Controller of Examinations
B.I.S.E, Saidu Sharif, Swat

IRA

Amend = H

27

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION SAIDU SHARIF, SWAT.

1923/P.A to C.E / BISE-SWAT

Dated: 01-04-2019

Phone Nos. (0946) 865670 - 71
Fax No. (0946)-865731
Email sanaullah03457181@gmail.com

Amir J

Handwritten marks and scribbles on the right margin.

SANIA ISMAIL PST

GGPS KOKNIL KALAM SWAT

Cell No. 0315-5563337

Subject: SUPERVISORY DUTY HSSC (ANNUAL) EXAMINATION 2019

Memo:

I am directed to intimate that you have been appointed as INVT
at GGPS NO.2 SAIDU SHARIF SWAT Centre No. 4
for the forth-coming HSSC (A) Examination 2019 commencing from 16-04-2019.

TERMS AND CONDITIONS:

- Your appointment is subject to the condition that you have not performed exam duty in the last two Examinations, otherwise you are required to return your duty letter to the undersigned for cancellation, failing which disciplinary action will be initiated against you as per rule in vogue.
 - That you have no near relative (Brother, Sister/Son, Daughter, Husband, wife, Nephew/Niece) appearing in the same center you have been appointed at.
 - Please confirm your acceptance/availability to the undersigned by Telephone or register Post office/email up to 10-04-2019 positively, however, it is that this appointment is essential and mandatory. It leaves no choice for refusal.
 - The controlling authority has made the examination duties a mandatory part of the service for all teachers and refusal/change of exams-duties shall not be accepted for any reason whatsoever. Defaulters will be directly reported for disciplinary action to the Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar.
- You are to reach the center one day before commencement of examination and report to the centre Superintendent.

(Umar Hussain)
Controller of Examinations
B.I.S.E, Saidu Sharif, Swat.

Acceptance Proforma

I, Sania Ismail do hereby accept duty as INVT
GGPS NO.2 Saidu Sharif Swat C:NO: 4. I have no near relative appearing in the same Centre
I have been appointed at and I shall reach the centre one day before the examination.

Signature: [Signature]
Address: Kalam Swat

1034

etc
[Handwritten initials]

Asst. Insp. Education Officer
Planning & Development
B.I.S.E., Swat

C-T-K
[Handwritten signature]

14

Annexure - I

28

مدالت جناب شیخ رسول ج صاحب اعلیٰ ملاقہ قاضی صاحب ہوات

بنام

انڈکس

| صفحہ | دستاویزات | نمبر |
|--------|---------------|------|
| 4 تا 4 | دعوی | 1 |
| (3) | درست پتہ حیات | 2 |
| (2) | بیان حلقہ | 3 |
| (1) | فہرست گونا | 4 |
| (1) | Pw 1 | 5 |
| | دیہ | 6 |
| 1 | وفاکار نامہ | 7 |
| | | 8 |
| | | 9 |
| | | 10 |
| | | 11 |
| | | 12 |
| | | 13 |
| | | 14 |
| | | 15 |
| | | 16 |

AC
M

مدالت جناب شیخ رسول ج صاحب اعلیٰ ملاقہ قاضی صاحب ہوات
مدالت جناب شیخ رسول ج صاحب اعلیٰ ملاقہ قاضی صاحب ہوات

15/1

29

بعدالت جناب سینئر سول جج صاحب اول اعلیٰ علاقہ قاضی بمقام کبیل ضلع سوات

رسول جان ولد ملک محمد اسماعیل سکند کالام تحصیل بخرین ضلع سوات مدعی

بنام

شمیم اختر ولد رحمانی گل سکند کالج کالونی سید شریف، حال دفتر DEO Female بالمقابل اللہ اکبر مسجد سید شریف تحصیل بابوزی ضلع سوات مدعا علیہا

دعویٰ صدور ڈگری دلا پانے وغیرہ

دلا پانے رقم مبلغ 398,300 (تین لاکھ اٹھانوے ہزار تین سو روپے) پاکستانی جو کہ مدعا علیہا نے مدعی کی ذاتی مختلف اوقات میں بسلسلہ تفصیل ذیل لئے ہے اخراج کر دئے ہے۔

1- مدعا علیہا نے مدعی سے اپنے اوپر اینٹی کرپشن مقدمہ FIR نمبر 5 جرم P.C. Act (2) 409/5 پولیس سٹیشن اینٹی کرپشن سوات مورخہ 20/12/2018 کی بیرونی، وکیل مقرر کرنے، بھاگ دوڑ کرنے اور دوسرے اخراجات بابت مقدمہ بالا کی مدعی سے اپنی ذاتی رقم مبلغ -/189700 روپے یہ تفصیل ذیل خرچ کر دئے ہے۔

تفصیل

i- وکیل فیس مبلغ -/160,000
ii- دیگر متفرق اخراجات مبلغ -/29,700

کل رقم -/189700

2- مبلغ -/108,600 روپے یہ تفصیل ذیل جو کہ مدعا علیہا نے بمسئلہ فیلی مختلف اوقات میں برائے سید جانور سوات مدعی کی ذاتی رقم خرچ /صرف کر دئے تھے۔

تفصیل

کالام میں ہوٹل اخراجات
پہلی مرتبہ قیام و طعام و مہوڈنڈ اخراجات وغیرہ مبلغ -/45600
دوسری مرتبہ قیام و طعام و مہوڈنڈ اخراجات وغیرہ مبلغ -/63000

کل رقم -/108,600

م
م

(16)

(30)

(9)

3- دولا پانے رقم مبلغ 1,00,000 ایک لاکھ روپے جو کہ من مدعی سے رقم مذکورہ بالا کے حصول کی خاطر بھاگ دوڑ چرائی گئی ہے۔ تھانوں میں بھاگ دوڑ، درخواست ہائے ہکریوں، موبائل اخراجات کی مد میں خرچ ہوئے ہیں۔ جسکی وصولی من مدعی از روئے قانون و شریعت حقدار ہے۔

- مالیت بغرض کورٹ فیس و اختیار سماعت مبلغ 3000 روپے چسپاں شدہ ہے۔ کسی دیشی حسب الحکم عدالت حضور پورنی کی جائیگی۔

- بنائے دعویٰ عرصہ چند یوم قبل مدعا علیہا کا من مدعی کو رقم واجب الادا کے ادائیگی سے انکار پر اندر حدود عدالت حضور پیدا ہوئی۔ نیز دعویٰ مندر معیار ہے اور عدالت حضور کو مقدمہ ہذا کا اختیار سماعت حاصل ہے۔

جناب عالی۔ دعویٰ مندی حسب ذیل عرض ہے۔

1- یہ کہ مندی بروئے آرڈر نمبر 94-692 مورخہ 30/11/2018 بطور Assistant Litigation مقرر ہوا جبکہ بطور کلرک محکمہ تعلیم میں ملازم ہوں (نقل آرڈر لف ہے)

2- یہ کہ مدعا علیہا DEO Female کے عہدے پر فائز ہے۔ اور ڈسٹرکٹ ایجوکیشن آفیسر زمانہ گل کدہ سید و شریف، (پ) تعینات ہے۔

3- یہ کہ اکثر و بیشتر Litigation کے سلسلے میں مدعا علیہا سے ملاقات ہوا کرتی تھی۔

4- اسی دوران مدعا علیہا پر قصانہ ایٹنی کرپشن سید و شریف نے FIR نمبر 75/2 Pc AcT 409/5 مورخہ 20/12/2018 چاک کیا۔ اور مدعا علیہا کے رابطہ کرنے پر اس کے آفس چلا گیا۔ تو مدعا علیہا نے مجھے خدا سے فراہم کرنے اور مقدمہ میں وکیل مقرر کرنے اور اور اس کے بعد مقدمہ میں بھر پور معاونت کرنے کا کہا جس پر میں بھری۔ مدعا علیہا نے مدعی کو یہ کہا کہ مقدمہ کے سلسلے میں جتنے بھی اخراجات و بھاگ دوڑ ہو وہ مدعی کریگا اور مقدمہ کے اخراجات پر مدعا علیہا مدعی کو تمام رقم ادا کریگی۔ (نقل FIR لف ہے)

5- یہ کہ مدعا علیہا کے کہنے پر میں نے پشاور میں وکیل محمد انعام یوسف زئی ایڈوکیٹ (سینئر کریٹیل لائر) جو کہ اب ایڈوکیٹ کے عہدے پر پشاور ہائی کورٹ میں فائز ہے۔ کو مدعا علیہا کے صلاح و مشورے کے بعد مبلغ 160,000 روپے لے کر کے وکیل مقرر کیا۔

سید و شریف

17

31

(3)

6- یہ کہ وکیل فیس کے علاوہ دیگر متفرق اخراجات بھی ہوئے۔ جس کی ادائیگی مدعی نے وقافو قفا کی جبکہ مدعا علیہا عام طور پر تاریخ پیشیوں کے لئے مدعی کو ہر تاریخ پیشی پر عدالت آنے کا کہتی اور جملہ خرچہ و اخراجات مدعی سے کرواتی تھی۔ اور یہ کہ کہتی تھی کہ تمام تر حساب و کتاب اپنے ساتھ رکھا کرو۔ اور آخر میں تمام حساب کتاب کر کے مدعی کا خرچہ شدہ رقم واپس کر لیگی۔ اس نسبت مدعی نے تمام حساب کتاب ذاتی ڈائری میں وقافو قفا لکھا ہے۔ (حساب کتاب ڈائری نقل لف ہے۔)

7- یہ کہ وکیل صاحب متذکرہ بالا بار بار اپنے فیس کا مطالبہ کرتا تھا۔ اور مدعی نے اقساط میں وکیل صاحب کا مکمل فیس ادا کیا اور اس کی بابت باقاعدہ رسیدات وصول کئے ہیں۔ اور مقدمہ کے اختتام پر مدعا علیہا سے رقم کا مطالبہ کیا تو وہ تنخواہ لینے پر ادائیگی کا وعدہ و وعید کرتی اور تاحال ادائیگی نہیں کی ہے۔ (رسیدات وکیل فیس لف ہیں۔)

8- یہ کہ علاوہ ازیں مدعا علیہا اور اس کے بہن و معذور بھتیجے کیلئے دو مرتبہ کلام کی سیر اور ہوٹل کے کمرہ بک کرائی۔ پہلی مرتبہ کا خرچہ -/45600 روپے خرچ ہونے کس کی تفصیل کچھ یوں ہے۔

ہوٹل قیام و طعام بل: 27600/-
مہوڈنڈ گاڑی: 8000/-
مدعا علیہا کو نقد دئے: 10000/-

کل رقم -/45600 (ہوٹل رسیدات لف ہیں۔)

9- دوسری مرتبہ پھر کلام کے سیر کے موقع پر اخراجات کل رقم -/63000 ہوٹل کرایہ، کھانا پینا، ٹرانسپورٹ وغیرہ کا آیا ہے۔ اور خرچہ بھی مدعا علیہا کے کہنے پر مدعی نے ادا کی ہے۔ اور بعد ازاں مدعا علیہا نے ادائیگی کا وعدہ و اقرار کرتی رہی اور مدعی کو تاریخ پر تاریخ بابت ادائیگی دیتی رہی۔ اور تاحال ادائیگی نہیں کی۔ جس کی تفصیل کچھ یوں ہے۔

ہوٹل قیام و طعام بل: 51000/-
مہوڈنڈ گاڑی: 10000/-
شمال کی مدعی سے دلوائی گئی رقم: 1800/-

کل رقم -/63000 (ہوٹل رسیدات لف ہیں۔)

نوٹ: اسی طرح دونوں دفعہ کلام سیر و تفریح کا کل خرچہ مبلغ -/108,600 روپے آیا جو کہ مدعی نے مدعا علیہا کے کہنے ادا کئے ہے۔ اور تاحال بذمہ مدعا علیہا واجب الادا ہے۔

10- یہ کہ اسی طرح رقم متذکرہ بالا کے وصول کی خاطر مدعی سے بھاگ دوڑ، کرایوں، موبائل خرچوں اور جرگہ ہانے وغیرہ کی ایک لاکھ روپے سے زائد رقم خرچ ہو چکی ہے۔ جس کے لئے مدعی مبلغ -/100,000 ایک لاکھ روپے منساب تصور کرتا ہے۔ جس کی وصولی کا بھی مدعی از روئے قانون و تشریح حقدار ہے۔

Handwritten signature and initials.

18

32

(1)

11- یہ کہ مدعا علیہا کے ساتھ بار بار بذات خود و بزرگیہ محکمہ ایجوکیشن کے دیگر افراد ملازمین جرگہ ہائے ٹیبلن مدعا علیہا پر مشمول کرتی تھی۔ اور بعد ازاں صریحاً انکاری ہوئی۔

12- یہ کہ مدعا علیہا پر جو FIR مذکورہ بالا درج ہوا تھا۔ اس کی بھاگ دوڑ کے سلسلے میں مدعی جس مختلف لوگوں سے ملا ہے۔ اور مدعا علیہا کے حق میں جو دستاویزات حاصل کئے ہیں۔ اور جس کی بابت خرچہ کا ذکر مدعی کے ڈائری میں ہے۔ ان میں سے کچھ دستاویزات مدعی نے بطور ثبوت لف دعویٰ ہذا کئے ہیں۔ (نقولاً دستاویزات لف ہیں)

13- یہ کہ قبل از ادخال دعویٰ مدعا علیہا کو Legal Notice بھیجا گیا ہے۔ جس کا تا حال مدعا علیہا نے کوئی جواب نہیں دیا ہے۔ (نقل نوٹس لف ہے)

14- یہ کہ حسب ضابطہ نظام عدل ریگولیشن مدعا علیہا کو مقدمہ کے نقولات بزرگیہ ڈاک رجسٹری ارسال کئے گئے ہیں۔ (رسیدات ڈاکخانہ لف ہے)

15- یہ کہ مالیت بغرض کورٹ فیس و اخذیاری سماعت مبلغ 3000 روپے حسب ضابطہ چسپاں شدہ ہے۔ کئی ویشی کورٹ فیس حسب احکام عدالت حضور پوری کی جاگتی۔

16- یہ کہ فریقین مقدمہ کی جائے رہائش، ارجاع نالش اندر حدودات عدالت حضور ہونے کی وجہ سے عدالت حضور کو مقدمہ ہذا کا اختیار سماعت حاصل ہے۔ نیز دعویٰ مدعی اندر معیاد ہے۔ نیز دیگر قانونی تقاضے اندر عنوان عرض دعویٰ درست طور پر پورے کئے گئے ہیں۔

لہذا استدعا ہے۔ کہ منظور دی دعویٰ ہذا ڈگری مستدعیہ حسب عنوان عرض دعویٰ ہذا جملہ جزئیات بحق مدعی برخلاف مدعا علیہا ہمہ خرچہ مقدمہ صادر فرمایا جائے۔ نیز دوسری حالات و واقعات مقدمہ کے تحت عدالت حضور مناسب سمجھے گی۔ کچھ برخلاف مدعا علیہا مزاحمت فرمایا جائے۔

Scout

تقریباً

رسول جان ولد ملک محمد اسماعیل سکھ کلام تحصیل بحرین ضلع سوات

مدعی بذریعہ وکیل

ملک صدق حسین ایڈووکیٹ

ہائی کورٹ دارالقضاء

المرقوم: 27/10/2021

تصدیق

تصدیق کی جاتی ہے۔ کہ جملہ مراتب

دعویٰ ہذا تا حد علم و یقین مدعی کے درست

ہے۔ اور ان میں کوئی امر عدالت حضور سے

پوشیدہ نہیں رکھا گیا ہے۔

رسول جان

رسول جان (مدعی)

cc
M

187

33

(4)

11- یہ کہ مدعا علیہا کے ساتھ بار بار بذات خود و بزریر یوٹیکل ایجوکیشن کے دیگر افراد ملازمین جرگہ ہائے کئے لیکن مدعا علیہا پر مشول کرتی تھی۔ اور بعد از صریحاً انکاری ہوئی۔

12- یہ کہ مدعا علیہا پر جو FIR مذکورہ بالا درج ہوا تھا۔ اس کی بھاگ دوڑ کے سلسلے میں مدعی جس مختلف لوگوں سے ملا ہے۔ اور مدعا علیہا کے حق میں جو دستاویزات حاصل کئے ہیں۔ اور جس کی بابت خرچہ کا ذکر مدعی کے ڈائری میں ہے۔ ان میں۔ کچھ دستاویزات مدعی نے بطور ثبوت لف دعویٰ لہذا کئے ہیں۔ (نقولاً دستاویزات لف ہیں)

13- یہ کہ قبل از ادخال دعویٰ مدعا علیہا کو Legal Notice بھیجا گیا ہے۔ جس کا تا حال مدعا علیہا نے کوئی جواب نہیں دیا ہے۔ (نقل نوٹس لف ہے)

14- یہ کہ حسب ضابطہ نظام عدل ریگولیشن مدعا علیہا کو مقدمہ کے نقولاً بزریر یوٹیکل رجسٹری ارسال کئے گئے ہیں۔ (رسیدات ڈاکخانہ لف ہے)۔

15- یہ کہ مالیت بغرض کورٹ فیس و اختیار سماعت مبلغ 3000 روپے حسب ضابطہ چسپاں شدہ ہے۔ کسی دہشی کورٹ فیس حسب احکام عدالت حضور پوری کی جائیگی۔

16- یہ کہ فریقین مقدمہ کی جائے رہائش، ارجاع تالش اندر حدودات عدالت حضور ہونے کی وجہ سے عدالت حضور کو مقدمہ لہذا کا اختیار سماعت حاصل ہے۔ نیز دعویٰ مدعی اندر معیاد ہے۔ نیز دیگر قانونی نقائے اندر عنوان عرض دعویٰ درست طور پر پورے کئے گئے ہیں۔

لہذا استدعا ہے۔ کہ منظور کی دعویٰ لہذا ڈگری مستدعیہ حسب عنوان عرض دعویٰ کے جملہ جزئیات بحق مدعی برخلاف مدعا علیہا بمعد خرچہ مقدمہ صادر فرمایا جائے۔ نیز درسی حالات و واقعات مقدمہ کے تحت عدالت حضور مناسب سمجھے بھی بحق مدعی برخلاف مدعا علیہا مرحمت فرمایا جائے۔

Stent

تاریخ: 27/10/2021

رسول جان ولد ملک محمد اسماعیل سکند کالام تحصیل بحرین ضلع سوات

مدعی بزریر یوٹیکل

ملک صدام حسین ایڈوکیٹ

ہائی کورٹ دارالقضاء

المرقوم: 27/10/2021

تصدیق

تصدیق کی جاتی ہے۔ کہ جملہ مراتب

دعویٰ لہذا تا حد علم و یقین مدعی کے درست

ہے۔ اور ان میں کوئی امر عدالت حضور سے

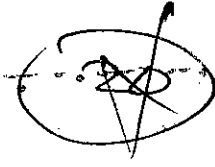
پوشیدہ نہیں رکھا گیا ہے۔

Stent

تاریخ: 27/10/2021

رسول جان (مدعی)

Stent



۳۱

شمیم اختر

بنام

رسول جان

دعویٰ دلاپانے رقم

فہرست گواہان منجانب مدعی

جناب عالی۔ فہرست گواہان، منجانب مدعی حسب ذیل عرض ہے۔

- ۱۔ مدعی بذات خود یا بزرگیہ مختیار خاص بمعہ جملہ دستاویزات یا وہ دستاویزات جو آئینہ بدوران سماعت دستیاب ہو جائے۔
- ۲۔ بخت شیر ولد احمد (چوکیدار گورنمنٹ گرلز پرائمری سکول جانیار مدین) سکنتہ جانیار مدین سوات۔ موبائل 0342-9007106 (بطور طلبیدہ)
- ۳۔ منیاں شجاعت علی سابقہ ممبر ضلع کونسل تیرات مدین سوات۔ موبائل نمبر: 0346-9994349 (بطور طلبیدہ)
- ۴۔ مسماة رقیہ بی بی زوجہ اکبر جان ایس ڈی ای او بحریں ایجوکیشن ڈیپارٹمنٹ۔ موبائل 0344-4438440 (بطور طلبیدہ)
- ۵۔ محمد انعام یوسفی ایڈوکیٹ ہائی کورٹ سکنتہ آفسر B-29 سیکنڈ فلور ڈیزیز ٹریڈسنٹر پشاور۔ موبائل نمبر: 0331-5836040 (بطور طلبیدہ)
- ۶۔ احمد نبی ولد گل نبی سکنتہ کالام تحصیل بحرین ضلع سوات۔ موبائل 0314-9707272 (بطور طلبیدہ)
- ۷۔ مدعا علیہم برائے جرح بمعہ جملہ ریکارڈ بشرط ضرورت
- ۸۔ دیگر گواہان و دستاویزات بشرط ضرورت اجازت عدالت حضور پیش کئے جائینگے۔

رسول جان

غریبہ

رسول جان ولد ملک محمد اسماعیل سکنتہ کالام تحصیل بحرین ضلع سوات

المرقوم۔ 27/10/2021

رسول جان

21

Ammaur J/2^m

25

(S)



OFFICE OF THE
DISTRICT EDUCATION OFFICER (F) SWAT

#: (0946) 9240214

#: (0946) 9240214

Email: deofswat@gmail.com

www.female.sed.edu.pk

OFFICE ORDER

Whereas, Mst: Sania Ismail D/O Muhammad Ismail resident Kalam, appointed through NTS vide DEO (F) Swat Office order under Endstt: NO 537-42 Dated 19.01.2019 on temporary and Ad-hoc basis and posted at GGPS Koknail Kalam Swat for contract of one w.e.f 01/03/2019 to 28/02/2020 which was extended for next one year 01/03/2020 to 28/02/2021 and further extended w.e.f 01/03/2021 to 28/02/2022 but she has not yet been regularized and still in a contract with the department.

Whereas, Mst: Sania Ismail time and again remained absent and reported by Education Monitoring Authority (EMA) about her absenteeism on 25/04/2019, 03/08/2019 to 11.10.2019, 05/08/2019, 23/11/2019 and 01/09/2021. and similarly SDEO (F) Bahrain Swat also reported her absenteeism w.e.f 18/06/2019 to 20/06/2019 vide No. 267 Dated: 28/06/2019 and found her performance unsatisfactory during her services.

Whereas, Performance of the official concerned found unsatisfactory and it has clearly been mentioned in Term and Condition of her appointment at Para No. 13 which has been accepted by her and the same is reproduce as below:

13. "Their services shall be terminated at any time in case their performance is found unsatisfactory during their service period. In case of misconduct, they shall be proceeded against under the relevant rules & regulation announced from time to time by the Government.

Whereas, Attendance Register for the months of March, 2019, April 2019, May, 2019 June, 2019, August 2019 and September 2019 reflects absenteeism of Mst: Sania Ismail and there is no single attendance in the afore mentioned months and she erased remarks/signature of EMA obtained in attendance register and reflected her present and indulged herself in fraud and tempering.

Whereas, Remarks of the SDEO (F) Bahrain Swat Dated: 04/12/2021 in which she recorded statement of Mst: Sania Ismail that "I have not perform duty for two years" which reflect that the alleged official admitted her guilt of absenteeism

Whereas, Head Mistress also reported her absenteeism on 13/03/2019 in her written statement Dated: 13/04/2019 and similarly a complaint also published through citizen portal and highlighted absenteeism of Mst: Sania Ismail w.e.f. March 2019.

Whereas, Show cause notices regarding her absenteeism also issued on different dates i.e 05/08/2020, 11/12/2020, 03/09/2021, 05/10/2021, 27/10/2021 in the light of report submitted by Education Monitoring Authority (EMA) and in pursuance to the letter issued by the Government of Khyber Pakhtunkhwa Finance Department (Regulation Wings) Video No So (FR/FDS-14-/2014 Dated: 16.12.2014, deduction also made through Source by SDEO (F) Bahrian Swat on 09/10/2019 but she did not bother and continue her absenteeism

(Contd: on next page)

etc
M

[Handwritten signature]

36

heres report of her absenteeism also published through Social Media in Daily Azadi newspaper Dated: 02.12.2021 in which her habitual absenteeism was highlighted and the file recommended for taking action

heres Local of the area Kalam through one Malak Taj Muhammad Khan Resident of Kalam reported against her absenteeism and Chwokidar also recorded his statement

on 7/11/2021 about her absenteeism and similarly SDEO (F) Bahrain Swat finally reported on 7/12/2021 vide No.561 Dated: 07.12.2021 and confirmed her habitual absenteeism and recommended her termination withdrawal of her appointment order being Ad-hoc appointee.

For the reason alluded above, the undersigned being competent authority, contract of the Mst. Sania Ismail (being Ad-hoc employ) is hereby withdrawn with immediate effect.


DISTRICT EDUCATION OFFICER (F)
SWAT

14895-902
Distt: No. _____ F.No.Complaint/Sania Ismail/PST

Dated 08/12/2021

Copy forwarded for information and necessary action to the;

1. Director Elementary & Secondary Education KPK Peshawar.
2. Education Monitoring Authority Swat.
3. District Account Officer Swat.
4. ADEO (F) Establishment, primary local office.
5. Budget & Account Officer local office.
6. SDEO (F) Bahrain Swat for necessary actions and report within two days positively.
7. Mst. Sania Ismail D/O Muhammad Ismail Resident Kalam (Now withdrawn from service as PST GGPS Koknail Kalam Swat).
8. EMIS Local office.


DISTRICT EDUCATION OFFICER (F)
SWAT

(22)

Annexure J/2

PESHAWAR HIGH COURT, MINGORA BENCH (DAR-UL-QAZA), SWAT

FORM OF ORDER SHEET

(3)

Court of

Case No. of

| 1 | Date of Order or Proceedings | Order or other Proceedings with Signature of Judge and that of parties or counsel where necessary. |
|---|------------------------------|---|
| | 22-12-2021 | <p><u>Interim Relief</u> <u>In W.P 1262/2021</u></p> <p>Present: <i>Mr. Shams-ul-Hadi, Advocate for the petitioner.</i></p> <p>*****</p> <p>Notice for 26.01.2022. Till then the vacant seat in GGPS Koknil, Kalam shall not be filled.</p> <p style="text-align: right;">JUDGE</p> |

Abdul Jabbar

Office 23/12

(1.0) HON'BLE MR. JUSTICE HMTAQ IBRAHIM

Handwritten signature

(23) Amoneamr "K"
DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.
Phone: 091-9225344 Email: ddadmn.es@gmail.com

OFFICE ORDER

The Services of Mr. Rasool Jan Junior Clerk GGHS Seagram Swat is hereby placed at the disposal of DEO (Male) Swat for further adjustment against the vacant post in the interest of public service with immediate effect.

Note:

1. Charge report should be submitted to all concerned.
2. No.TADA is allowed.

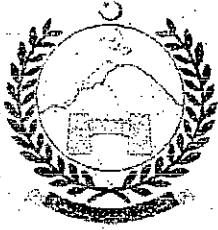
DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 931-935 /F.No.442/ A-23/MS/Complaint/Swat Dated 17 / 09 / 2021
Copy forwarded to the: -

1. District Education Officer (Male/Female) Swat.
2. District Account Officer Concerned.
3. Principal/HM Concerned.
4. Official concerned.
5. Master File.
6. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

Sh. Sult
Deputy Director (F&A)
Directorate of Elementary & Secy: Education
Khyber Pakhtunkhwa, Peshawar

etc
(M)



OFFICE F THE DISTRICT EDUCATION OFFICER
MALE SAIDUSHARIF SWAT.
Phone No. 0946-9240228
No. 1536 /
Dated 12 / 10 / 2021.

24

39

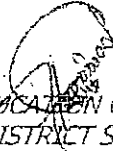
To:

The Director
Elementary & Secondary Education
Khyber Pakhtunkhwa

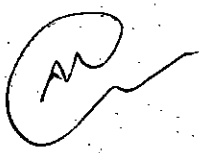
Subject: OFFICE ORDER

Reference vide your office letter No. 931-935/F.No.442/A-23/MS/Complaint/Swat dated 17-09-2021 for adjustment of Mr. Rasool Jan J/C in male deptt.

It is hereby inform you that Mr. Rasool Jan is a dislike person and the undersigned cannot adjust him; therefore you are requested to transfer him out of district swat.


DISTRICT EDUCATION OFFICER
MALE DISTRICT SWAT.

etc





OFFICE OF THE DISTRICT EDUCATION OFFICER
MALE SAIDUSHRIF SWAT.
Phone No.0946-9240228.

Mr, Saranzeb SST (G) GHSS Bamakhela Swat is hereby transferred to GHS Kedam Swat on administrative ground on his own pay & scale with immediate effect in the interest of public service .

Note:- (1) No TA/DA is allowed.
(2) Charge report should be submitted to all concerned.

(MUHAMMAD AMIN)
DISTRICT EDUCATION OFFICER
MALE DISTRICT SWAT

Endst: No. 9980-87 / SST.

Dated: 29/8 /2019.

Copy to:-

1. The Director (E&S) Education K.P.K. Peshawar.
2. The District Accounts Officer Saidusharif Swat.
3. The Principal GHSS Bamakheia Swat .
4. The Head Master GHS Kedam Swat .
5. The Superintendent Secy: of local office
6. The official concerned.
7. P.A to D.E.O.Male Swat.

DISTRICT EDUCATION OFFICER
MALE DISTRICT SWAT

CTC

M

DMef
MLh

24

Annexure 2/1

~~24~~

109

51

Inquiry Report

| | | |
|----|-----------------|--|
| 01 | TITLE | Inquiry report about the transfer of Mr. Saranzeb Khan SST (G) GHSS Bamakhela Swat. |
| 02 | INQUIRY OFFICER | Mr. Noor Zada Khalozai Principal Bps-19 GHSS Shergarh |
| 03 | DATE OF INQUIRY | 15,16,17/02/2020 |
| 04 | VENUE | DEO Office Mingora Swat, GHSS Bamakhela Matta Swat. |
| 05 | BRIEF HISTORY | A teacher Mr. Saranzeb SST(G) GHSS Bamakhela Swat transferred from that school to GHS Kedam Swat on administrative ground on 29/08/2019. The concerned teacher put off an appeal to director E&SE that what was his mistakes he did not know and that the transfer order delivered to school by a political person and is illegal. Director accepted his appeal and assigned an enquiry to the undersigned in this case in his order No. 3844/F/NO-473/SST (M) complain dated Peshawar the 09/12/2020. |
| 06 | FACTS FINDING | A teacher Saranzeb SST(G) working at GHSS Bamakhela Swat since 2013. He was transferred to GHS Kedam Swat 50 KM away from his home. The transfer letter was delivered by hand, by a political person to the principal of GHSS Bamakhela Swat on 7 th of October 2019, about one and a half month after the issue date 29 th August 2019 one day before the E transfer policy. There was no post stamp or ticket on envelop. After receiving enquiry letter, I went to DEO (M) Swat office on 15/02/2020. I checked the Endst No, in the dispatch register this No and date was the entry of a class IV appointment. |

etc
m

27

~~23~~

42

| | | |
|----|------------|--|
| | | <p>There was no entry of this transfer order on this date. I also checked some other nearby dates but there was no entry of this transfer letter of Mr. Saranzeb SST(G) GHSS Bamakhela Swat.</p> <p>I met with Bankat Ali dealing assistant of SST (G). I asked him to check the file of Saranzeb SST(G). There was no complaint against Saranzeb by principal of his school or any other person of public. There was not a single word about the transfer of Saranzeb on any note sheet.</p> <p>There was no transfer order copy on file and he was not informed about the transfer of said teacher.</p> <p>I took the statement of dispatcher of DEO office Mingora both were C/signed by DEO.</p> <p>I went to GHSS Bamakhela, principal of the school was present as I informed him about my visit for inquiry. I received his statement about the transfer of said teacher. He stated that Mr. Saranzeb was a best professional teacher. He was better for students and he was satisfied from his service here as a teacher and subordinate. He said that his post is lying vacant till now. I also received statements of the teacher Saranzeb, He stated, I always performed my duty honestly just like other teachers of this school, that is why our school selected for award two times. Always I gave 100% results principal is satisfied from my duties.</p> |
| 07 | CONCLUSION | <p>After checking all the record of DEO office, listening officials, principal of the school and concerned teacher I reached to the conclusion that transfer of the teacher is illegal and off the record. There is no complaint from any side about the concerned teacher. Order No and date is fake, there is no administrative reason for his transfer.</p> |

Handwritten signature

Handwritten initials

~~28~~


~~28~~

23

08 RECOMMENDATIONS

In the light of detail inquiry and findings, it proved that the transfer order No and date is fake. There is no administrative ground or proof for action. It is illegal and off the record, the post is vacant till this time in GHSS Bamakhela. Therefore, it is recommended,

1. To set aside the fake transfer order No: 9280-87 dated 29/08/2019 and issue order to the concerned teacher Mr. Saranzeb SST (G) to continue his duties on his own station i-e GHSS Bamakhela Swat.
2. Issue a direction to Ex-DEO (M) Swat to follow rules, regulations before taking action.


Inquiry Officer
Noor Zada Khalozai,
Principal GHSS
Shergarh Mardan

Handwritten signature

Handwritten signature

(201)

Annexure "M"

(44)

SHOW CAUSE NOTICE

I, Hafiz Muhammad Ibrahim Director Elementary and Secondary Education Khyber Pakhtunkhwa as competent authority under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 do hereby serve upon you **Mr. Rasool Jan Junior Clerk of GGHS Segram Swat** as follow:-

- That as per report of District Education Officer (Female) Swat vide No 9803 dated 16/09/2021 that
- the Headmistress of GGHS Segram swat reported on 13/08/2021 against your misbehavior, absenteeism and misconduct
- Another report of the Headmistress concerned received on 23/08/2021 on account of un-parliamentary words used by you.
- Enquiry conducted against you vide No. 8997-98 dated 30/08/2021 by DEO (F) Swat.
- Another complaint received by the Headmistress concerned on 31/08/2021 in connection with different allegations, absenteeism, CCTV Camera etc.
- The public also un-satisfied from your conduct and a complaint published in Pakistan Citizen portal against you.
- The District Monitoring team have also found you absent from duty on following dates 02/07/2021 08/07/2021 and 05/08/2021, positively.
- That I am satisfied that you are guilty of "misconduct" and "inefficiency" as specified in rules 3 of the said rules. And have thus rendered you liable to be proceeded against under the said rules.

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

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

ctc
(M)


COMPETENT AUORITY

Mr. Rasool Jan Junior Clerk BS-11

Office of the GGHS Segram District Swat

To
Worthy Directory
E&SE KPK Peshawar.

3/2

45

Reply of Show cause notice issued by your good self dated Nill.

Respected Sir,

I have received a showcase notice dated nill, in which your goodself declare me guilty for the following.

1. *Misconduct.*
2. *Miss behavior.*
3. *Absenteeism, which was reported by Monitoring Assistant dated 02/07/2021, 08/07/2021 and 05/08/2021.*
4. *Not repairing the School CCTV Cameras.*
5. *Using Un-Parliamentary words with Headmistress concerned.*
6. *Complain on Pakistan Citizen Portal in which the local public/inhabitants are not satisfied with my conduct.*

Respected and Worthy Directory Sir,

The above mentioned allegations are totally baseless and depend on personal ill will of Madam Shamim Akhtar (District Education Officer Female Swat) with me, and using the Headmistress GGHS Segram for fulfilling her revenge with me.

Respected Sir,

I was trying to reach you with an application against the Madam Shamim for her personal dispute with me and using her power illegally against me and my sister which are teacher under her jurisdiction, but some of seniors of the O/O DEO Female Swat advised me to not give any application to you and they will resolve my problem with Madam Shamim. But before they solved the matter Madam Shamim start revenge against me and thus I received this show cause notice.

Respected Sir,

First I will clarify the allegations above on merit, then will acknowledged you the actual facts, situation and the dispute between me and Madam Shamim Akhtar.

1. Misconduct

Respected Sir, being a Junior Clerk my responsibilities are

- a. *Prepared reconciliation every month and signed by District Account Officer every month.*
- b. *Enrolled the new comer students with EMIS, STIPEND, and the also submit the enrollment to DEO F office.*
- c. *Make enrollment of Class 9th Students with BISE Swat.*
- d. *Make the Domiciles for Class 10th Students.*
- e. *Coordinates with District Account Office in connection for Salary of the teachers.*
- f. *Prepared and submit in hard and through email the information asked by DEO Office.*

etc
M

- 30
- 46
- g. Make other reporting through email, entries and other dully asked by DEO Office.
- h. That government of KPK establish different cells, projects and want to improve education with modern and technological based activities, and need to report, submissions, and online entries which are the responsibility of Clerk, and the high ups directed that all the above task should complete by concerned clerks and there will be no excuse of lake of internet facility or other, ever verbally directed to complete the task elsewhere, if the school has no facility or in the breakdown of electricity.

I always did the above work assigned to me intime and there is no work in which I was showed defaulter, I also design and prints the Flexes (Banners) for COVID & Dengue, and also prepared and print the Smart Syllabus with school and Headmistress name (which are lying in the school), I was also assigned High court litigation by ADEO (P&D & Litigation) (Abdul Aziz Shaheen) O/O DEO F Swat, which I did intime and with efficiency, which means that there is no misconduct occur by me except the baseless complains of Headmistress with the conspiracy of Madam Shamim.

2. Misbehavior

I never ever misbehaved with any of the staff member, in the inquiry questionnaire when the question asked from the staff about my behavior all of them replied of my good conduct. (Questionnaire and Affidavit of my Good Behavior by Senior Staff members are attached as Annexure "A" (3 Nos of Pages in which all the senior SST teachers replied about my good and polite conduct and behaviour).

In the question air the teachers also wrote that this is personal matter of J/C and H/M. (Questionnaire is annexed as annexure "B")

3. Using Un-Parliamentary words with Headmistress concerned.

The Headmistress concerned assignment me task of her GP Fund encashment from DAO Office, and give me the Pay Slip in which her GP Fund amount was wrote 800,000/- but when I process her case, the DAO returned me her case with remarks that there is no sufficient balance in her GP Fund account, and thus the Headmistress concerned become angry on me that use bribe but encash the amount, because her son was going to Australia and she needs the money, I told her that it is not possible, but she replied that the clerks is the most corrupt cadre and by using money it is possible, then I replied that all the clreks are not the same, then she told me that "I gave 70,000 for my promotion (SST To Headmistress) to a clerk in Directorate even I was not in the seniority list number, I asked to whom you gave the bribe, she replied that "TO YOUR FATHER MR. MUNIR" (Clerk In The Directorate) on this I replied that Corrupt peoples can be the father of corrupt peoples but not mine I am the son of a Gentle Man who was Pesh Imarn, Walli and Buzurg, and so go again to Mr.

etc
M

(34)

(47)

Munir and encash your GP Fund, I am not the one who use unfair means, so then she reported me of using Un-Parliamentary words. *(Returned GP Fund Case is annexed as Annexure "C")*.

4. **Absenteeism**

After reasoning and refusing to encash her illegal GP Fund Case, she tries to make me absent before IMU Assistant and even she send me to Assistant Commissioner Kabal Office twice for domicile forms dated 02/07/2021 and 08/07/2021; and also reported me absent to IMU Assistant, on the dates above. *(Attendance of AC Kabal Attached as annexure "D")*.

Once a senior SST Teacher Miss. Dureshehwar also told me that the headmistress marked me absent even I was present in the school, which can be verified by Miss Dureshehwar.

5. **Not Repairing of School CCTV Cameras.**

As repairing of school CCTV Cameras are not in my duty domain, but on the order of headmistress I install it in 2019 and it works till 2020; but husband of the headmistress always interrupt with CCTV Cables and devices, which is the reason of not working of CCTV, so this can not make me inefficient, and she blamed that the cameras are not working from the day of its installing, and during inquiry when inquiry officers asked written questions from the teachers and staff about CCTV Camera all of them replied that it works for 2 years. *(Questionnaire is annexed as annexure "E")*

6. **Complain on Pakistan Citizen Portal in which the local public/inhabitant are not satisfied with my conduct dated 05/09/2021.**

As an inquiry was initiated against me by Madam Shamim which was conducted on 04/09/2021, and when the inquiry officers found nothing against me in the questionnaire filled by the staff, then Madam Shamim lodge the above mentioned fake complaint through her ADEO (Primary) Miss Ruqia, and this is not the complaint of the locals or by the peoples, *I also filled an application to Director FIA for investigation on this complains, and soon FIA will find the truth, (Application Attached as annexure "F")*

Madam Shamim is popular to filing the fake complains on Pakistan Citizen Portal that's why her focal person is suspended by the Chief Secretary due to filling fake complains.

Respected Sir, the above was the parawise reply of the allegations against me, now i want to bring in your kind notice the actual facts and the reason behind all of the above mentioned so called inquiry and the letter written to your good self by Madam Shamim against me.

CLL
M

Reply of Show Cause

30

Annexure "N"

48

SUMMARY

Once when I was Focal Person/Incharge of Court Cases of O/O DEO F Swat, (Letter Attached as annexure "G") Mr. Abdul Aziz Shaheen (ADEO P&D) O/O DEO F Swat, called me on my cell no and told me that Anticorruption chalked FIR against Madam Shamim, and they are coming to arrest her so please come quick and handle the situation.

I go and arrange a lawyer for (BBA) Bail Before Arres of Madam Shamim, and then hire a lawyer in Peshawar for her bail and other court matters, which name was Inam Yousafzai Advocate of Peshawar, then he also came in Swat to contest the case, and then prepare a queshment writ petition which was latterly orgued by Mr. Sabir Shah Advocate and thus Madam Shamim won the case and acquitted from the FIR. Mr. Inam Yousafzai Advocate demanded severally for her fees through me and when I asked the Madam Shamim, she replied that in next salary I will give and thus she always made this sentence but not paid any single penny, at last the said that when I will win the case then I will pay all the fees, then Mr. Inam Yosua fzai Advocate received her fees from me which is lying over Madam Shamim.

She stayed in a hotel in Kalam with my reference and did not paid hotel's bill, then she came with her sister and other family's member and stayed in hotel for 2 night and also ordered meal, and do not pay the bill and told me that I pay the bill she will refund me later.

So thus a total of Rs: 298,300/- is lying on her part and I severally demanded but she did not paid yet, and at last I gave her a Legal notice (attached as annexure "H") form recovery of payment, on which she became angry over me and start revenge with me, she even cancelled my sister's BISE Duty to wrote a letter to Controller BISE Swat (letter attached as annexure "I") by saying that the school is single but there are 20 plus school which were single and their teachers were performing the examination duty, and even she was not present in the office but she called to Superintendent and cancelled my sister's exam duty, which seems her personal ill will with me.

I severally submit application for my transfer go SDEO Behrail, and once to DEO Male side, but she did not accept the application, because she knows that if I will remain in her jurisdiction then she can easily torture me mentally. (Transfer Application is annexed as annexure "J, K & L"). If I was not performing good so why she did not transfer me to DEO Male even I applied, it seems that she did not want to transfer me but torture.

Moreover she is well popular in the department to always become personal on little issues with the staff who came under her power.

She also become personal with Miss Ishrat (Headmistress GGHS Madyan Swat), and she sued her for 5 years and the court/agency decided their case in the favor of Miss Ishrat H/M GGHS Madyan and chalked FIR against Madam Shamim. (FIR attached as annexure "M")

She also threaten the class IV of her office severally on personal issues.

etc
M

31

69

She also become personal with many of employees of E&SE and senior clerical staff always solve her disputed with compromises.

Respected Sir,

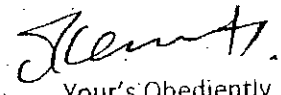
Madam Shamim used her power illegally against me which come under Provincial Ombudsmen act of Maladministration, and I wish to sue her in Provincial Ombudsmen to get justice and other legal courts for maladministration, using her power illegally against me and my sister and not giving me the money which was lying over her.

I am hopeful that I am writing this reply to a Hafiz Quran worthy Director, who will understand better and will give me justice according Shariah.

Respected Sir, my age stage and my poor financial condition do not allow me to misconduct the E&D rules which can cause of my job lost which is the only source of my family survival, so it is not possible that I will misbehave and snatch the food source of my family by myself,

So therefore it is very very humbly requested to your good self and honor that please to withdraw the showcase notice and other orders against me and to provide me the opportunity of personal hearing.

Moreover it is requested to your honor that consider my this reply as application too, and please send my case to provincial ombudsmen officially against Madam Shamim Akhtar for fair justice please.


Your's Obediently
Rasool Jan
Junior Clerks
Cell No: 0315-5563337

etc


35 Annexure of 15 OF THE DEO (E) 50



Register

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.
No. 7987 /F. No. /A-23/MS/Complaint / Swat Dated Peshawar the 16/11/2021
Phone: 091-9225344 Email: ddadmn.ese@gmail.com

To

The District Education Officer
(Female) Swat

Subject: COMPLAINT / ENQUIRY REPORT

Memo:

I am directed to refer the complaint report received from your office against Mr. Rasool Jan Junior Clerk BPS-11 GGHS Segram District Swat, in this regard it is stated that he called for personal Hearing on 15-10-2021, to defend himself from the charges leveled against him, i.e. misbehavior, misconduct and absenteeism, he Could not defend himself from the charges above and found guilty, he is liable be proceeded against & major penalty be imposed upon him under the E&D Rules 2011.

[Signature]
Deputy Director (F&A)
Directorate of E&SE K.P, Peshawar

Endst; No. _____

Copy forwarded to the: -
1: PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

Deputy Director (F&A)
Directorate of E&SE K.P, Peshawar

2243
23/11/2021

etc
[Signature]



Anneane P

5

FORM 11403
Date
Page No.

Headquarters GOHS Kalam Falls

FOR THE MONTH OF 11/2021

DDO Code (Chief Constable) 5 5 6 3 3 2
 Personnel Number 0 0 8 2 0 8 6
 Grade (Pay Scale Group) 1 1 Subject Code

Religious Card Number 1750119349435

PID: 80379989

| Date | Type | From ID | GENERAL DATA CHANGE | | CHANGES IN PAYMENTS / DEDUCTIONS | | Remarks | | |
|------|------|---------|---------------------|------------------------|----------------------------------|---------|---------|-------------|---|
| | | | Free Certificate | Shane PAI | Fedg Type | No. pay | | Amount Paid | Date |
| | | | | Shane PAI | 1 | | 16890 | 1 11/2021 | Transferred/Adjusted for GOHS Kalam Falls by DDO F Serial number issued on 11/2021 [Handwritten signatures and notes] |
| | | | | H/A | 1001 | | 2775 | | |
| | | | | Conv. AU | 1210 | | 2456 | | |
| | | | | Verbal AU | 1300 | | 1500 | | |
| | | | | Con. Alliance | 1911 | | 1000 | | |
| | | | | Adhoc Relief 10% 2018 | 2011 | | 1851 | | |
| | | | | Adhoc Relief 10% 2017 | 2204 | | 1609 | | |
| | | | | Adhoc Relief 10% 2019 | 2347 | | 1609 | | |
| | | | | Adhoc Relief 10% 2019 | 2304 | | 1609 | | |
| | | | | Adhoc Relief 10% 2021 | 2309 | | 1609 | | |
| | | | | Special Allowance 2021 | 2318 | | 2408 | | |
| | | | | Green Travel | | | 26311 | | |
| | | | | GP Paid | 3011 | | 1200 | | |
| | | | | U/J Ind | 6003 | | 690 | | |
| | | | | PWA DC | 6217 | | 1200 | | |
| | | | | 251 | 6204 | | 325 | | |
| | | | | | | | 3215 | | |
| | | | | | | | 3196 | | |

Inspected / Verified by

Dist. Inspector Officer (F)

pleads

DEC 11

formalised

CTC

~~37~~

Anneamr Gⁿ

52

District Education Officer
female district Swat -

Mrs. JH-Sanullah sb

15/12/2021

subject: Providing office order and letters regarding applicant.

Respected Madam,

It is stated that I Rasool Jan ^{F/C} was facing some departmental proceeding.

In this regard DEO Male, DEO female and director sb coordinates amongst in written shape, but I did not received any official concerned copy yet. So it is requested to please provide me copies of that orders related to me.

I shall be very thankful to you for your this act of kindness.

[Signature]

Yours faithfully
Rasool Jan
F/C

Dated 12/12/2021

2463
15/12/2021

CTC

[Signature]

3/1

Amneame "R"

3



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

Phone: 091-9225344 Email: ddadm.n.ese@gmail.com

162

Office Order.

Mr. Rasool J/C (Service placed at the disposal of DEO Male Swat) vide this Office Order issued under Endst: No.931-935 dated 17/09/2021. is hereby transferred/adjusted against the vacant post of Junior Clerk BS-11 at GHSS Utror Swat on his own pay and BPS in the interest of public service with effect from the date of his taking over charge.

Note:

1. Charge report should be submitted to all concerned.
2. No TAVDA is allowed.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 554-570 /F.No. 442/A-23/MS/Complaint Rasool Jan Swat Dated 30/12/2021
Copy forwarded to the: -

1. District Education Officer (Male) with the remarks that major penalty of stoppage of 03 increments imposed upon Mr. Rasool Jan J/C vide this office Notification No.6201-06 dated 15/12/2021 with accumulative effect which should be enforced upon the clerk concerned.
2. District Education Officer (Female) Concerned.
3. District Account Officer Concerned.
4. Principal/HM Concerned.
5. Official concerned.
6. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
7. Master File.

EX DW 1/8

[Signature]
Deputy Director (F&A)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

CLC
[Signature]

~~(35)~~

(40)

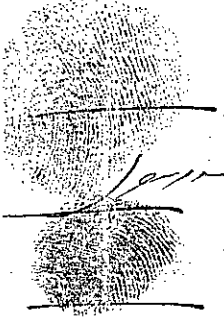
(5)

آٹومی سٹریٹن عدالتہ کلام بہ تصدیق کرتے ہیں کہ قوم کلام
 اور قوم اتروڑ کے درمیان، دسیان، بانڈہ و غیرہ کا تعلق ہے
 اور اس بات اتروڑ اور کلام کے باشندگان کے تعلق میں
 مابقتی ہے۔ لہذا جسے بعد اتروڑ کے لوگوں کا کلام
 اور کلام کے لوگوں کا اتروڑ میں داخلہ نہیں ہے۔ لہذا عدالت میں
 بھی ایسا دوسرا ہے گاؤں توڑ کی نہیں کر سکتے۔ جس کے لئے
 یہ حکم سے عدالت میں بنے رہے گا تو اس کو سفر سے روک دیا
 لہذا ہم تصدیق کرتے ہیں کہ رسول جان قوم کلام اور
 خاص کر ولف دسیان جیسے سے تعلق رکھتا ہے۔ اور جس
 کے لئے اتروڑ میں ڈیوٹی کرنا قطعاً ناگھڑ ہے۔ لہذا
 دعووں اور قوائم کے مابین معاہدہ کی قطعاً ضرورت نہیں ہے۔

ایبڑ دادہ جسٹس توڑ

ایبڑ دادہ عدالتہ کلام 7-15602.0439358

(1)



وکیل عدالتہ کلام 3-15602.1536172

(2)

محمد رسول عدالتہ کلام

(3)

جیہا نرینہ عدالتہ کلام

(4)

3-15602.026626 ایبڑ دادہ

(5)

کفر علی عدالتہ کلام

(6)

Handwritten signature at the bottom of the page.

4/1

4/1

Amnaxi T

56

بخدمت جناب ڈائریکٹر صاحب ایگزیکٹو اینڈ سیکنڈری ایجوکیشن خیبر پختونخواہ پشاور

عنوان: اپیل

جناب عالی: سائل حسب ذیل عرض خدمت ہے کہ

یہ کہ سائل مسمی رسول جان گورنمنٹ گریڈ ہائی سکول کالام میں بطور جوئیئر کلرک اپنی خدمات سرانجام دے رہا ہے۔

یہ کہ سائل کو آپ صاحب نے دو سالانہ انٹرمینٹ اور ہائی سکول اتر وڈ ٹرانسفر کی سزا دی ہے۔

یہ کہ سائل نا کردہ گناہ ہے۔ اور اس سزا کا حقدار نہیں ہے۔

یہ کہ سائل کالام کارہائشی ہے۔ اور اتر وڈ کالام کے اقوام کے مابین خونی جھگڑا ہو چکا ہے۔ جس کی وجہ سے اہلیان کالام اتر وڈ میں

ڈیوٹی سرانجام نہیں دے سکتے۔

یہ کہ اسی وجہ سے درجنوں ایجوکیشن ملازمین کو آپ صاحبان نے اتر وڈ سے کالام ٹرانسفر کیا ہوا ہے۔

لہذا آپ صاحب سے گزارش کی جاتی ہے کہ سائل کو موجودہ پوسٹ کالام میں ہی ڈیوٹی کرنی دی جائے۔ یا پھر کسی مناسب جگہ پر

ٹرانسفر کرنے اور انٹرمینٹ کی سزا معطل کر کے مشکور فرمایا جائے۔

سائل تمام عمر دعا گو رہیگا۔

العرض

سائل۔ رسول جان (جوئیئر کلرک)

0315-5563337

etc

Q

(42)

Ammeedre ~~U~~ U^m

~~U~~ ~~U~~ (57)

CHARGE SHEET

I, Pervez Khattak, Chief Minister Khyber Pakhtunkhwa, as Competent Authority, hereby charge you Ms. Shamim Akhtar Deputy District Education Officer (BS-18) (F) working as District Education Officer (F) Swat as follows:-

That you, while posted as Deputy District Education Officer (F) (BS-18) Swat committed the following irregularities:-

- i. You mis-implemented the recommendation of the inquiry report by granting Extra Ordinary Leave (365 days) to Ms. Zakia PST instead of imposing any penalty on account of willful absence and holding dual charges at a time proved against her.
 - ii. You granted extra ordinary leave on account of her long service while she was having less service because she was appointed on 30-05-2012.
2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.
3. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the Inquiry Officer/ Inquiry Committee, as the case may be.
4. Your written defence, if any, should reach the Inquiry Officer/Inquiry Committee within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.
5. Intimate whether you desire to be heard in person.
6. A statement of allegations is enclosed.

Ms. Shamim Akhtar,
Deputy District Education Officer (F) (BS-18),
Swat.

Pervez Khattak
(Pervez Khattak)
Chief Minister
Khyber Pakhtunkhwa
21.5.2013

Handwritten signatures and initials: *ctt*, *AK*, *g*, *AK*

(43)

VI

(58)

DISCIPLINARY ACTION

1. Pervez Khattak Chief Minister Khyber Pakhtunkhwa, as Competent Authority, am of the opinion that Ms. Shamim Akhtar Deputy District Education Officer (BS-18) (F) working as District Education Officer (F) Swat has rendered herself liable to be proceeded within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, as she has committed the following acts/omissions:-

STATEMENT OF ALLEGATIONS

- i. She mis-implemented the recommendation of the inquiry report by granting Extra Ordinary Leave (365 days) to Ms. Zakia Minhas PST instead of imposing any penalty on account of willful absence and holding dual charges at a time proved against her.
 - ii. She granted extra ordinary leave on account of her long service while she was having less service because she was appointed on 30-05-2012.
2. For the purpose of inquiry against the said accused with reference to the above allegations, an Inquiry Officer/Inquiry Committee, consisting of the following, is constituted under rules 10(I)(a) of the rules ibid:-
- i. Mrs. Anzela Mehjoz Durrani (PCSEG BS-19)
 - ii. Ms. Saeeda Begum principal BS-20.
3. The Inquiry Officer/Inquiry Committee shall, in accordance with the provisions of the rules ibid, provide reasonable opportunity of hearing to the accused, record its finding and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and placed fixed by the Inquiry Officer/Inquiry Committee.

Ms. Shamim Akhtar,
Deputy District Education Officer (F) (BS-18),
Swat.

Pervez Khattak
(Pervez Khattak)
Chief Minister
Khyber Pakhtunkhwa
21.5.2015

CTC
M

CTC
G



PROVINCIAL OMBUDSMAN SECRETARIAT,
KHYBER PAKHTUNKHWA

Office Address:- Overseas Pakistanis Foundation,
Near NADRA Head Office, Phase-V, Hayatabad,
Peshawar. Office Phone # 091-9219531-32, Fax #
091-9219526.
Email: provincialombudsman@gmail.com

Amir
F.

No.P.O/Complaint/0248/04/2015/

Dated Peshawar the, 29/04/2015/2832-35

Notice

To

1. The Director,
Elementary & Secondary Education,
Peshawar.
2. The District Education Officer (Female),
Elementary & Secondary Education,
Swat.

Subject:- **APPEAL FOR INQUIRY.**

Mst. Ishrat has submitted a complaint on the subject matter to the Provincial Ombudsman Secretariat, Khyber Pakhtunkhwa on 07/04/2015 (copy enclosed).

Under section 10(4) of the Khyber Pakhtunkhwa Provincial Ombudsman Act, 2010 the Provincial Ombudsman has directed the undersigned to investigate the matter.

Based on the information presently available I have been directed to request you to answer the allegations. Your office may like to call / contact the complainant for her grievances under the prevailing law and procedure and provided its report including rebuttal (if any) to this Secretariat on or before 18/05/2015. Please acknowledge.

This issue with the approval of the Provincial Ombudsman.

Advisor-II

Provincial Ombudsman Secretariat,
Khyber Pakhtunkhwa.

Endst: Even No & Date:

Copy forwarded for information and necessary action to:-

1. The Secretary, Elementary and Secondary Education Department, Khyber Pakhtunkhwa.
2. Mst. Ishrat, Headmistress, Government Girls High School Madyan, District Swat.

Advisor-II

Provincial Ombudsman Secretariat,
Khyber Pakhtunkhwa.

CLC
m

CLC
f



PROVINCIAL OMBUDSMAN (صوبائی محتسب) SECRETARIAT,
KHYBER PAKHTUNKHWA

MOST IMMEDIATE:

NOTICE OF HEARING
FIXED FOR: 24/12/2015 AT 11.00 AM

P.O./Complaint No. 0248/04/2015

Dated Peshawar the, 17/12/2015

1. Ms. Aneela Mehfooz Durrani (PCS EG BS-19),
Additional Secretary, Labor Department.
2. Ms. Saeeda Begum Principal (BS-20), RITE (F),
Dargai, Malakand.

Subject: APPEAL FOR INQUIRY.

Memo:

In exercise of the power vested under Regulation 12 of the Khyber Pakhtunkhwa Provincial Ombudsman Office (Registration, Investigation and Disposal of Complaints) Regulation, 2011, the hearing/discussion in the above mentioned case is scheduled on above mentioned date.

You are directed to submit inquiry report conducted against Ms. Shamim Akhter (DEO) Swat and Ms. Zakia Minhas Ex-PST teacher GGPS Janimar Swat on or before 24/12/2015 to the undersigned alongwith relevant record.

M. Akbar
KHAN AKBAR
(Advisor-II)

Provincial Ombudsman Secretariat,
Khyber Pakhtunkhwa.

Endst: Even No. & Date: 7480

Copy forwarded for information to:-

1. Ms. Shamim Akhtar, District Education Officer (Female), District Swat.
2. Ms. Zakia Menhas Ex- PST (BS-12), Government Girls Primary School,
Janimar Swat.
3. Ms. Ishrat (Headmistress), Government Girls High School, Madyan,
District Swat.

M. Akbar
(Advisor-II)

Provincial Ombudsman Secretariat,
Khyber Pakhtunkhwa.

REGISTERED



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No.SO(S/F)E&SE/4-17/2015/Zakia Minhas PST
Dated Peshawar February 4, 2016.

To

Ms. Zakia Minhas, PST
GGPS, Janimar, Tehsil Bahrain, District Swat.

Mr. G. M. Shahid sb
B
17/2/16

SUBJECT:- SHOW CAUSE NOTICE

I am directed to refer to the subject noted above and to enclose herewith a copy of the show cause notice wherein the competent authority i.e Chief Minister Khyber Pakhtunkhwa has tentatively decided to impose upon you the minor penalty of "Stoppage of one annual increment for one year without accumulative effect" under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 in connection with the charges leveled against you.

2. You are therefore, directed to furnish your reply to the show cause notice as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
3. Your reply should reach this department within seven (07) days of the delivery of this letter otherwise ex-parte action shall be taken against you.
4. Copy of the inquiry report is enclosed herewith.

(LAL SAEED KHATTAK)
SECTION OFFICER (S/F)

Endst.of even No & date

Copy to:

1. Director E&SE, Peshawar.
2. DEO (F) Swat.
3. PS to Secretary E&SED Khyber Pakhtunkhwa.
4. Mst. Zakia Menhas D/O Mian Syed Badshah Village & P.O Madayan, Distt: Swat.

SECTION OFFICER (S/F)

CTC
M

CTC
S



47

62

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the, February 3, 2016

NOTIFICATION

NO.SO(S/F)E&SED/4-17/2015/M. Shahmim Akhtar & Bibi Asma: WHEREAS Ms. Shahmim Akhtar District Education Officer (F) (BS-18) Swat & Ms. Bibi Asma PST (BS-12) GGPS Shagai, Shor Matta Swat were proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheets and statement of allegations.

2. **AND WHEREAS** Ms. Aneela Melifooz Durani (PCS EG BS-19) Additional Secretary Labour Department & Ms. Saeeda Begum, Principal (BS-20), RITE (F) Dargai Malakand was appointed as Inquiry Officer/Inquiry Committee to conduct Inquiry against the accused Lady Officer /Official for the charges leveled against them in accordance with the rules

3. **AND WHEREAS** the Inquiry Officer/Inquiry Committee after having examined the charges, evidence on record and explanation of the accused DEO (F) & PST has submitted the report.

4. **AND WHEREAS** the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) after having considered the charges and evidence on record, inquiry report, explanation of the accused Lady Officer /Official in response to the charge sheets/statement of allegations, is of the view that the charges against them have not been proved.

5. **NOW, THEREFORE**, in exercise of the powers conferred under rules 4 of the said rules, Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) is pleased to exonerate Ms. Shahmim Akhtar DEO (F) (BS-18) Swat & Ms. Bibi Asma PST (BS-12) GGHS Shagai Shor Matta, Swat from the charges leveled against them.

SECRETARY

Endst. of Even No. & Date:

Copy forwarded to the: -

- 1- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2- Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar
- 3- Ms. Shahmim Akhtar, DEO (F) Swat.
- 4- District Accounts Officer, Swat.
- 5- Ms. Bibi Asma PST (BS-12) GGHS Shagai Shor Matta, Swat.
- 6- PS to Chief Minister, Khyber Pakhtunkhwa
- 7- PS to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 8- PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
- 9- Office order file.

ctc
[Signature]

[Signature]



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No.SO(S/F)E&SE/4-17/2015/ Mst. Zakia Minhas PST
Dated Peshawar April 20, 2016.

To

Mst. Zakia Minhas, PST,
GGPS Janimar, Tehsil Bahrain District Swat.

Mst. G. mehel sb.
Ravi
21/5/16

SUBJECT:- DISCIPLINARY ACTION AGAINST MST. ZAKIA PST GGPS JANIMAR, SWAT.

The competent authority/Chief Minister is pleased to set aside the minor penalty of "withholding of one annual increment without cumulative effect" tentatively imposed upon you. The competent authority/Chief Minister is further pleased to issue a warning to you on account of the charges leveled against you as mentioned below :-

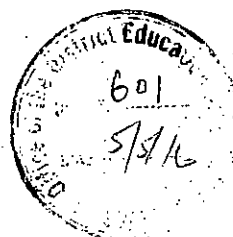
- i. You have concealed the facts from the Department. Neither you have applied for the project post through proper channel nor relieved/resigned from the PST post.
 - ii. You have mislead the Department as on one side you applied for leave due to ailment of your mother while on other hand joined the project post.
2. You are hereby warned to be careful in future.

(LAL SAEED KHATTAK)
SECTION OFFICER (S/F)

Endst. of even No & Date:

Copy forwarded to the: -

1. Director E&SE.
2. DEO (F) Swat.
3. PS to Chief Minister Khyber Pakhtunkhwa.
4. PS to Chief Secretary, Khyber Pakhtunkhwa.
5. PS to Secretary E&SE Department.



M. C.
SECTION OFFICER (S/F)

etc
M

etc
P

REGISTERED



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No.SO(S/F)E&SED/4-17/2015/Shamim Akhtar DDEO (F)
Dated Peshawar June 2, 2015.

To

- (i) Mrs. Aneela Mehfooz Durrani (PCS EG BS-19) AS Labor, Department.
- (ii) Ms. Saeeda Begum Principal (BS-20) RITE (F) Dargai, Malakand.

SUBJECT:- NOTIFICATION

In reference to this department notification of even number dated 27-05-2015 and to state that the postal/home address of the accused Mst. Zakia Minhas PST is:-

1. Mst. Zakia Minhas PST GGPS Janimar, Tehsil Bahrain District Swat.
2. Zakia Minhas d/o Mian Syed Badshah Village & P.O Madyan District Swat.

(FOZIA NAZ)
SECTION OFFICER (S/F)

Endst. of even No & date

Copy to:

1. Director E&SE, Peshawar.
2. District Education Officer (F) Swat (copy of charge sheet and statement of allegations in r/o Mst. Zakia Minhas PST are enclosed) with the direction to forward the same to the accused PST Zakia Minhas and also inform her accordingly.
3. District Monitoring Officer IMU (E&SE) Swat (copy of charge sheets and statement of allegations are enclosed) with the request to assist the inquiry committee and provide all the relevant record to the inquiry committee.
4. PS to Secretary E&SE Department.

SECTION OFFICER (S/F)

cte
M

cte
S

REGISTERED



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the May 27, 2015.

NOTIFICATION

No.SO(S/F)E&SED/4-17/2015/Shamim Akhtar DDEO (F): The Competent Authority is pleased to appoint the following Officers / Inquiry Committee to conduct formal inquiry against Mst. Shamim Akhtar Deputy District Education Officer (F) (BS-18) Swat and Zakia Minhas PST GGMS Janima, Swat on account of allegations levelled against them as mentioned in the charge sheets and statement of allegations.

- (i) Mrs. Aneela Mehfooz Durrani (PCS EG BS-19) AS Labor, Department.
- (ii) Ms. Saeeda Begum Principal (BS-20) RITE (F) Dargai, Malakand.

2. The Inquiry Committee may also probe into the another complaint i.e holding dual posts at a time by Ms. Asma PST at GGPS Shagai Shor, Tehsil Matta and at Independent Monitoring Unit (copy enclosed).

3. The Inquiry Committee shall submit recommendations / report to the Competent Authority within thirty (30) days positively as per instructions of the Establishment Department. (Copies of charge sheets and statement of allegations are enclosed).

SECRETARY

Endst.of even No & date

Copy forwarded to the:-

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. Director DCTE Khyber Pakhtunkhwa, Abbottabad.
3. District Education Officer (F) Swat.
4. Mrs. Aneela Mehfooz Durrani (PCS EG BS-19) Additional Secretary, Labor Department. (Copies of charge sheets and statement of allegations are enclosed)
5. Ms. Saeeda Begum Principal (BS-20) RITE (F) Dargai, Malakand. (Copies of charge sheets and statement of allegations are enclosed).
6. Mst. Shamim Akhtar Deputy District Education Officer (F) Swat. (Copies of charge sheets and statement of allegations are enclosed).
7. Zakia Minhas PST GGMS Janima, Swat. (Copies of charge sheets and statement of allegations are enclosed).
8. PS to Chief Minister Khyber Pakhtunkhwa.
9. PS to Chief Secretary Khyber Pakhtunkhwa.
10. PS to Secretary E&SE Department.

(FOZIA NAZ)
SECTION OFFICER (S/F)



**DIRECTORATE OF HUMAN RIGHTS
KHYBER PAKHTUNKHWA.**

6th Floor Tasneem Plaza Near Jan's Bakers, Saddar Road Peshawar.

Phone No: 091-9213068

FAX: 091-9213069

E-mail: Dhr.kpk@gmail.com

66

Complaint No: DHR/ 88-2015/ 4064-67 Dated the Peshawar 20th August, 2015

1. Miss Shamim Akhtar,
District Education Officer, Swat.
2. Mst. Zakia Minhas
PST Government Girls Primary School Janimar District
Swat currently working in IMU Project E&SE Swat.
3. Mst. Ruqia
S.E.T Government Girls High School,
Bahran Swat.

FINAL NOTICE

An inquiry proceeding is initiated under section 5(c) of the Khyber Pakhtunkhwa Promotion, Protection and Enforcement of Human Rights Act 2014 on the complaint of Mst. Ishrat Headmistress Government Girls High School Madyan District Swat.

You are therefore call upon to appear in person to join the final inquiry proceeding scheduled to be held on 17-09-2015 at 1100 hours in the Directorate of Human Rights, Khyber Pakhtunkhwa for Cross examine witnesses on the date, time and venue positively failing which ex-parte proceeding will be taken against you.

(Noor Zaman Khan Khattak)
Director Human Rights

Copy forwarded to:

Mst. Ishrat Headmistress Government Girls High School Madyan District
w/r to attend the inquiry on date, time & venue

(Noor Zaman Khan Khattak)
Director Human Rights

CTC
[Handwritten signatures]



**DIRECTORATE OF HUMAN RIGHTS
KHYBER PAKHTUNKHWA.**

6th Floor Tasneem Plaza Near Jan's Bakers, Saddar Road Peshawar.

Phone No. 091-9213068

FAX: 091-9213069

E-mail: Dhr.kpk@gmail.com

502
67

Complaint No: DHR/ 88-2015/ 3144-47 Dated the Peshawar 21st May, 2015

1. Miss Shamim Akhtar,
District Education Officer, Swat.
2. Mst. Zakia Minhas
PST Government Girls Primary School Janimar District
Swat currently working in IMU Project E&SE Swat.
3. Mst. Ruqia
S.E.T Government Girls High School,
Bahran Swat.

NOTICE

An inquiry proceeding is initiated under the Khyber Pakhtunkhwa Promotion, Protection and Enforcement of Human Rights Act 2014 on the complaint of Mst. Ishrat Headmistress Government Girls High School Madyan District Swat.

You are therefore call upon to appear in person to join the proceeding scheduled to be held on 15-06-2015 at 1100 hours in the Directorate of Human Rights, Khyber Pakhtunkhwa along with all relevant records.

(Noor Zaman Khan Khattak)
Director Human Rights

Copy forwarded to:

Mst. Ishrat Headmistress Government Girls High School Madyan District
w/r to attend the inquiry on date, time & venue

(Noor Zaman Khan Khattak)
Director Human Rights



GOVERNMENT OF
KHYBER PAKHTUNKHWA
LABOUR DEPARTMENT

No.ROL(LD)Misc/2015/1606-9
Dated Peshawar, the 03rd, June, 2015

To

The Shamim Akhtar,
Deputy District Education Officer (F),
Swat.

Subject:- INQUIRY.

Pursuant to Elementary & Secondary Department Notification No.SO(S/F)E&SED/4-17/2015/ Shamim Akhtar DDEO(F) dated 27-05-2015, copies of charge sheet/statement of allegation duly signed by competent authority, viz. Chief Minister, Khyber Pakhtunkhwa are enclosed herewith. As per charge sheet you are required to submit your defense within stipulated period i.e. seven days of the receipt of charge sheet to the Inquiry Committee by 09th June, 2015 positively. Please furnish the requisite response/ written defense.

Encl: As above

(Ms Aneela Durrani)
Inquiry Officer,
Additional Secretary,
Labour Department.

Endst: No. & Date even.

Copy forwarded to:-

1. Secretary to Government of Khyber Pakhtunkhwa, Establishment Department.
2. Secretary to Government of Khyber Pakhtunkhwa, Elementary & Secondary Department.
3. Section Officer(S/F) Elementary & Secondary Education Department with reference to her Notification referred to above, received in the Office of the undersigned on 02-06-2015 at 1500 hours.

Inquiry Officer,
Additional Secretary,
Labour Department.



OFFICE OF THE DEPUTY COMMISSIONER, SWAT.

Tel No: 0946-9240336
Fax No: 0946-9240329
E-mail: Deputycommissionerswat1@gmail.com

No. 18021-22/10/DC/Estt:

Dated: 29/7 2015

To,

- 1- The District Officer, F&P, Swat.
- 2- The District Education Officer (M), Swat.

Subject: - INQUIRY AGAINST DEO (F) SWAT.

Sir,

I am directed to refer to this office order Endst: No. 16854-55/10/DC/Estt: dated 07-07-2015 and to state that as intimated by District Education Officer (F) Swat vide her Memo: No. 6096/Z Menhas/PST, dated 13-07-2015, an inquiry against her has already been ordered by the Provincial Govt: and is under process. Therefore, there is no need of further inquiry at District level, so the inquiry against DEO (F) Swat may be stopped please.


(SUPERINTENDENT)
DEPUTY COMMISSIONER OFFICE, SWAT.

No. 18023 /10/DC/Estt:

Copy forwarded to District Education Officer (F) Swat w/r to her Memo: No. 6096/Z Menhas/PST, dated 13-07-2015 for information.


(SUPERINTENDENT)
DEPUTY COMMISSIONER OFFICE, SWAT.

etc







OFFICE OF THE
DEPUTY COMMISSIONER
SWAT

No. 16853 /10/DC/Estt:

Dated 07/7/2015.

ORDER

A joint committee of the following officers is hereby constituted to conduct a discreet inquiry in the complaint against Mst. Shamim Akhtar, District Education Officer (Female), Swat filed by Mst. Ishrat, Headmistress GGHS Madyan, Swat.

- 1- Mr. Uzair Ali, District Education Officer (M), Swat.
- 2- Mr. Juma Khan, District Officer, F&P, Swat.

DEPUTY COMMISSIONER, SWAT.

No. 16853 /10/DC/Estt:

Copy forwarded to District Education Officer (F), Swat with the direction to take legal action against Mst. Zakia Minhas, PST GGPS Janimar in light of the inquiry report conducted by Mst. Ishrat, Headmistress GGHS Madyan.

DEPUTY COMMISSIONER, SWAT.

No. 16854-55/10/DC/Estt:

Copy forwarded to the:-

- 1- District Education Officer (M), Swat.
- 2- District Officer, Finance & Planning, Swat.

With the direction to conduct a discreet inquiry and submit report within 15 days.

DEPUTY COMMISSIONER, SWAT.

70

CTC
CTC
M

(38)

Annexure "V"

(71)

| Sr. No. | Date of order/ proceedings | Order or other proceedings with signature of Judge or Magistrate |
|---------|----------------------------|--|
| 1 | 2 | 3 |
| | 04.03.2020 | <p align="center"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u> <u>At Camp Court, Swat.</u> Service Appeal No. 05/2017</p> <p>Date of Institution: 02.01.2017 Date of Decision 04.03.2020</p> <p>Amjad Ali. Appellant</p> <p align="center">Versus.</p> <ol style="list-style-type: none"> The Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar. The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar. The District Education Officer (Male) at Gulkada, District Swat. District Accounts Officer District Swat at Saidu Sharif, District Swat. <p align="right">Respondents</p> <p>Mr. Muhammad Hamid Mughal-----Member(J) Mr. Hussain Shah-----Member(E)</p> <p align="center"><u>JUDGMENT</u></p> <p><u>MUHAMMAD HAMID MUGHAL, MEMBER:</u> - Appellant with counsel present. Mr. Usman Ghani learned District Attorney present.</p> <p>2. This common judgment in the above captioned service appeal shall also dispose of service appeal bearing No.01/2017</p> |

4.3.2020

Handwritten initials and signature

SF

72

filed by Said Ghani and service appeal bearing No.06/2017 filed by Shehzad, being identical in nature having arisen from the similar facts and circumstances.

3. The present service appeals are for setting aside the order dated 12.06.2013 whereby the adjustment/promotion order of the appellants against the post of Key Punch/Computer Operator, made as a result of staff gap arrangement, was cancelled. The appellants have also assailed the order of the appellate authority dated 23.12.2016 whereby departmental appeal of the appellants for their reinstatement against the post of Computer Operator was rejected.

4. Learned counsel for the appellants argued that the appellants were initially appointed as Junior Clerks; that the respondent No.2 asked respondent No.3 to nominate clerks for training in computer operation; that the appellants were as such nominated and adjusted as Computer Operator in the year 2001; that the appellants were placed in the seniority list of Computer Operators; that vide order dated 12.06.2013, the adjustment order of the appellants against the post of Computer Operator was cancelled and feeling aggrieved, the appellants filed Service Appeals before this Tribunal; that this Tribunal while parting with the judgment dated 04.03.2015 passed in the said service appeals, observed that the appellants may approach the competent authority for consideration of their due rights including right to promotion, financial benefits etc.; that consequently the appellants filed departmental appeal

Ca
4.3.2020

CTC
M

however the same was rejected vide impugned order dated 23.12.2016 hence the present service appeal. Further argued that the impugned orders are not sustainable in the eyes of law; that bringing the name of the appellants on the seniority list of Computer Operators confirms the status of appellant as Computer Operator; that in case there was any irregularity in the adjustment of the appellants as Computer Operator, this lapse shall be considered on the part of competent authority and shall not be attributed to the employees. In support of his arguments learned counsel for the appellants referred to the judgment reported in 2018 SCMR page 349.

5. As against that learned District Attorney argued that the appellants have not come to this Tribunal with clean hands; that the appellants were appointed against the post of Junior Clerks and their claim to be adjusted against the post of Computer Operator on regular basis is baseless and without any lawful backing; that the appellants had earlier challenged the impugned order dated 12.06.2013 before Service Tribunal in service appeals which service appeals were dismissed by this Tribunal in limine vide common judgment dated 04.03.2015. Further argued that since the matter in issue has already been decided, therefore, the present service appeals are not maintainable being barred under Rule-23 of Khyber Pakhtunkhwa Service Tribunal Rules, 1974.

6. Arguments heard. File Perused.

7. It is not disputed that the appellants earlier challenged the

4.3.2010

CTC
M

58

73

74

impugned order dated 12.06.2013 before this Tribunal in service appeals and this Tribunal vide common judgment dated 04.03.2015 passed in Service Appeals No. 806/2014, 807/2014, 808/2014 and 809/2014 dismissed the same. Findings in the said common judgment are reproduced as under:

"Perusal of record would suggest that none of the appellants were promoted in the prescribed manners against the posts of KPOs. It was admitted that the cases of the appellants were neither processed by the selection authority including Departmental Selection Committee nor were so promoted and mere allowed/directed to work against the said posts which directions cannot be considered as promotions of the appellants against the said posts. Learned counsel for the appellants also failed to show that such posts were meant for promotion and that the appellants were eligible to be considered for promotion against the said posts and were so considered by the competent authority.

In view of the above, there is no substance in the appeals as such the same are dismissed in limine.

Before parting with this judgment, it is observed that the appellants shall not be considered debarred on the strength of the judgment of this Tribunal from applying to the competent authority for consideration of their

Pa
4.3.2010

75

due rights including right to promotion, financial benefits and recovery of the stated overpayments, if so advised."

8. Consequent upon the common judgment/order dated 04.03.2015 of this Tribunal, the appellants again submitted departmental appeal (reconsideration appeal), which departmental appeal was rejected vide impugned order dated 23.12.2016 on the ground that posting/adjustment of the appellants against the post of Computer Operator was not found in line with the prescribed service rules and therefore the appellants should continue against their substantial post as Junior Clerk as usual.

9. This Tribunal is of the considered view that the matter in issue in the present service appeals has already been decided vide common judgment dated 04.03.2015 of this Tribunal passed in service appeals No. 806/2014, 807/2014, 808/2014 and 809/2014. Above mentioned service appeals were dismissed by this Tribunal on the basis of findings that none of the appellants was promoted in the prescribed manner against the posts of KPOs and that their cases were not processed by the selection authority/departmental selection committee nor were so promoted and mere permission/direction to work against the post of KPO cannot be considered as promotions of the appellants against the said posts and that learned counsel for the appellants failed to show that such posts were meant for promotion and that the appellants were eligible to be considered for promotion against the said posts and

4.3.2020

76


were so considered by the competent authority.

10. The observation in the last para of the common judgment dated 04.03.2015 cannot be stretched for the grant of right of appointment or promotion against the post of KPO/Computer Operator.

11. As a sequel to above the captioned service appeal and the connected service appeals as mentioned in Para-02 of this judgment, are dismissed. Parties are left to bear their own costs.

File be consigned to the record room.


(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member
Camp Court, Swat.

ANNOUNCED.
04.03.2020

"A"

Regd

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

TR Swat

APPEAL No. 1089 of 20 22

Rusool Jan

Appellant/Petitioner

Versus

through Secy. (E&SE) Pesh

RESPONDENT(S)

Resp No 3
Notice to Appellant/Petitioner

District Education officer
(Female) at Guikada
Distt Swat

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 2/8/22 at 8: AM

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

Stamp
Swat

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

No.

APPEAL No. 1089 of 20 22

Rasool Jan

Appellant/Petitioner

Versus

Through Syed (EBSF) Peck

RESPONDENT(S)

RESPOND 2

Notice to Appellant/Petitioner Director (EBSF)
Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 2/8/22 at 8:00 AM

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

at camp court

~~Signature~~
Swat

Signature

Signature
Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

No.

APPEAL No..... 1089 of 20 22

Rasool Jan

Appellant/Petitioner

Versus

Through Sup: (EBSE) Pesh

RESPONDENT(S)

Resp: No 2
Notice to Appellant/Petitioner Director (EBSE)
Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 2/8/22 at 8:00 AM

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

at camp court

~~Swat~~
Swat



Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

No.

APPEAL No. 1089 of 20

Rasool Jan

Appellant/Petitioner

Versus

Through Secy: (ESSE) Peshawar

RESPONDENT(S)

RESP: NO 1

Notice to Appellant/Petitioner

Govt of KPK Through
Secretary (ESSE)
Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 2/18/22 at 8:00 AM

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

at camp court

Jurat

Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

No.

APPEAL No. 1089 of 20

Rasool Jan

Appellant/Petitioner

Versus

Through Secy. (EBSF) Peshawar

RESPONDENT(S)

RESP: NO 1

Notice to Appellant/Petitioner

Govt of KPK Through
Secretary (EBSF)
Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 2/8/22 at 8:00 AM

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

at camp court
Swat

Registrar, E

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.