

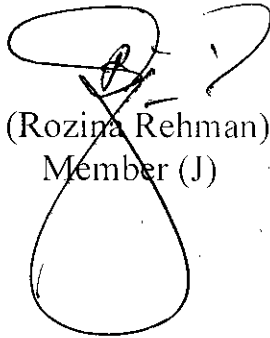
19.10.2022

Petitioner present through counsel.

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

At the very outset learned counsel for appellant sought withdrawal of the instant execution petition; allowed. Hence, execution petition stands consigned being withdrawn. Parties are left to bear their own costs. File be consigned to the record room.

Announced  
19.10.2022

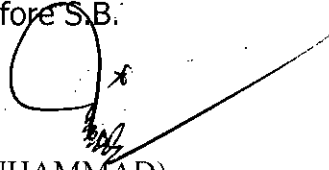
  
(Rozina Rehman)  
Member (J)

*As it came into knowledge of the complainant today that he has been removed from service, therefore he wants to avail the legal remedy before the appropriate forum. Malik Nasrullah Minallah ASC. No. Ullah 18/10/22*

25.04.2022

Malik Nasrum Minallah, Advocate produced wakalatnama on behalf of the petitioner. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Muhammad Aurangzeb, DEO and Mr. Luqman Shah, Litigation Officer for respondents present.

Learned counsel for the petitioner contended that he has been freshly engaged by the petitioner. The respondents also submitted notification dated 18.04.2022 encompassing the entire background/case which is also placed on file and a copy thereof handed over to the learned counsel for petitioner who may like to advance his arguments/rejoinder, if any, on the next date. To come up for further proceedings on 08.07.2022 before S.B.

  
(MIAN MUHAMMAD)  
MEMBER(E)

08.07.2022

Due to Public Holiday on account of Eid-UI-Adha case to come for the same on 12.09.2022.

  
Reader

**SCANNED**  
**KPST**  
**Peshawar**

12.09.2022

The worthy Chairman is on leave, therefore, the case is adjourned to ~~18.10.~~ 2022 for the same.

  
Reader

EP 425/19

06.01.2022

*Azeemullah vs Govt*

Clerk of counsel for the petitioner and Mr. Kabirullah Khattak, Addl. AG alongwith Nazir Ahmad, Assistant for the respondents present.

On the preceding date, learned AAG has stated at the bar that the case regarding calculation of the intervening period was under process in the department but till today no implementation report has been submitted. As such salary of District Education Officer (M) Shangla is hereby attached till further order. He be put on notice to attend this Tribunal in person alongwith proper implementation report on 21.02.2022 before S.B.



(Rozina Rehman)  
Member (J)

21.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 25.04.2022 for the same as before.



Reader.

26.10.2021

Petitioner in person and Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

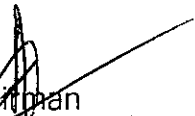
Learned AAG requested for a short adjournment to submit implementation report on the next date. To come up for further proceedings on 11.11.2021 before S.B.

  
Chairman

11.11.2021

Petitioner in person and Mr. Kabirullah Khattak, Addl. AG alongwith Muhammad Luqman Shah, PET for the respondents present.

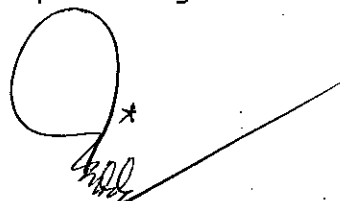
Parawise comments have been submitted. Copy of the same is handed over to the petitioner. To come up for arguments on 02.12.2021 before S.B.

  
Chairman

02.12.2021

Petitioner in person present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Luqman Shah, Litigation Officer for respondents present.

Learned AAG stated at the bar that the case regarding calculation of the intervening period is under process in the department and a request was therefore, made for adjournment enabling the department to come up with final implementation report on the next date. To come up for further proceedings on 06.01.2022 before S.B.

  
(MIAN MUHAMMAD)  
MEMBER (E)

EP 425/2019

*Azeemullah vs Govt.*

20.09.2021

Nemo for the petitioner. Mr. Muhammad Adeel Butt, Addl. AG alongwith Haseenullah, Asstt. and Luqman Shah, PET for the respondents present.

Copy of the reinstatement order dated 12.05.2017 and the enquiry report dated 21.05.2018 have been produced and placed on file. It appears from the reinstatement order dated 12.05.2017 that intervening period w.e.f. 10.09.2003 to 26.04.2017 was treated as unauthorized/willful absence from duty prior to conduct of deveno enquiry. As far as the recommendations in the enquiry report dated 31.05.2018 are concerned, it has been suggested that guidance of Finance Department or Establishment Department may be sought to regularize the absence period of the petitioner and to resolve the issue. Both the said documents as produced and placed on file are not sufficient to reflect the implementation of the judgment in its letter and spirit. The respondents are directed to submit their parawise comments on the Execution petition and may give their view with reference to reinstatement order and enquiry report. Case to come up on 26.10.2021 before S.B.

  
Chairman

02.08.2021

Nemo for the petitioner. Mr. Kabirullah Khattak, AAG  
alongwith Luqman Shah, PET for the respondents  
present.

On previous two occasion the case was adjourned  
through Note Reader, therefore, notice be issued to  
petitioner/counsel for the next date. To come up for  
further proceedings on 08.09.2021 before S.B.

  
Chairman

08.09.2021

Petitioner in person and Mr. Muhammad Adeel Butt,  
Addl. AG alongwith Hayat Khan, AD and Luqman Shah,  
Litigation Officer for the respondents present.

Proper implementation report has not been submitted.  
Respondents are directed to come up with a conclusive  
order having regard to the letter & spirit of the judgment on  
next date positively. Case to come up on 20.09.2021  
before S.B.

  
Chairman

18.01.2021

Nemo for petitioner.

Noor Zaman Khattak learned Deputy District Attorney alongwith Nazeer Ahmad Assistant for respondents present.

Different documents were produced today vide which the petitioner was reinstated and that an amount of Rs.10,95,961/- would be paid to the petitioner. The respondents requested for a short adjournment in order to apprise this Bench in respect of total payment to the petitioner. Last chance is given. In the meanwhile, notice be issued to petitioner for 16.03.2021 before S.B.

Adjourned accordingly.



(Rozina Rehman)  
Member (J)

16.03.2021

Due to tour of Camp Court Abbottabad and shortage of Members at Principal Bench Peshawar, the case is adjourned to 24.05.2021 before S.B.



Reader

24.05.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 03.08.2021 for the same as before.

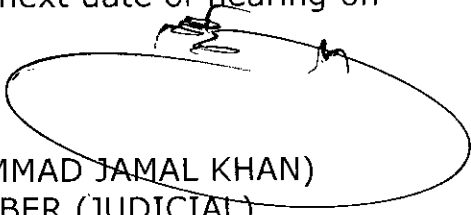


Reader

01.12.2020

Petitioner has not forth come nor anyone else representing him has appeared at the moment i.e 11:50 A.M. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Luqman Shah, PET, for the respondents are present.

That follow up of the previous order sheet dated 06.10.2020 was inquired from the aforesaid official, in response thereof, he submitted that the matter has been brought in the knowledge of Directorate concerned but so far no response has been received there from. Official referred to above is directed to make endeavors for the full implementation of the judgment of this august Tribunal and inquire the matter from the office concerned by communicating it to the bench on the next date of hearing on 18.01.2020 before S.B.

  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)



EP 425/19

02.09.2020

Counsel for the petitioner and Addl. AG alongwith Luqman Shah, PET for the respondents present.

Learned AAG requests for further time to submit the implementation report. Learned counsel for the petitioner, on the other hand, states that apart from other grievances, the petitioner has not been paid monthly salary after his reinstatement. The representative of respondents does not deny the said fact.

Adjourned to 06.10.2020 for submission of implementation report. In the meanwhile, the petitioner shall be paid salary and other emoluments from the date of his reinstatement.

Chairman 

06.10.2020

Nemo for petitioner. Addl. AG alongwith Luqman Shah, PET for the respondents present.

The representative of respondents has provided copies of certain documents which include a memo. dated 18.09.2020. Through the memo. the Principal, GHSS Sandovi, District Shangla has been directed to send complete documents so that the implementation is completed. Placed on record. To come up for further proceedings on 01.12.2020 before S.B.

Chairman 

10.03.2020

Junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Representative of the department is absent, therefore, notices be issued to the respondents with the direction to direct the representative to attend the court and apprise this Tribunal regarding the outcome of de-novo inquiry. Adjourned to 14.04.2020 before S.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

14.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 08.07.2020 for the same. To come up for the same as before S.B.

  
Reader


08.07.2020

Junior counsel for petitioner present.

Mr. Usman Ghani learned District Attorney for respondents present.

Due to note reader, no progress was shown in the instant case, therefore, notice be issued to the respondents and Learned District Attorney is directed to make sure the presence of representative of respondents and to apprise this Tribunal regarding the outcome of de-novo inquiry.




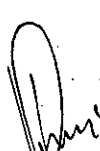
Adjourned to 02.09.2020 before S.B.

  
Member (J)

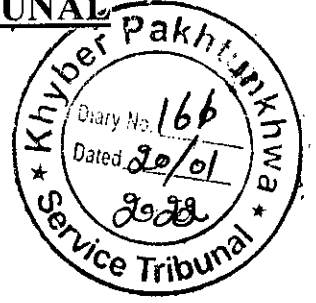
Form- A  
FORM OF ORDER SHEET

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

Execution Petition No. 425/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	19.11.2019	<p>The execution petition of Mr. Azeemullah submitted today by Mr. Shahab Khattak Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	20/11/19	<p>This execution petition be put up before S. Bench on <u>13/12/19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	13.12.2019	<p>None present on behalf of the petitioner. Notices be issued to respondents as well as petitioner/counsel for petitioner for 23.01.2020 before S.B.</p> <p style="text-align: right;"> (MUHAMMAD AMIN KHAN KUNDI) MEMBER</p>
	23.01.2020	<p>Nemo for petitioner. Addl. AG alongwith Luqman Shah, PST for the respondents present.</p> <p>The representative of respondents states that denovo enquiry against the petitioner has been started after his reinstatement. He, however, requests for time to apprise this Tribunal regarding the outcome of such enquiry. Adjourned to 10.03.2020 before S.B.</p> <p style="text-align: right;"> Chairman</p>

**BEFORE THE KHYBER PUKTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**



Execution Petition No. 425/2019

In Service Appeal 1074/2012

*Put up to the worthy chair with appeal*  
Azim Ullah

Versus

Government of Education

Department of KPK

*20/1/22*  
Subject: **APPLICATION FOR RELEASE OF SALARY OF**

*Respectfully*  
**RESPONDENT NO.1**

*Application is allowed for release of salary.  
20/01/2022*

**RESPECTFULLY SHEWETH:-**

1. That the subject execution Petition is pending before this honorable tribunal wherein date 21/02/2022 is fixed for submission of implementation Report.
2. That on 06/01/2022 this honorable tribunal was grievously ordered implementation and was also stopped salary of respondent No. 1 i.e. DEO (M) Shangla for non-compliance of this honorable tribunal judgment.
3. That the subject case is fixed for hearing on 21/02/2022.
4. That respondent No. 1 i.e. DEO (M) Shangla has implemented of judgment of this honorable tribunal in execution mentioned above copy is attached.
5. That the respondents request for release of salary as attached by this honorable tribunal.

**Therefore, it is humbly requested that attachment salary of the respondent No. 1 DEO (M) Shangla may kindly be withdrawn as order of this honorable tribunal has been implemented in letter and spirit.**

*[Signature]*  
District Education Officer (M)  
District Shangla

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**EXECUTION PETITION NO: 425/2019**

**IN**

**SERVICE APPEAL No. 1074/2012**

**Azeemullah S/O Zarzari Khan R/O Puran Tehsil Puran District Shangla.**

**(Appellant)**

**VERSUS**

- 1. District Education Officer (M) District Shangla.**
- 2. Secretary Elementary & Secondary Education Government of Khyber Pakhtunkhwa Civil Secretariat at Peshawar.**
- 3. Principal GHSS Sandovi Puran District Shangla.**

**(Respondents)**

**IMPLEMENTATION REPORT**

The Petitioner Mr. Azeemullah was appointed in the respondent Department as Junior Clerk on dated 02/05/1995. He was granted leave as per his application for one year from 10/09/2002 to 09/09/2003, after the completion of his leave, due to his long absence from duty he was dismissed from his service on dated 13/06/2012. He submitted Service Appeal No. 1074/2012 in the Honorable Court of Service Tribunal Peshawar against the aforesaid dismissal order and the Honorable Court accepted his Appeal on dated 26/04/2017 for the purpose of proper enquiry. The order of the Honorable Court was honestly obeyed and the applicant was re-instated vide office order No. 366-73 dated 12/05/2017 **(Copy attached)** from the date of his re-instatement the petitioner receives his salary/pay regularly.

The respondent No.1 has conducted enquiries through Enquiry committees, they submitted their reports on 26/08/2017 and 2/12/2017 but those inquiries were quashed by worthy Director E&SE Khyber Pakhtunkhwa and conducted another enquiry through Dr. Inayatullah Rahman Vice Principal GHS No. 1 Havelian Abbottabad, who submitted his report on 21/05/2018 **(Copy attached)** in the said report it is stated that the intervene period i.e 10/09/2003 to 26/04/2017 (13 years 07 Months and 16 days) does not fall in the ambit of respondent No.1 to convert leave without pay, so, the case may be sent to Respondent No. 2 and other related provincial authorities to relax the rules. The case was properly sent to respondent No.2 and he appointed Dr. Sahibzada Hamid Mehmood MC BS-19 as enquiry officer in this case vide Notification No. S.O PE (E&SED/5-1/General Misc/2018 dated: 22/11/2021 **(Copy attached)**). It is stated that Respondent No. 1 has honestly obeyed the order of this Honorable Court and re-instated the Petitioner. It is further stated that as the current enquiry report received to Respondent No.1 will be honored quickly and honestly.

It is very humbly prayed that on acceptance of this of this implementation report the salary of Respondent No. 1 (DEO (M) District Shangla) may please be released.

**DISTRICT EDUCATION OFFICER (M)**  
**DISTRICT SHANGLA**  
**(Respondent No 01)**

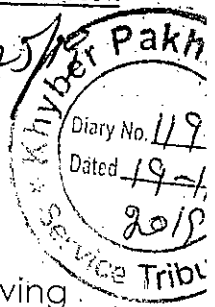
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1

**BEFORE THE HONABLE SERVICES TRIBUNAL, KHYBER PAKHTUNKHWA  
PESHAWAR.**

C.M. No \_\_\_\_\_-2019  
In \_\_\_\_\_  
Service Appeal No.1074/2012.

*Execution Petition No. 425/19*

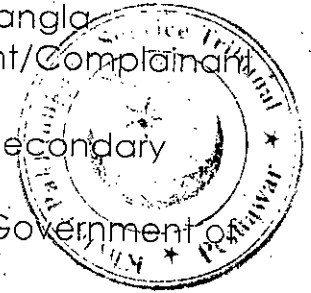


Azeemullah S/O Zarzarii Khan R/O Puran District Shangla serving currently as Junior Clerk at GHS Sandwi, district Shangla

.....Applicant/Complainant

Versus

- 1- District Education Officer (Male) Elementary and Secondary Education District Shangla.
- 2- Secretary Elementary and Secondary Education Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 3- Principle GHS Sandwi, Tehsil Puran District Shangla



.....Respondents

**APPLICATION FOR IMPLEMENTATION OF THE ORDER OF THIS HON'BLE TRIBUNAL, AS THE RESPONDENTS WILFULLY VOILATED AND DISOBEYED THE ORDER OF THIS TRIBUNAL OF RE-INSTATEMENT OF THE COMPLAINANT/APPLICANT BY REFUSING TO PAY HIM HIS SALARY AND OTHER BENEFITS, INSPITE OF RE-INSTATEMENT.**

**OR**

**AS ALTERNATIVE FOR THE PROPER IMPLEMENTATION ORDER BY ORDERING THE RESPONDENTS TO PAY ALL THE SALARIES AND OTHER CONNECTED BENEFITS TO THE COMPLAINANAT/APPLICANT.**

**Respectfully Submitted:**

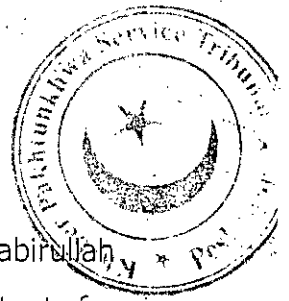
- 1- That the applicant/complainant was inducted in the service as Junior Clerk on 02-05-1995.
- 2- That the applicant/complainant was sanctioned leave for one year in 2002 and on his return in the year 2003 on making arrival; he was told that your services had been terminated.
- 3- That the applicant/complainant filed departmental appeal, which was turned down.
- 4- That the applicant/complainant, therefore, filed service appeal, before Honable Services Tribunal, Khyber Pakhtunkhwa, Peshawar, which was allowed vide the order dated: 26-04-2017 and the petitioner was re-instated in his services.

Copy of the appeal and order therein is attached herewith)

*Certified by the return office*  
*[Signature]*  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

- 5- That though the applicant/complainant was re-instated and he performed his duties with zeal and devotion at Government High

(123)



Azeemullah vs Govt

EP 425/19

06.01.2022

Clerk of counsel for the petitioner and Mr. Kabirullah Khattak, Addl. AG alongwith Nazir Ahmad, Assistant for the respondents present.

On the preceding date, learned AAG has stated at the bar that the case regarding calculation of the intervening period was under process in the department but till today no implementation report has been submitted. As such salary of District Education Officer (M) Shangla is hereby attached till further order. He be put on notice to attend this Tribunal in person alongwith proper implementation report on 21.02.2022 before S.B.

(Rozina Rehman)  
Member (J)

Certified to be true copy

Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Copy 07/1/22  
 Number of Words 800  
 Copying Fee 10/-  
 Urgent 5/-  
 Total 15/-  
 Name of Applicant \_\_\_\_\_  
 Date of Completion of Copy 07/1/22  
 Date of Delivery of Copy 07/1/22

Annex B



OFFICE OF THE DISTRICT EDUCATION OFFICER (M) SHANGLA  
AT ALPURAI  
CONTACT NO. (0996) 850639. 851108- Fax # 851108

**OFFICE ORDER.**

Consequent upon the recommendation of Departmental Transfer committee the following transfers/ adjustments are hereby made on their own pay and scale in the interest of public service.

S#	Name with Designation	From	To	Remarks
01	Said Zahid Hussain J/C B-11	GHS Basi	GHS Lilownai	Vtce S.No.02
02	Fasih Ullah J/C B-11	GHS Lilownai	GHS Basi	Vice S.No.01
03	Mian Sayarullah Khan J/C B-11	GHS Manai Maira	GHS Sheshan	A.V.P Due to E/Leave W.F.P 01/03/2018
04	Azim Ullah J/C B-11	GHS Pagorai	GHSS Sandovi	A.V.P

(Muhammad Amin)  
DISTRICT EDUCATION OFFICER (M)  
DISTRICT SHANGLA.

Endst:-No. 3178-84 /Tran:/File/Mins/ Staff

Dated 26/10/2018 /2018.

Copy of information to:-

- 1 The Deputy Commissioner Shangla.
- 2 The District Nazim Shangla.
- 3 District Accounts Officer Shangla.
- 4 The DMO IMU, Shangla.
- 5 Principal/Head Master Concerned.
- 6 DEMIS Cell Local Office.
- 7 Official concerned.
- 8 Personal file.

DEPUTY DISTRICT EDUCATION OFFICER (M)  
DISTRICT SHANGLA.





OFFICE OF THE DISTRICT EDUCATION OFFICER (M) SHANGLA

CONTACT NO. (0996) 850639. 851108- Fax # 851108

OFFICE ORDER/RE-INSTATEMENT

Consequent upon the judgment of Honorable Khyber Pakhtunkhwa services tribunal in service Appeal No.1074/2012 Azeem Ullah versus EDO (E & SE) Shangla and others, Dated: 26/04/2017, the services of Mr. Azeem Ullah are hereby re-instated on the post of Junior Clerk at GHS Pagorai against vacant post of Junior Clerk for the Purpose of denova enquiry with immediate effect in compliance with the august services tribunal Peshawar judgment.

\* The intervening period w.e.f 10/9/2003 to 26/4/2017 is hereby treated as unauthorized/willful absence from duty.

Ends; NO. 366-73

DISTRICT EDUCATION OFFICER (M)

DISTRICT SHANGLA

Dated: 12/5 /2017

Copy of the above is forwarded to:-

1. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Registrar Khyber Pakhtunkhwa service tribunal Peshawar.
3. AAG Khyber Pakhtunkhwa Service Tribunal.
4. District Account officer Shangla.
5. District Monitoring officer Shangla.
6. District Nazim Shangla.
7. Head Master GHS Pagorai.
8. The Official concerned.

DISTRICT EDUCATION OFFICER (M)

DISTRICT SHANGLA

12/5/17

Annex D

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**ENQUIRY REPORT IN R/O MR, AZIMULLAH J/C GHS PAGORAI  
DISTRICT SHANGLA**

Enquiry constituted by	Enquiry constituted by Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar vide Endst No 6459-61/A-23/MS/Appeal/Azimullah JC Dated 30/03/2018
Enquiry officer	Dr, Muhammad Inayat Ur Rahaman (B-18) V/P-GHS No 1 Havelian- Abbottabad.
Enquiry against	Mr, Azimullah J/C GHS Pagorai District Shangla.
Period of enquiry	April & May 2018

**Nature of Enquiry:-**

The genesis of enquiry was re instatement of Mr, Azimullah J/C in pursuance of Judgment of Khyber Pakhtunkhwa service tribunal Peshawar announced on 26/04/2017.

**History of Enquiry:-**

Mr, Azeem Ullah was appointed as J/C at GHS Puran District shangla on 2/5/1995. He has applied for leave WFF 10/9/2002 to 9/9/2003 (365) days on average half pay.

According to his statement on expiry of leave he submitted arrival report and applications to department for adjustment time and again duly forwarded by principals which are self- explanatory.(Annexure -A I,II )

He submitted an application to DEO (M) Shangla for adjustment, which was rejected vide No 5254 dated 13/6/2012, then he submitted an appeal to DCO shangla on 02/07/2012 is self explanatory which was rejected by DCO vide order No 7470 Dated 06/09/2012 (Annexure- B I,II )

Mr, Azimullah filed an appeal in Khyber Pakhtankhawa Service Tribunal for set aside the impugned order dated 06/09/2012. The learned court accepted his appeal No 1047/2012 for hearing. (Annexure-C)

The learned Court announced its Judgment on 24/04/2017 with the remarks "In the view of the above we accept the present appeal, set aside the impugned orders and as a consequence there of re-instate the applicant in service by placing the respondents at liberty to conduct proper enquiry in accordance with rules within two months from the date of receipt of this judgment and there after pass orders deemed appropriate." (Annexure- D)

DEO (M) Shangla re-instated services of Mr. Azimullah as J/C at GHS Pagorai vide Endst No 366-73 dated 12/05/2017 ( Annexure-E )

DEO (M) Shangla Constituted an enquiry committee vide No 524 Dated 19/05/2017 to Inquire into objections/ Observation made by Mr. Azeem Ullah J/C. (Annexure- F)

Enquiry committee submitted enquiry report which is self explanatory They recommend that the absence period WEF 10/09/2003 to 11/05/2017 may be converted into leave without pay and this period may reckoned in his service. Also recommend that warning may be issued to Establishment branch of DEO (M) office due to their negligence and missing of such sensitive files/documents. (Annexure-G).

In the light of judgment of learned court District Education Office Shangla constituted a denovo enquiry committee comprised Mr, Iftikhar Ali Principal GHS Shahpur and Muhammad Siraj SS GHS Butyal vide order Endst No 15-18 dated 14/11/2017 to probe into matter and Submit/ Suggest recommendations. Enquiry committee submits their recommendations which are self explanatory (Annexure- H I,II)

The main issue was absence period of Mr Azeem Ullah J/C WEF 10/09/2003 to 26/04/2017 the enquiry committee recommend that the so called absence period may be converted partially without pay leave and partially leave with half pay and service benefits may be release WEF 12/05/2017. Azeem Ullah J/C replied for charge sheet to DEO(M) Shangla ( Annexure- I ). DEO (M) Shangla submitted a letter to Director Elementary & Secoadary Education Khyber Pakhtun Khwa Peshawar for guidance to regularize absence period of Mr Azeem Ullah J/C. (Annexure- J).

**PROCEDURE OF ENQUERY:-**

On receiving the letter from Directorate of Elementary & Secondary Education Khyber Pakhtwankhwa Peshawar (Annexure- K). The undersigned informed DEO (M) Shangla and Mr, Azimullah J/C through regd letters and also contacted them telephonically (Annexure-L I, II).

Further DEO (M) Shangla inform through Email address and Mr Azeem Ullah J/C through message on 30/04/2018, that I will be visit DEO office on 02/05/18 in Connation with recording statements and record/documents (Annexure- M)

I have visited DEO (M) office and aggrieved official personally for recording their statements on 02/05/2018. DEO (M) Shangla requested for space to record his comments in consultation with the concerned staff and Perusal of record. Mr Azeem Ullah J/C has not been arrived on scheduled date as he was already informed. (Annexure- N)

Once again on 06/05/2018 and 07/05/2018 Mr Azeem Ullah J/C and DEO (M) through Mr Iqbal Clerk was Informed for submission of statements/comiments. The undersigned Email a letter to DEO (M) Shangla on 13/05/2018, requesting for the comments as required in connection with enquiry (Annexure- O)

From the perusal of relevant record/documents following findings were concluded;

- The enquiry committees constituted by DEO (M) Shangla vide No 524 dated 19/05/2017 & No 15-18 dated 14/11/2017, they blamed/fix responsibilities on Establishment of DEO office, and recommend the Intervening period to be convert into leave without pay.
- DEO(M) Shangla has rejected application of Mr.Azimullah vide No 5254 dated 13/06/12 due To his long absence already annexed B I
- District coordination officer Shangla has rejected appeal of Mr, Azimallah J/C vide order No 7470 dated 06/09/2012. already annexed B II
- District Education Officer Shangla in pursuance of Judgment of Khyber Pakhtunkhwa Service Tribunal Peshawar re-Instated service of Mr, Azimullah as J/C at GHS Pagorai shangla vide Endst No 366-73 dated 12/04/2017,
- DEO (M) Shangla submitted letter bearing No 1601/DEO (M) Shangla dated 04/01/2018 to Director E & SE KPK for guidance of Intervening period WEF 10/09/2003 to 26/04/2017 is in question, that how to Dealt with this period for regularization service of appellant already annexed J
- Director E & SE KPK Peshawar vide letter Endst No 6459-61/A-23/MS/appeal/Azeem Ullah J/C dated 30/03/2018, Squashed the enquiry report submitted by Mr Iftikhar Ali and Muhammad Siraj and constituted an enquiry with the appointment of the undersigned as enquiry officer to probe with fact finding and recommend suggestions for further necessary action into the matter. already annexed K
- DEO (M) Shangla submitted his comments vide letter No 9341 dated 14/05/2018 received on 19/05/2018 at S No 3 in which he denied for the claim of Mr Azeem Ullah J/C *"He did not report to this department after termination of his leave period and it was due to his prolonged continues absence for more than five years that his application for adjustment was disposed off and turned down vide this office order No 5254 dated 13/06/2012"* (Annexure-P) while Mr Azeem Ullah J/C submitted photocopies of applications for adjustment duly forwarded by principals already annexed as Annexure A, but he has failed to submit his statement upto 19/05/2018, on requesting time and again.

**Recommendations**

After concluding the above findings/facts the following recommendations are suggested for favorable consideration.

- As a serious issue was raised that one Mr. Azeem Ullah J/C has been re instated in service by Service Tribunal Khyber Pakhtun Khawa and he is taken over charge and


performing his duties.WEF 13/05/2017 to update. A long period of absence 10/09/2013 to 12/05/2017 is in question.

Reference to Khyber Pakhtun Khawa Govt Servants Rules 2011 in term cases seeking advice of E & AD at Para No 2, "I am directed to request once again Than In future only those cases may please be referred to S & GAD for advice, where no clear rules/instruction/clarification are available and case cannot be decided without advice of this department" (Annexure-4)

Maximum leave admissible to a civil servant have less than ten years service is two years to be granted on the discretion of sanction authority. The leave can be granted Irrespective of the fact that the Govt Servant is permanent or temporary, if exceed the ambits of revised leave rules 1981. It is prerogative of the Finance Department to relax the maximum terms of the leave FR-18 has since been deleted and FR-12 is required to be relaxed by Finance Department.

In nutshell, in the light of the above quoted rules it is suggested that the case may be pursue to Finance Department or Establishment Department for further guidance necessary action with the request that the official has already been re-instated in service by learned court but to regularize the absence period and to resolve issue.

Enquiry was conducted in the best interest of public

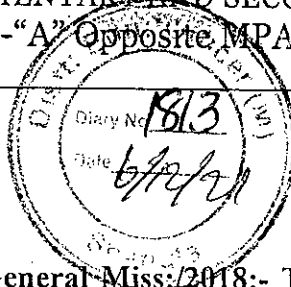
 21/05/2018

Dr Muhammad Inayat Ur Rehman  
(Enquiry Officer)  
VP GHS No 1 Havelian Abbottabad



(122)

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar



Dated Peshawar the November 22<sup>nd</sup>, 2021

**NOTIFICATION**

**NO.SO(PE)E&SED/5-1/General Miss/2018:-** The Competent Authority has been pleased to appoint Dr. Sahizada Hamid Mehmood, Management Cadre, BS-19 (awaiting posting) as Inquiry Officer to conduct inquiry into the application of Mr. Azeem Ullah, Junior Clerk, GHS Pagorai District Shangla.

2. Copies of DEO (M) Shangla letters along-with all relevant documents are enclosed. The Inquiry Officer shall submit his report within 15 days.

**SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA**  
**E&SE DEPARTMENT**

Copy forwarded to the :-

1. Director E&SE Khyber Pakhtunkhwa, Peshawar.
2. Dr. Sahizada Hamid Mehmood, Management Cadre, BS-19 (awaiting posting).  
Directorate of E&SE Khyber Pakhtunkhwa.
- ✓ 3. DEO (M), District Shangla.
4. PS to Secretary, E&SE Department Khyber Pakhtunkhwa.
5. Master File.

*NOED Ullah*  
*Na* *08/12/21*

*Kamran*  
SECTION OFFICER (PE)



MINISTRY OF ELEMENTARY & SECONDARY EDUCATION

GOVERNMENT OF KHYBER PAKHTUNKHWA

AGENCY FOR TECHNICAL ASSISTANCE  
Khyber Pakhtunkhwa

7077

Phone: 0952-3411100

Facsimile: 0952-3411100

For more information please contact  
the undersigned at the following address:  
[Address]

**INQUIRY OF MR. ANISULLAH, JUNIOR CLERK AND PARAWALKER (MR. ANISULLAH) DISTRICT MANAGER**

Ref: 1

For information, please refer with a copy of letter No. 269 dated 17/11/2022, along with the enclosure received from (M.O.) Shengla on the subject cited above with the request to inform the inquiry officer to expedite the same. Please

Assistant Director (Admin)  
Directorate of Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Copy No.

- Copy forwarded to the
1. District Education Officer (Male) Shengla w/r to his letter No. 6 Dated cited above
  2. PA to Director (Elementary & Secondary Education) Khyber Pakhtunkhwa Peshawar
  3. Master file

talked to IO,  
he shall submit  
report within 2 days.

Assistant Director (Admin)  
Directorate of Secondary Education  
Khyber Pakhtunkhwa, Peshawar

20/11/2022



**DIRECTORATE OF ELEMENTARY & SECONDARY  
EDUCATION**

**KHYBER PAKHTUNKHWA PESHAWAR.**

No. \_\_\_\_\_ /F.No. /A-23/Appeal Azimullah/Shangla

Dated Peshawar the 20 / 01 /2022

Phone: 091-9225344

Email: ddadmn.ese@gmail.com

To

The Section Officer (Primary)  
Govt: of Khyber Pakhtunkhwa  
E&SE Department

Subject: **ENQUIRY OF MR.AZEEMULLAH JUNIOR CLERK GHS  
PAGORAI(NOW GHSS SANDOVI)DISTRICT SHAHNGLA**

Memo:

I am directed to enclose herewith a copy of letter No. 269 dated 18.1.2022 alongwith its enclosure received from DEO(M) Shangla on the subject cited above with the request to inform the inquiry officer to expedite the inquiry process please.

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

Endst: No. 7656

Copy forwarded to the: -

1. District Education Officer (Male) Shangla w/r to his letter No & Dated cited above.
2. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Master File.

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