BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 606/2018

Date of Institution ... 24.04.2018
Date of Decision ... 05.07.2021

Inam Ullah Ex-Chowkidar, GPS Chail Tangi, Charsadda.

... (Appellant)

VERSUS

The Secretary Elementary & Secondary Education Khyber Pakhtunkhwa and two others. ... (Respondents)

MR. TAIMUR ALI KHAN
Advocate ... For Appellant

MR. KABIRULLAH KHATTAK
Additional Advocate General ... For Respondents

MR. SALAH-U-DIN ... MEMBER (JUDICIAL)
MR. ATIQ UR REHMAN WAZIR ... MEMBER (EXECUTIVE)

JUDGMENT

Mr. ATIQ UR REHMAN WAZIR MEMBER (E):-Brief facts of the case are that the appellant while serving as Chowkidar in a government school, was proceeded against in absentia on the charges of absence from duty and ultimately removed from service vide order dated 15-05-2017. The appellant filed departmental appeal, which was not responded to; hence, the instant service appeal with prayers that the impugned order dated 15-05-2017 may be set aside and the appellant may be re-instated in service with all back benefits.

02. Written reply/comments were submitted by respondents.

03. Arguments heard and record perused.

04. Learned counsel for the appellant has contended that the appellant was penalized for unauthorized absence, who however, submitted proper application to the competent authority for grant of two years leave and the appellant was assured that his leave will be sanctioned and after assurance by the concerned office, the appellant proceeded on long leave, but after expiry of the leave, the appellant came to know that another person was employed in his place; that the appellant filed numerous applications to the competent authority for his adjustment but no action whatsoever, was taken on such applications. Learned counsel for the appellant further added that finally the appellant filed departmental appeal, which was also not responded to. Learned counsel for the appellant explained that disciplinary proceedings were conducted in absence of the appellant, neither the appellant was associated in the disciplinary proceedings nor opportunity of personal hearing was afforded to the appellant; that issuance of impugned order dated 15-05-2017 during pendency of the instant appeal and not taking action on the departmental appeal of the appellant are against law, rules and facts. Learned counsel for the appellant argued that disciplinary proceedings were initiated against the appellant during pendency of the instant appeal, which means that one sided inquiry was conducted. Learned counsel for the appellant further argued that the appellant was not treated in accordance with law; that the appellant is having 28 years of service and penalty imposed upon the appellant is harsh; that where gravity of charge was of lesser degree and circumstances reflected absence of bad faith and willfulness, which amounted to mere negligence, then minor punishment might be a preferred course, which may be a source of reformation for the appellant. Reliance was placed on 2013 SCMR 817 and 2015 PLC (CS) 117. Learned counsel for the appellant pointed out

that the instant case does not involve any charge of misappropriation of funds or tampering with record or overt misconduct committed during the course of his service, but the appellant was punished for overstay in his long leave, which does not commensurate with guilt of the appellant. Reliance was placed on CP No 464-P of 2017. Learned counsel for the appellant prayed that keeping in view his long and unblemished service, the impugned order dated 15-05-2017 may be set aside and the appellant be re-instated with all back benefits.

05. Learned Additional Advocate General appeared on behalf of official respondents has contended that as is evident from his travel history, the appellant served in Saudi Arabia since 2007 and finally came back in 2016. Learned Additional Advocate General further contended that the appellant was a habitual absentee and he was properly proceeded against, but he did not appear before the inquiry officer. Learned Additional Advocate General added that mere submission of application for leave by the appellant would not mean that leave has been granted in his favor, rather he was duty bound to enquire from the department himself about the fate of his request for grant of leave. Reliance was placed on 2009 SCMR 1121. Learned Additional Advocate General further added that as per recommendations of the inquiry, he was rightly removed from service by fulfilling all the codal formalities. Learned Additional Advocate General prayed that the instant appeal being devoid of merit may be dismissed.

06. We have heard learned counsel for the parties and have perused the record. Record reveals that the appellant first departure to Saudi Arabia was on 10-08-2007 and last arrival to Pakistan is 09-11-2016. In between is his arrival to home country after intervals. It was in 2009 when the appellant submitted application for two years leave and proceeded to Saudi Arabia under the

impression that he has been granted such leave. The appellant surfaced in 2013 and submitted an application dated 01-10-2013 and again another application with interval of ten months on 11-08-2014 to the concerned authority with a request for release of his salary, but nothing is available on record to show that any action was taken on his applications. Placed on record is an inquiry report ordered vide notification dated 25-03-2014, which has recommended that the appellant was abroad for so many years but the concerned authorities at that particular time never took any notice of his absence, including head master of the concerned school. The report further reveals that the appellant was still on the roll of the school, as no adverse order was issued to this effect against the appellant, but another person namely Mushtaq was appointed in his place. The inquiry officer held the competent authority responsible for not serving notice of absence to the appellant and recommended initiation of disciplinary proceedings against the responsible officers/officials of that particular period to justify their silence on the issue and appointment of another person in his place inspite of the fact that the appellant was not removed from service. Record is silent as to whether any action was taken on recommendations of such inquiry, but the appellant was still adamant and submitted another application dated 23-02-2016 to District Education Officer with the request that he was verbally informed by DEO on 05-02-2016 that he has been removed from service, hence he may be re-instated in service with all back benefits. Such application was termed as departmental appeal, which was not responded to. The appellant filed another application dated 16-03-2016 under right to information Act for provision of notification of removal from service as well as other record, which was responded vide letter dated 08-04-2016 with remarks that such record is not available, as

office of Executive District Officer has ceased to function w.e.f 01-01-2013, where the relevant record was lying and no such record is available with them.

07. We have observed that it was upon submission of appeal by the appellant, when the competent authority came to know that the appellant is still on the roll of the school; hence, disciplinary proceedings were initiated on his back in a haphazard manner, inspite of the fact that his salary was stopped with effect from his absence and virtually he was no more on strength of the school as well as another person was also appointed in his place. The proceedings so conducted were against a person who was no more on their strength but the respondents had committed a fatal mistake by not removing him expressly before appointment of another person in his place, which shows that only codal formalities have been fulfilled for the purpose to conceal their misdeeds. Needless to mention that the appellant was not associated with the disciplinary proceedings. Placed on record is an inquiry report, charge sheet/statement of allegations and show cause notice, which shows that action has been initiated under rule 11 of Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011, but publication of his absence in newspaper shows that action was initiated under rule 9 of the rules ibid. Record is silent as to whether charge sheet/statement of allegations and showcause notice was served upon the appellant or it was only kept on file to fulfill the formalities.

08. It was noticed that the respondents did not follow the prescribed procedure for inquiry as laid down in Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011 and it appears that they have just fulfilled a formality in order to cover their own slackness. We have been observing that in the instant case as well as in numerous other cases, the respondents did not

bother to follow the relevant provisions of Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011, resulting in serious flaws in the disciplinary proceedings.

09. in view of the above discussion, the appeal in hand is allowed and the matter is remanded back to the respondents with directions to conduct a de-novo inquiry into the matter by providing appropriate opportunity of defense to the appellant strictly in accordance with law and rules. Respondents are further directed to probe into the slackness of officers/officials, who made violations as mentioned above and fix responsibilities against the defaulting officers/officials within a period of 120 days. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
05.07.2021

(SALAH-U-DIN)
MEMBER (JUDICIAL)

(ATIQ UR REHMAN WAZIR)
MEMBER (EXECUTIVE)

05.07.2021 Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand is allowed and the matter is remanded back to the respondents with directions to conduct a de-novo inquiry into the matter by providing appropriate opportunity of defense to the appellant strictly in accordance with law and rules. Respondents are further directed to probe into the slackness of officers/officials, who made violations as mentioned above and fix responsibilities against the defaulting officers/officials within a period of 120 days. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
05.07.2021

(SALAH-U-DIN)
MEMBER (JUDICIAL)

(ATIQ UR REHMAN WAZIR)
MEMBER (EXECUTIVE)

05.02.2021 On account of Public Holiday (Kashmir Day), the case is adjourned to 05.04.2021 for the same.

Reader

05.04.2021 Junior to counsel for appellant present.

Asif Masood Ali Shah learned Deputy District Attorney for respondents present.

Lawyers are on general strike, therefore, case is adjourned. To come up for arguments on 5/7/2021 before D.B.

(Atiq ur Rehman Wazir)
Member (E)

(Rozina Rehman)
Member (J)

13.5.2020 Due to COVID19, the case is adjourned to 5/8/2020 for the same as before.

Reader

05.08.2020 Due to summer vacation case to come up for the same on 06.10.2020 before D.B.

Reader

06.10.2020 Appellant present in person.

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

Lawyers are on general strike, therefore, the case is adjourned to 24.11.2020 for arguments, before D.B.

(Atiq ur Rehman Wazir)
Member (E)

(Rozina Rehman)
Member (J)

24
~~23~~.11.2020 Due to non-availability of D.B, the case is adjourned to 05.02.2021 for the same as before.

Reader

13.03.2020 Counsel for the appellant present. Mr. Muhammad Jan, DDA for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 13.05.2020 before D.B.

Member Member

24.09.2019 Appellant alongwith his counsel and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present.

During the course of arguments learned counsel for the appellant stated that two years leave was sanctioned in favour of the appellant since 2009 but the said sanctioned of leave is not available on the record. Respondents are directed to furnish copy of sanctioned of leave granted to the appellant on the next date of hearing. Adjourned to 28.11.2019 for record and arguments before D.B.

(Hussain Shah)
Member

(M. Amin Khan Kundi)
Member

28.11.2019 Due to general strike of the Pakistan Bar Council, the case is adjourned. To come up on 23.01.2020 before D.B.

Member

Member

23.01.2020 Due to general strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Adjourned to 13.03.2020 for record mentioned in order sheet dated 24.09.2019 and arguments before D.B.

(Hussain Shah)
Member

(M. Amin Khan Kundi)
Member

25.04.2019 Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Wisal Ahmad, ADO for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department seeks further adjournment for filing of written reply. Adjourned to 18.06.2019 for written reply/comments before S

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

18.06.2019 Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muhammad Wisal, ADEO for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department requested for further adjournment to submit written reply. Last chance is granted. Adjourned to 11.07.2019 for written reply/comments before S.B.

(Muhammad Amin Khan Kundi)
Member

11.07.2019 Counsel for the appellant and Addl. AG alongwith Wisal Muhammad, ADEO for the respondents present.

Representative of the respondents submitted written comments which are placed on file. The appeal is assigned to D.B for arguments on 24.09.2019. The appellant may submit rejoinder, within a fortnight, if so advised.

Chairman

28.12.2018 Learned counsel for the appellant present. Hayat AD representative of the respondent department present and seeks time to furnish written reply. Granted. To come up for written reply/comments on 30.01.2019 before S.B.

Member

30.01.2019 Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Neither written reply on behalf of respondents submitted nor representative of the department is present therefore, notice be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned to 26.03.2019 for written reply/comments before S.B.

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

26.03.2019 Learned counsel for the appellant present. Written reply not submitted. Shah Nawaz Superintendent representative of the respondent department absent. He be summoned with direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 25.04.2019 before S.B.

Member

06.08.2018

Appellant is not present, however, Mr. Taimur Ali Khan, Advocate counsel for the appellant present. Due to non deposit of security and process fee notices were not issued to the respondents. Learned counsel for the appellant made a request for some time to deposit the requisite security and process fee as on previous date, the appellant misunderstood the directions of this Tribunal. Appellant is directed to deposit security and process fee within 10 days, thereafter notices be issued to the respondents for submission of written reply/comments on 25.09.2018 before S.B.

Appellant Deposited
Security & Process Fee

Chairman

25.09.2018

Mr. Taimur Khan, Advocate counsel for the appellant present. Mr. Kabirullah Khattak, Addl, AG for the respondents present. Written reply not submitted. Requested for adjournment. Granted. To come up for written reply on 12.11.2018 before S.B.

Chairman

12.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 28.12.2018. Written reply not received. Mr. Hameed Ur Rehman AD representative of respondents absent.

Reader

25.05.2018

Counsel for the appellant Inam Ullah present. Preliminary arguments heard. It was contended by the learned counsel for the appellant that the appellant was serving in Education Department as Chowkidar. It was further contended that the appellant was granted leave by the competent authority for a period of two years and after expiry of leave when the appellant reported for his arrival the competent authority did not accept his arrival report and the appellant was informed that he has been terminated from service. It was further contended that the appellant filed service appeal against the said verbal order and during the pendency of the said service appeal, the respondent-department produce removal order dated 15.05.2017 of the appellant on 13.12.2017 as revealed from the order sheet dated 13.12.2017 therefore, the appellant withdrawn that service appeal as the said removal order was communicated to the appellant on 13.12.2017 which was challenged by the appellant in departmental appeal dated 27.12.2017 but the same was not responded hence, the present service appeal within time. It was further contended that neither any charge sheet or statement of allegation was served upon the appellant nor proper inquiry was conducted rather all the proceedings were initiated during the pendency of his earlier service appeal and the department did not bother to inform him regarding the aforesaid proceedings. It was further contended that neither any absence notice was sent at the home address of the appellant nor any show-cause notice was published according to law in two leading newspaper therefore, the impugned order of his removal is illegal and liable to be set-aside.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to limitation and deposit of security and process fee within 10 days thereafter, notice be issued to the respondents for written reply/comments for 06.08.2018 before S.B.

(Muhammad Amin Khan Kundi)
Member

Form-A

FORMOF ORDERSHEET

Court of _____

Case No. **606/2018**

S.No.	Date of order proceedings	Order or other proceedings with **signature** of judge
1	2	3
1	04/05/2018	The appeal of Mr. Inamullah resubmitted today by Mr. Taimur Ali Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. REGISTRAR
2-	15/05/18.	This case is entrusted to S. Bench for preliminary hearing to be put up there on 25/05/18. CHAIRMAN

The appeal of Mr. Inamullah Ex-Chowkidar GPS Chail Tangi Charsadda received today i.e. on 24.04.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- Copy of impugned order and departmental appeal are not attached with the appeal which may be placed on it.
2- Copy of order passed by this Tribunal in appeal no. 687/2016 mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
3- Annexures referred to in the memo of appeal are not attached with the appeal which may be placed on it.
4- Memorandum of appeal may be got signed by the appellant.
5- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 886 /S.T,

Dt. 25/04 /2018.

REGISTRAR 25/4/18
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr.Taimur Ali Khan Adv. Pesh.

Respected Sir

1- Removed

2. Removed

3- Removed

4 - Removed

5. Removed

ATTESTED

Resubmitted after compliance

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 606 /2018

Inam Ullah V/S Education Deptt:

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APPELLANT

THROUGH:

TAIMUR ALI KHAN
(ADVOCATE HIGH COURT)

&

(ASAD MAHMOOD)
ADVOCATE HIGH COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 606 /2018

Inam Ullah Ex-Chowkidar,
GPS Chail Tangi, Charsadda.

(APPELLANT)

VERSUS

1. The Secretary (E&SE) KPK, Peshawar.
2. The Director of Education (E&SE) KPK, Peshawar.
3. The District Education Officer (M) Charsadda.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 15.05.2017 COMMUNICATED TO THE APPELLANT ON 13.12.2017 WHEREBY THE APPELLANT WAS REMOVED FROM SERVICE AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

Filed to-day
Registrar
24/4/18

THAT THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 15.05.2017 MAY KINDLY BE SET ASIDE. THE RESPONDENTS MAY PLEASE BE DIRECTED TO REINSTATE THE APPELLANT WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Re-submitted to-day and filed.
Registrar
4/5/18

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was appointed as Chowkidar (BPS-01) in the year 1990 and performed his duty with the entire satisfaction of his superiors and no complaint has been against him. **(Copy of appointment order is attached as annexure-A)**

2. That while serving in the said capacity, the appellant applied for 2 years leave which was sanctioned by the then ADO Mukhtiar Ahmad.

3. That after the leave, the appellant came to join his duty again but another person namely Mr. Mushtaq was appointed on his post and the appellant was not adjusted on his post.

4. That the appellant filed many applications for his adjustment on his post and salary, but the competent authority did not take any action on that applications. **(Copy of applications are attached as Annexure-B)**

5. That the inquiry was conducted on the issue of leave of the appellant and appointment of Mr. Mushtaq in 2014 in which the inquiry officer recommended that the competent authority did not take any action in time and the authority may take action against the responsible officer. **(Copy of inquiry report is attached as Annexure-C)**

6. That time and again the appellant visited the concerned office for his grievances and lastly the appellant was informed that his service record has been misplaced and orally told him that he has been terminated from service on 05.02.2016, therefore the appellant filed departmental appeal against the termination order which was not responded within the statutory period of ninety days. **(Copy of departmental appeal is attached as Annexure-D)**

7. That as the appellant was only verbally informed that he was terminated from service, but not hand over the copy of that termination order, therefore he also filed application to DEO (M) Charsadda under RTI for provision of all documents including termination order, but the DEO (M) on his application responded on 08.04.2016 that all the documents of the appellant was misplaced and no record of him is available in the concerned office. **(Copy of application and letter dated 08.04.2016 are attached as annexure-E&F)**

8. That after the statutory period of 90 days, the appellant service appeal No. 687/2016 in the KPK, Service Tribunal and during the proceeding of the case the respondent department submitted the record of the appellant on 13.12.2017 in which charge sheet along with statement of allegations dated 24.12.2016, inquiry report dated 20.01.2017, absence notice dated 15.03.2017, newspaper notice and the removal order dated 15.05.2016 were present and handed over to the appellant

on 13.12.2017 due to which the appellant withdraw that appeal and filed departmental appeal 27.12.2017 against the impugned removal order which was not responded in the statutory period of ninety days. **(Copies of charge sheet, statement of allegations, inquiry report, absence notice dated 15.03.2017, newspaper notice, removal order dated 15.05.2017, order sheet dated 13.12.2017 and departmental appeal are attached as Annexure- G,H,I,J,K,L,M&N)**

9. That the appellant now wants to the instant service appeal on the following grounds amongst others.

GROUNDS:

A) That the impugned order dated 15.05.2017 received by appellant on 13.12.2017 during pendency of appeal No.687/2016 and not taking action on the departmental appeal of the appellant are against the law, rules, facts and material on record, therefore not tenable and liable to be set aside.

B) That the appellant properly applied for leave for two years in 2009 which was sanctioned by the competent authority in that time and after expiry of his leave, he came to join his duty, but another person namely Mr. Mushtaq was appointed on his post and did not adjusted him to perform his duty, which means that the appellant never remain absent from his duty.

C) That first inquiry was conducted about the leave of the appellant and appointment of MR. Mushtaq in 2014 in which the inquiry officer recommended that the the high ups were responsible for his inefficiency and did not held the appellant guilty.

D) That in reply to the application dated 08.04.2016 of DEO (M) Charsadda, it was clearly mentioned that the service record of the appellant was misplaced and no record of him is available in the concerned office, which means the appellant was properly applied for leave which was also sanctioned by the competent authority at that time but his record about his sanction of leave was misplaced and the appellant should not be punished for the fault of others.

E) That the record submitted during the pendency of service appeal No. 687/2016 by the responded department also shows that no proper procedure was adopted before passing the impugned order of removal from service as inquiry proceeding was initiated against the appellant during the pendency of service appeal No.687/2016 and also served absence notice along with newspaper notice knowing the fact by the competent authority that service appeal is pending before the KPK, Service Tribunal, which means that the whole procedure against the appellant is against the law and rules and therefore the impugned order is liable to be set aside on this ground alone.

F) That the appellant was verbally told by the respondent department that his service was terminated on 05.02.2016, therefore he filed service appeal No.687/2016 against that termination order and during the pendency of the case the department initiated inquiry proceeding which means that one sided inquiry was conducted against the appellant without providing chance of defence to him which is not permissible under the law.

G) That no action was taken on the 1st inquiry conducted in 2014 and the appellant was removed from service on the basis of 2nd inquiry in 2017 during the pendency of service appeal which shows the malafide of the competent authority.

H) That after the expiry leave, the appellant also field many applications for his adjustment and salary after the expiry of leave, but the competent authority took no action on that applications which means that the appellant did not remain absent from his duty but due to non adjustment on his post by the respondent he was unable to perform his duty and should not be punished for the fault of others.

I) That no charge sheet was communicated to the appellant before passing the impugned order of removal from service which is violation of law and rules.

J) That even final show cause notice was not issued to the appellant before passing the impugned order of removal from service.

K) That the appellant has been condemned unheard and has not been treated according to law and rules.

L) That the penalty imposed upon the appellant was with retrospective effect which is not permissible under Superior courts judgments.

M) That the appellant has more than 28 years of service and penalty imposed upon the appellant is very harsh, which is passed in violation of law and, therefore, the same is not sustainable in the eyes of law.

N) That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accept as prayed for.

APPELLANT
Inam Ullah

THROUGH:

(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER (M) TANGI.

(B) - 8 = A (5)

APPOINTMENT.

M.Inamullah son of late Hasrat Mohammad resident of village chail is hereby appointed as a Chowkidar in B.P.S.No.1 @Rs.600/-PM plus usual allowances against the vacant post of Chowkidar with effect from 1.8.1990.

Terms and Conditions.

1. His appointment is purely temporary and will be terminated at any time without any prior notice.
2. His age will not be less than 18 years and not exceed 40 years.
3. His health and age certificate should be obtained from Civil Surgeon concerned.
4. Charge reports should be sent to all concerned and take charge after medical formalities.

(YAHYA GUL)
SUB DIVISIONAL EDUCATION OFFICER,
(M) TANGI.

End:No. 521-22 /A-12 Class IV dated Tangi the 1. 8 /1990.

Copy forwarded for information and necessary action to the :-

1. District Education Officer (M) Charsadda.
2. District Accounts Officer Charsadda.
3. A.E.O. Concerned.
4. Cashier local office.
5. Candidate concerned.

Attested
M. Iman
Advocate

SUB DIVISIONAL EDUCATION OFFICER
(M) TANGI.

9/C-110-139-90-043931.

ATTESTED

B 6 (13)

بخدمت جناب S.D.O صاحب تنگی ایجوکیشن

درخواست: عمراد مناسب کاروائی

جناب عالی!

سائل حسب ذیل عرض رسان ہے۔

یہ کہ سائل گورنمنٹ پرائمری سکول چھیل میں بطور کلاس فور تعینات ہے۔

یہ کہ سائل 2009ء میں دو سال کی چھٹی پر سعودی عرب چلا گیا۔ اور اس کی چھٹی جناب مختیار احمد صاحب نے منظور کی تھی۔

یہ کہ جب سائل چھٹی مکمل ہونے کے بعد واپس آیا اور اپنی ڈیوٹی دوبارہ شروع کی تو معلوم ہوا کہ اس کا تنخواہ بند ہے۔

یہ کہ اب تک سائل یہی ہے جو کہ مذکورہ سکول میں چوکیدار کی فرائض سرانجام دیتا ہے۔ لیکن اس کو تنخواہ نہیں مل رہی ہے۔

لہذا آپ صاحبان سے گزارش کیجاتی ہے کہ آپ سائل کی تنخواہ کھولنے کی احکامات صادر فرما کر مشکور فرماویں۔

Attested
M. Imran
Advocate
Imran

عین نواز شنواری

العارض

Imamullah

انعام اللہ ولد حضرت محمد ساکن چھیل

تحصیل تنگی ضلع چارسدہ۔

موبائل 10/1/2013

ATTESTED

7/12

بحضور جناب EDO صاحب مردانہ چارسدہ

درخواست واسطے کھولنے تنخواہ۔

جناب عالی۔

مودبانہ گزارش ہے کہ سائل گورنمنٹ پرائمری سکول چھیل میں بطور چوکیدار تعینات ہے جو کہ مورخہ 1.8.1989 کو بھرتی ہوا ہے۔ سائل 2003 میں دو سال کی چھٹی کیلئے درخواست دی جو کہ اس وقت کے A.D.O جناب مختیار احمد صاحب نے منظور کی اور اس کی چھٹی مل گئی۔ سائل جب واپس آ گیا تو معلوم ہوا کہ اس کا تنخواہ بند ہے۔ اور اب تک سائل اسی سکول میں بطور چوکیدار کام کر رہا ہے۔ لیکن بغیر تنخواہ کے اور اس کو تنخواہ نہیں مل رہی ہے۔

سائل کا تقریباً 25 سال سروس ہے اور اس کے چھوٹے چھوٹے بچے ہیں اور ان کا پالنے والا سائل کے علاوہ کوئی نہیں ہے۔

اسلئے آپ صاحبان سے التماس کی جاتی ہے کہ سائل کی تنخواہ کھولنے کے احکامات صادر فرماویں۔

عین نوازش ہوگی۔

11/8/2014 مورخہ

العارض Inamullah

انعام اللہ ولد حضرت محمد

سکنہ چھیل پڑانگ چارسدہ۔

Attested
M. Imran
Advocate

ATTESTED

Enquiry repport against Mr Inamullah Chowkidar GPS Chail Tangi

In compliance with District Education Officer Male Charsadda vide his Notification No1882 dated25/3/2014 the undersigned processed the enquiry. He attended the relevant stations and asked questions

Summary Mr Inamullah Chokidar GPS Chail proceeded Saudi Arabia without any leave and Mr Mushtaq was appointed.

Proceeding .; The undersigned attended Mr Naveed s/o Inamullah and served him with questionnaire annexed as A-1 and his statement was recorded as Q-1

The undersigned then proceeded to the office of SDEO Tangi and got information through questionnaire

Findings;.

1 The Chowkidar Mr Inamullah proceeded abroad on 1/9/2009

2 The Chowkidar came home from Saudi Arabia on 31/8/2011 on leave

3 He again proceeded abroad after 2 months and came home back on 22/9/2013

4 A written statement on stamp paper No1389 dated 14/6/2011 duely supported by NIC copy of Inamullah and Safdar which showing request for resignation and appointing Mr Safdar as class IV on his place on the basis of land donation

5 Statement occurring at Sr No2 and writing of stamp paper as quoted at Sr No4 that the Chowkidar Mr Inamullah was in Saudi Arabia and the Stamp paper was got written by Mr Safdar in absentia of Inamullah

6 It was found that Mr Inamullah spent a lot of time abroad but no notice was found served by the competent authority.

7 It is another serious mistake that no action could be processed against him

8 It was found that the vacancy was not yet created and Mr Mushtaq was appointe against the non vacant post of GPS Chail which is a clear violation of the rules.

9 Service book of Mr Inamullah could not be traced to have checked up previous record.

The undersigned was not informed whether the SDEO Tangi has reported the willfull absence or otherwise.

10 The School Head Master also did not play vital roll in this regard

ATTESTED

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Recommendations

1 The above quoted facts denote violation on the part of the then competent authority for not serving notice to the class 1v

2 ,the existing authority may take proper actions against the responsible officer/officials.

3 The responsible person/persons of the period may bound to justify their silence and appointment of another class 1v without taking actions against the one who violated.

4 The existing competent authority can do nothing except to serve the class1v with a notice to justify his prolong absence and the stamp paper written in his absence but with the copy of his NIC found attached and obtained from the office of SDEO Tangi.

5 The ADOs may be directed to be vigilant enough to trace out and promptly reports well in time

Masal Khan

Principal G H S S Mandani

Enquiry Officer

ATTESTED

(10) (18)

بخدمت جناب D.E.O صاحب چارسدہ

درخواست بمراد بحالی سروس

جناب عالی!

مودبانہ گزارش کیجاتی ہے کہ سائل محکمہ تعلیم میں بحیثیت چوکیدار گورنمنٹ پرائمری سکول چھپل میں مورخہ 1.8.1989 کو بھرتی ہوا اور اپنی فرائض کو بخوبی سرانجام پاتا رہا۔ سائل نے سال 2006 میں دو سال کی چھٹی کیلئے درخواست دی جو کہ اُس وقت A.D.O صاحب جناب حاجی مختیار احمد نے منظور کی اور سائل کو زبانی طور پر آگاہ کیا۔ لیکن جب سائل چھٹی ہونے کے بعد واپس آیا تو معلوم ہوا کہ اُس کا تنخواہ بلاک کیا گیا ہے۔ اور سائل کے حلاف انکواری شروع ہوئی اور مورخہ 12 7/2014 کو بلایا گیا سائل نے انکواری (Join) کی۔ انکواری کے بعد سائل کو بتایا گیا کہ اُس کا تمام سروس ریکارڈ گم ہوا ہے۔ اسلئے بعد محکمہ نے ٹال مٹول سے کام لینا شروع کیا اور آخر کار مورخہ 5-2-2016 کو SDO صاحب تنگی نے زبانی طور پر بتایا کہ اُس کو نوکری سے نکالا گیا ہے۔

Attested
Muhammad Amman
Advocate

اسلئے آپ صاحبان سے گزارش کیجاتی ہے کہ سائل کو دوبارہ نوکری پر بحال کرکے سائل کو تمام گزشتہ مراعات دینے کے احکامات صادر فرماویں۔

عین نوازش ہوگی۔

العارض

مورخہ 23 2/2016

انعام اللہ ولد حضرت محمد

سکن چھپل بشودا گ، تحصیل تنگی ضلع چارسدہ

(گورنمنٹ پرائمری سکول چھپل)

ATTESTED

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To

The District Education Officer,

District Charssada, Khyber Pakhtunkhwa

Application under Right to Information Act 2013 for the provision of information/documents of one Mr. Inamullah S/O Hazrat Muhammad (Chowkidar) in Government Primary School Chail, Tangi Charsada

Respected Sir,

With due veneration, it is stated that the applicant needs the below mentioned information under Right to Information Act 2013;

The father of the applicant is "Inamullah S/O Hazrat Muhammad" who has been serving as a "Chowkidar" in "Government Primary School Chail, Tangi, Tehsil and District Charsada", the applicant needs the following detail as per the Right to Informaiton Act 2013 please;

1. Appointment Order of the applicant's father as Chowkidar (Inamullah S/O Hazrat Muhammad)
2. Termination order of Inamullah S/O Hazrat Muhammad (Chowkidar)
3. All relevant documents on which the termination of the applicant has been made
4. Personal file of Inamullah S/O Hazrat Muhammad
5. Charge sheet/inquiry if any against Inamullah S/O Hazrat Muhammad

Attested
M. Imran
Advocate
Imran

D:NO 3031
18-3-16

ATTESTED

(16) (12)

6. Documents relating to any other disciplinary action being taken against the father of the applicant
7. Appointment order of the person if appointed on the post of the applicant's father
8. Letter No. 659 Dated 6/6/2014 regarding the father of the applicant

It is therefore, most humbly requested that the above information may kindly be provided to the applicant as soon as possible please as per the mandate of Right to Information Act, 2013.

(Naveed anjum s/o Inamullah)
(Chowkidar)
17102-2177064-7
Village Chail, P.O Shodag
Tehsil Tangi District Charsada
Cell # 0345 7005491

Dated: 16/ 03/2016

Copy forwarded for information to:

1. Chief Information Commissioner, Khyber Pakhtunkhwa Peshawar
2. Secretary to Government of Khyber Pakhtunkhwa Elementary and Secondary Education, Peshawar
3. Director Education (Elementary & Secondary Education Peshawar) Khyber Pakhtunkhwa

(Naveed Anjum S/O Inamullah)
17102-2177064-7
Village Chail, P.O Shodag
Tehsil Tangi District Charsada
Cell # 0345 7005491

Dated: 16/ 03/2016

ATTESTED

E(10) - (17) E (13)

دفتر ڈسٹرکٹ ایجوکیشن آفیسر مردانہ ضلع چارسدہ

منجانب: ڈسٹرکٹ ایجوکیشن آفیسر مردانہ ضلع چارسدہ

بجانب: نوید انجم ولد انعام اللہ گاؤں چھیل ڈاکخانہ شوڈاگ، تحصیل تنگی

مضمون: سروس ریکارڈ

مراسلہ: 17329 مورخہ 8/4/2016

بحوالہ آپ کی درخواست بتاریخ 16 مارچ 2016 بعنوان بالا آپ کو مطلع کیا جاتا ہے کہ آپ کے والد کی تقرر نامہ بحیثیت چوکیدار اور دوسرا مطلوبہ ریکارڈ سابقہ ایگزیکٹیو ڈسٹرکٹ آفیسر چارسدہ کے دفتر سے تعلق رکھتا ہے اور چونکہ وہ دفتر 01/01/2013 سے معدوم ہو چکا ہے اس لئے اُس وقت کی تمام ریکارڈ کی عدم دستیابی کی وجہ سے دفتر ہٰذا آپ کو مطلوبہ دستاویزات مہیا کرنے سے قاصر ہے، البتہ گورنمنٹ پرائمری سکول چھیل میں بھرتی شدہ چوکیدار کی آرڈر کاپی آپ ایس ڈی ای او (مردانہ) تنگی کے دفتر سے حاصل کر سکتے ہیں۔

ڈپٹی ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ)
ضلع چارسدہ

Attested
M. Imran Advocate
M Imran

ATTESTED

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A.1—B

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CHARGE SHEET

I, **Siraj Muhammad DEO (Male) Charsadda,** as competent authority, here by charge you, Mr. Inam Ullah (ex.chowkidar of GPS Chail Tangi) as follows:

That you, while posted as chowkidar at GPS Chail Tangi committed the following irregularities:

(a) That you have been found guilty of habitually absenting yourself from duty without prior approval of leave since October 01, 2009.
(b) That your son namely Naveed Anjum performed the duties of chowkidar in your absence, as the school was adjacent to your hujra.

2. By reason of the above, you appear to be guilty of absence and misconduct under rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and 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.

4. Your written defence, if any, should reach to the inquiry [illegible] hin 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.

24/12/16.

COMPETENT AUTHORITY

Siraj Muhammad

DEO (Male) Charsadda.

Dated: 24/12/2016

ATTESTED

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Am — A

GOVERNMENT OF KHYBER PAKHTUNKHWA

OFFICE OF THE DEO(M) CHARSADDA.

No. *12794* Dated Charsadda the 24th December 2016

DISCIPLINARY ACTION :

I, Siraj Muhammad(M) Charsadda, as competent authority, am of the opinion that Mr.Inamullah S/O Hazrat Muhammad,Ex Chowkidar of GPS Chail, Tangi, has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

i. He has been found guilty of habitually absenting himself from duty without prior approval of leave since October 01, 2009.

ii. His son namely Naveed Anjum Performed the duties of chowkidar in his father's absence, as the school was adjacent to the hujra of the accused.

For the purpose of inquiry against the said accused with reference to the above allegations, an Inquiry officer, consisting of the following, is constituted under rule 10(1)(a) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 :

i. Mr.Ahmad Jan,
Principal, Shaheed Umar Hayat Government Higher Secondary School ,
Charsadda.

The inquiry officer shall, in accordance with the provisions of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of this order,recommendations as to punishmen or other appropriated action against the accused.

The accused alongwith the well conversant representative of the Department ,Mr.Fazal Wahid,SDEO(M) Charsadda, shall join the proceedings on the date, time and place fixed by the inquiry officer.

(Mr. Siraj Muhammad)
District Education Officer(M)
Charsadda/ Competent Authority

ven No. & date.

Copy for information to :
Mr.Ahmad Jan , Principal, Shaheed Umar Hayat Government Higher Secondary School, Charsadda.
Mr.Fazal Wahid,SDEO(M) Charsadda.
Mr. Hayat Khan,SDEO(M) Tangi.
Head Teacher GPS Chail,Tangi.
Mr.Inamullah, (Ex Chowkidar of GPS Chail), Chail Payan P/O Shodag Tehsil Tangi .
District Charsadda.

ATTESTED

District Education Officer(M)
Charsadda.

I (16)

Annex (11) 1/11

TITLE

INQUIRY AGAINST MR. INAM ULLAH CHOWKIDAR GPS CHAIL TANGI

The DEO (Male) Charsadda appointed Mr. Ahmad Jan Principal Govt: Shaheed Umar Hayat Higher Secondary School Charsadda as a inquiry officer vide letter No. 12794/A-12 Dated 24-12-2016 to conduct the inquiry against Mr.Inam Ullah Chowkidar GPS Chail Tangi .The competent authority charged Mr. Inam Ullah Chowkidar as :-

1. He has been found guilty of habitually absenting himself from duty without prior approval of leave since 1-10 2009.

2 His son Namely Naveed Anjum performed the duties of chowkidar in his father's absence as the school was adjacent to the Hujra of the accused. (An-A)

The statement of allegation served upon him as:

1. That you have been habitually absenting yourself from duty without prior approval of leave since 1-10 2009
2. That your son namely Naveed Anjum performed the duties of chowkidar in your absence, as the school was adjacent to your hujra.(An-B)

The inquiry officer issued his letter No. 239-42 dated 28-12-2016 to Mr. Inam Ullah Chowkidar along with a copy of the statement of allegations and charge sheet and asked him to appear before the inquiry office on 2-1-2017 at 10.00 AM along with his written reply in his defense. He was also informed that absence before the inquiry officer will be tantamount to the admission of the charge leveled against him. (An-C)

The proceeding of the inquiry held on 2-1-2017 in the office of the inquiry officer and the departmental representative Mr. Fazli Wahid SDEO (Male) Charsadda appeared before the inquiry officer as prosecutor witness. He recorded his statement in which he admitted on oath that Mr.Inam Ullah S/O Hazrat Muhammad was appointed as chowkidar vide order No.521-22/A-12 dated 1-12-1990. He further admitted that Mr. Inam Ullah the accused was absent from duty from 1st October 2009 as reflected from the attendance register. The accused mr. Inam Ullah Chowkidar failed to appear before the inquiry officer to defend his cause. (An-D&E)

The scrutiny of the record provided by the departmental representative Mr. Fazli Wahid SDEO (Male) Charsadda shows that the accused official Mr. Inam Ullah Chowkidar has been willfully absent from his duty w.e.f 1-10-2009 without any information to the department. The competent authority served a show cause notice upon the accused vide 8157 dated 9-9-2014 (An-F-1,2) through the SDEO (Male) Tangi. The reply of the accused official has been received to the office the DEO (Male) Charsadda on 12-9-2014 through the SDEO (Male) Tangi vide No 858 dated 12-9-2014 (An-G-1,2). In which he state that his Ex-Pakistan was sanctioned and he went out of the country when his leave came to closed he returned the country and came to know that

ATTESTED

(12) (17)

the some other person had been appointed during his period of leave. He had not received any letter from SDEO Tangi to cancel his leave and when he approached the office of SDEO (Male) Tangi for duty, but he received no response.

FINDINGS

1. *The absence of the accused from duty w.e.f 1-9-2009 is proved.*
2. *He has been willfully absent from duty without sanction of the competent authority.*
3. *The leave that he claims has no documentary proof in the office record and he has been abroad the country.*
4. *He has made a fabulous story of his leave.*
5. *No record has been found of the performance of duty of Mr. Naveed Anjum S/O Inam Ullah, the accused.*

RECOMMENDATIONS.

Keeping in view his absence record ~~that~~ the accused Mr. Inam Ullah Chowkidar should be terminated from service after fulfillment of codal formalities.

(Mr. Ahmad Jan) 20/01/2017
Inquiry Officer
GOVT; SHAHEED UMAR HAYAT HIGHER SECONDARY SCHOOL CHARSADDA

ATTESTED

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نوٹس غیر حاضری

آپ انعام اللہ ولد حضرت محمد سکنہ چھیل تنگی چوکیدار گورنمنٹ پرائمری سکول چھیل تنگی ضلع چارسدہ۔

آپ بغیر کسی اطلاع کے مورخہ 01/09/2014 سے ڈیوٹی سے مسلسل غیر حاضر رہے۔ آپکو ڈیوٹی پر حاضری کے لئے اظہار وجوہ کے نوٹس نمبر 8157 مورخہ 09/09/2014 کو آپ کے گھر کے پتہ پر بھیجے گئے۔ جس میں آپ کو جلد از جلد ڈیوٹی کے لئے حاضر ہونے اور غیر حاضری کی وجہ بیان کرنے کو کہا گیا ہے۔ لیکن تا حال آپ کی طرف سے کوئی جواب موصول نہیں ہوا اور ابھی تک ڈیوٹی سے غیر حاضر ہے۔ اس لئے آپکو بذریعہ نوٹس ھذا آخری بار اطلاع دی جاتی ہیں۔ کہ اس نوٹس کے اشاعت کے 15 دن کے اندر اندر زیر دستخطی کے دفتر دوران اوقات کار حاضر ہوکر اپنی غیر حاضری کے معقول وجہ بیان کریں بصورت دیگر آپ کے خلاف حکومت خیبر پختونخوا E&D رولز 2011 کے تحت حاصل کردہ اختیارات بروئے کار لاتے ہوئے یکہ طرفہ کاروائی کی جائی گی۔ جو آپ کی ملازمت سے برخاستگی پر منتج ہوسکتی ہے۔

15/3/017.

المشتہر (سراج محمد)

ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) چارسدہ

ATTESTED

ٹینڈر نوٹس

A2936/PR

28/03/2017

01:00

(توحید خان) ایس ڈی او پی ٹی سی ایل، مروت

INF(P) 1289 ... www.khyberpakhtunkhwa.gov.pk

نوٹس غیر حاضری

01/09/2014

09/09/2014

8157

2011 E&D

اشتہر (سراج محمد) ... ایجوکیشن آفیسر (مردانہ) چارسدہ

ڈسٹرکٹ بار تیمر گرہ کے سالانہ انتخابات

ضرورت رشتہ

091-2566690-93

0300-5850300

0314-9020765

عدالت جناب عبدالسلام خان مرکزی سول جج صوابی

31/3/17

پشاور ہائی کورٹ پشاور

RFA200-P/15

2015

JAMES Mcconville Esq

09/05/2017

(Public at large)

09:00

2017 A15

آسامیاں خالی ہیں

25-45

05/04/2017

Departmental Examination Roll No.

APPLICATION FOR THE POST OF

DIVISION

Instructions

1. Use Capital Letters 2. Attach Attested Photocopie

I Personal Information

1	Name
3	NIC
5	Domicile (Indicate District)
7	Age
9	Permanent Address
10	Personal contract Phone No. (Area Code-Number)

II Academic Background

Qualification (Starting from Last Degree held)

Degree Held	Year Awarded	Field

ATTESTED

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OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) CHARSADDA

NOTFICATION

01. WHWERE AS, **Mr. Inam Ullah Chowkidar GPS Chail Tangi Charsadda** was proceeded under the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011 on the charges of his willful absence from duty since:- 01.09.2009.
02. AND WHERE AS, **Mr. Inam Ullah** was sent a statement of allegations alongwith a charge sheet under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules,2011 Vide DEO (Male) Charsadda No. 12794 dated 24.12.2016
03. AND WHERE AS, **Mr. Inam Ullah Chowkidar GPS Chail Tangi Charsadda** failed to appeared before the enquiry officer Vide Principal Govt: Shaheed Umar Hayat Higher Secondary School Charsadda No. 239-42 dated 26.12.2016.
04. AND WHERE AS, **Mr. Inam Ullah Chowkidar GPS Chail Tangi Charsadda** the enquiry officer found that you have been willfully absent since 01.09.2009.
05. AND WHERE AS, **Mr. Inam Ullah Chowkidar GPS Chail Tangi Charsadda** had been called for personal hearing by the DEO (Male) Charsadda in his office on dated 04.02.2017 through letter vide No. 15719 dated 31.01.2017.
06. AND WHERE AS, **Mr. Inam Ullah Chowkidar GPS Chail Tangi Charsadda** was finally informed through news paper on 20.03.2017 to resume duty but he could not report for duty.
07. AND WHERE AS, **Mr. Inam Ullah Chowkidar GPS Chail Tangi Charsadda** signed the attendance sheet for personal hearing on dated 01.04.2017 but did not appear before the DEO (Male) Charsadda.
08. AND WHERE AS, I the competent authority DEO (Male) Charsadda after having considered the charges and evidence on record of the view that the charges against **Mr. Inam Ullah Chowkidar GPS Chail Tangi Charsadda** have been proved.
09. AND WHERE AS, in exercise of the power conferred under section 14 of Khyber Pakhtunkhwa Govt: servants (Efficiency & Discipline) Rules, 2011, I being the competent authority DEO (Male) Charsadda is pleased to impose the major penalty of removal from service upon **Mr. Inam Ullah Chowkidar GPS Chail Tangi Charsadda** with effect from 01.09.2009.

(SIRAJ MUHAMMAD)
DISTRICT EDUCATION OFFICER,
(MALE) CHARSADDA.

Endst: No. 26754-68 /Dated Charsadda the 15 / 5 /2017

Copy forwarded for information to the:-

1. Director (E&SE) Khyber Pakhtunkhwa Peshawar.
2. District Account Officer Charsadda.
3. SDEO (Male) Tangi.
4. Head Master GPS Chail Tangi.
5. Official Concerned.
6. Office File.

ATTESTED

15/5/2017

DISTRICT EDUCATION OFFICER,
(MALE) CHARSADDA

(1) M (21)

BEFORE THE HONOURABLE K.P.K SERVICE TRIBUNAL

PESHAWAR

Khyber Pakhtunkhwa Service Tribunal
Diary No. 658
Dated 22-6-2016

Appeal No. 687 /2016

Inamullah

S/o Hazrat Mohammad

R/o Village Chail Tehsil Tangi, District Charsadda (Chowkidar GPS Chail, Shodag).....**Appellant**

VERSUS

1. Director Elementary and Secondary Education, Peshawar.
2. Secretary Education E&S Govt of KPK.
3. District Education Officer Charsadda (MALE)

.....**Respondents.**

SUBJECT:- APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974, AGAINST THE TERMINATION OF APPELLANT, WHERE IN IN THE APPELLANT WAS ORALLY INFORMED THAT HIS SERVICE BOOK (RECORD) HAS BEEN MISPLACED, AND INFORMED HIM THAT HIS SERVICE HAS BEEN TERMINATED ON 05.02.2016. MOREOVER THE APPELLANT HAS A SEDULIOUR AND LONG SERVICE RECORD OF MORE THAN 20 YEARS, BUT HIS SERVICE HAS BEEN FINISHED WITH A SINGLE STORKE OF PEN.

Filed to-day
Registrar 22/6/16

Re-submitted to -day and filed.
Registrar
27/6/16

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

22

A. No. 687/2016
Inamullah vs Govt

13.12.2017

Learned counsel for the appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General, for the respondents present and submitted copy of relevant record which also includes order dated 15.05.2017 whereby the appellant has been awarded major penalty of removal from service. Learned counsel for the appellant stated that since he came to know about the afore mentioned order dated 15.5.2017 today as such he sought withdrawal of the present appeal. Consequently the present appeal is hereby dismissed as withdrawn. File be consigned to the record room.

Announced
13.12.2017

(Gul Zeb Khan) Member
(M. Hamid Mughal) Member

Certified to be ture copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 02-05-18
Number of Words 800
Copying Fee 6/-
Urgent 2/-
Total 8/-
Name of Copyist
Date of Completion of Copy 02-05-18
Date of Delivery of Copy 02-05-18

N(23)

To

The Director (E&SE),
Khyber Pakhtunkhwa, Peshawar.

SUBJECT: DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 15.05.2017, RECEIVED BY THE APPELLANT ON 13.12.2017 WHEREBY THE APPELLANT WAS REMOVED FROM SERVICE.

Respected Sir,

1. That the appellant was appointed as chowkidar (BPS-01) in the year 1989 and performed his duty with the entire satisfaction of his superiors and no complaint has been against him.

2. That while serving in the said capacity, the appellant applied for 2 years leave which was sanctioned by the then ADO Mukhtiar Ahmad.

3. That after the leave, the appellant came to join his duty again but another person namely Mr. Mushtaq was appointed on his post and the appellant was not adjusted on his post.

4. That the appellant filed many applications for adjustment on his post and salary, but the competent authority did not take any action on that applications.

5. That the inquiry was conducted on the issue of leave of the appellant and appointment of Mr. Mushtaq in 2014 in which the inquiry officer recommended that the competent authority did not take any action in time and the authority may take action against the responsible officer.

6. That on the basis inquiry, show cause was issued to the appellant in 2014 which was duly replied by the appellant in which he denied the allegation of absence.

7. That time and again the appellant visited the concerned office for his grievances and lastly the appellant was informed that his service recorded has been misplaced and orally told him that he has been terminated from service on 05.02.2016, therefore the appellant filed departmental appeal against the termination order which was not responded within the statutory period of ninety days.

8. That as the appellant was only verbally informed that he was terminated from service, but not hand over the copy of that termination order, therefore he also filed application to DEO (M) charsadda under RTI Act for provision of all documents including termination order but the DEO (M) on his application responded on

ATTESTED

(24)

08.04.2016 that all the documents of the appellant was misplaced and no record of him is available in the concerned office.

That after the statutory period of 90 days, the appellant service appeal No. 687/2016 in the KPK, Service Tribunal and during the proceeding of the case the respondent department submitted the record of the appellant on 13.12.2017 in which charge sheet dated 24.12.2016, inquiry report dated 20.01.2017, absence notice dated 15.03.2017, newspaper notice and the removal order dated 15.05.2016 were present and handed over to the appellant on 13.12.2017 due to which the appellant withdraw that appeal and wants to file the instant departmental appeal against the removal order dated 15.05.2017 on the following grounds. (copy of documents are attached as Annexure A).

GROUNDS:

A) That the impugned order dated 15.05.2017 received by appellant on 13.12.2017 during pendency of appeal No.687/2016 is against the law, rules, facts and material on record, therefore not tenable and liable to be set aside.

B) That the appellant properly applied for leave for two years in 2009 which was sanctioned by the competent authority in that time and after expiry of his leave, he came to join his duty but another person Mr. Mushtaq was appointed on his post and did not adjusted him to perform his duty, which means that the appellant never remain absent from his duty.

C) That first inquiry was conducted against the appellant in 2014 in which the inquiry officer recommended that the high ups were responsible for his inefficiency and did not held the appellant guilty.

D) That in reply to the application dated 08.04.2016 of DEO (M) Charsadda it clearly mentioned that the service record of the appellant was misplaced and no record of him is available in the concerned office, which means that the appellant should not be punished for the fault of others.

E) That the record submitted during the pendency of service appeal No. 687/2016 by the responded department also shows that no proper procedure was adopted before passing the impugned order of removal from service as inquiry proceeding was initiated against the appellant during the pendency of service appeal No.687/2016 and also served absence notice along with newspaper notice knowing the fact by the competent authority that service appeal is pending before the KPK, Service Tribunal which means that the whole procedure against the appellant is against the law and rules and therefore the impugned order is liable to be set aside on this ground alone.

ATTESTED

(25)

F) That the appellant was verbally informed that his service record was misplaced and verbally told him that his service was terminated on 05.02.2016, therefore he filed service appeal No.687/2016 in the Service Tribunal against that termination order and during the pendency of the case the departmental inquiry was initiated against the appellant and also served absence notice, which means that one sided inquiry was conducted against the appellant without providing chance of defence to him which is not permissible under the law as on one side he was engaged in service appeal and the competent authority know about the fact of the case, but on the other hand the competent authority removed him from service on basis of absence.

G) That no action was taken on the 1st inquiry conducted in 2014 and the appellant was removed from service on the basis of 2nd inquiry in 2017 during the pendency of service appeal which shows the malafide of the competent authority.

H) That the appellant also many applications for his adjustment and salary after the expiry of leave, but the competent authority took no action on those applications.

I) That no charge sheet was served to the appellant before passing the impugned order of removal from service which is violation of law and rules.

J) That even final show cause notice was not issued to the appellant before passing the impugned order of removal from service.

K) That the appellant has been condemned unheard and has not been treated according to law and rules.

L) That the appellant has more than 28 years of service and was removed from service for no fault on his part.

It is therefore, most humbly requested that on acceptance of this departmental appeal the impugned order dated 15.05.2017 may be set aside and reinstate the appellant with all back and consequential benefits.

Date: 27/12/2017.

ATTESTED

Inamullah.

Appellant
Inam Ullah, Ex- Chowkidar
Village Chail, Tehsil Tangi,
District Charsadda.
0344-8457302

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 606/2018

Inam Ullah

Vs

Government of KPK & others

Written comments on behalf of Respondents

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DISTRICT EDUCATION OFFICER
(MALE) CHARSADDA

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 606/2018
Inam Ullah

Vs

Government of KPK & others

Written comments on behalf of Respondents

Respectfully Sheweth:

Preliminary Objections:

A. That the Appellant has no locus standi and cause of action.

B. That the present Appeal is wrong, baseless and not maintainable, it shows no cause to be taken for adjudication, therefore, the Appeal is liable to be rejected/ dismissed.

C. That the Appeal is unjustifiable, baseless, false, frivolous and vexatious. Hence the same is liable to be dismissed with the order of special compensatory costs in favour of Respondents.

D. That no legal right of the appellant has been violated, therefore, the appellant has no right to file the instant appeal.

E. That the Appellant is completely estopped/precluded by his own conduct to file this Appeal.

G. That the Appellant has not come to this Hon' able Tribunal with clean hands. The Appeal also suffers from mis-statements and concealment of facts and as such the Appellant is not entitled to equitable relief.

H. That the Appellant has no right to file the instant Appeal and the Hon' able Services Tribunal has got no jurisdiction to adjudicate upon and the Appeal is liable to be dismissed.

I. That the instant appeal is barred by law and limitation.

PARA WISE REPLY ON FACTS:

1. The Para as stated is based on facts, hence, needs cogent evidence.
2. Incorrect, hence denied because it has not been clarified that for what kind of leave, the appellant applied. Mr. Mukhtar Ahmad ADO of that time can only forward such an application to SDEO which had further forward it to the EDEO of that time. No copy of the above-mentioned application has been received in the office of the then EDEO Charsadda.

   It has also been admitted by the appellant that he traveled abroad. According to the leave rules 1981, no one can proceed abroad without having sanction of Ex-

Pakistan leave and that is sanctioned only for 120 days while the appellant has remained absent for 10 years in Saudi Arabia.

3. Incorrect, hence denied strongly, all the annexures attached with the applications have no signature and endorsement number of the Headmaster, ADO or SDEO, which means that no application has been filed properly by the appellant in the office DEO/EDEO. Moreover, as per the statement of the appellant he applied for leave in 2009 for 02 years and has submitted application for adjustment in 2013 which is astonishing. The cogent reason of 02 years delay is probably having willful absence, or the appellant can explain it. As Para No. 04 of the Service Appeal No. 687/2016 reveals that the appellant was absent and during that absence period his son namely Naveed Anjum performed the duties.
4. Incorrect the enquiry was conducted on the issue of willful absence and leave, the enquiry officer has made five recommendations among which No. 04 says that the appellant should explain/clarify his prolong absence of more than 05 years.
5. The regular enquiry was conducted against the appellant and proceeded according to the recommendations of the enquiry officer.
6. Incorrect hence denied, the appellant did not submit any explanation/clarification to the office in written form and thus the EDEO office was not in the position to make any response.
7. Incorrect, the appellant has been proceeded departmentally and a show cause notice issued to the appellant on dated 09/09/2014 and notice for personal hearing on dated 31/01/2017 which is much latter than the application for provision of record under the RTI Act. The Para reveals that the appellant is misguiding and misleading the Hon'ble Tribunal.
8. That an enquiry was conducted against the appellant and recommendations were recommended by the enquiry officer amongst these the major penalty of removal of the appellant from service under E&D rules was imposed upon the appellant.
9. That the Answering Respondents seeks permission to advance other grounds/arguments at the time of hearing of the appeal on the following grounds.

PARA WISE REPLY ON GROUNDS.

A. Incorrect hence strongly denied. The departmental proceedings were conducted against the appellant and the Hon'ble Service Tribunal has never directed or any other order like status quo or anything else in favor of appellant, during the pendency of service appeal No. 687/2016.

B. The appellant if properly applied for ex-Pakistan leave and if the same has been sanctioned properly then should exhibit before the Hon'ble Tribunal.

C. Incorrect, when the department received information it initiated an enquiry at once and the enquiry officer has made 05 recommendations.

(Copy of enquiry is attached as Annexure A).

D. Incorrect, the appellant does not apply properly and no leave i.e. extra ordinary leave was sanctioned in favor of the appellant.

E. Incorrect hence strongly denied, the office obeyed the order of the Hon'ble Tribunal and provided all the relevant record under the RTI Act sought by the appellant No stay order or any other directions have been directed by the Hon'ble Service Tribunal that no action of what so ever be taken against the appellant.

Before issuing the order of removal of the appellant from service all the codal formalities have been fulfilled i.e. absence notice has been issued to the appellant. The absence notice published in two leading newspapers daily AAJ 20-03-2017 and daily Mashriq 20-03-2017.

(Copy of newspaper annexed as Annexure B).

Enquiry has been conducted in the subject case which recommended the removal of the appellant from service. The appellant was called for personal hearing he attended this office marked his attendance and did not reply any of the query set for his personal hearing.

So, the order of removal from service has been issued rightly after observing all the codal formalities.

F. Incorrect, the appellant has been given a proper chance of defense in the form of personal hearing which he did not avail and ran away from the office after marking his attendance.

(Copy of attendance is annexed as Annexure C).

G. Incorrect, proper actions have been taken by the office while the appellant did not submit his reply regarding cogent reasons for prolong absence.

(Copy of immigration report is attached as Annexure D).

H. Incorrect, the appellant has not even written or stated the actual dates of his leave as there is no application and no sanction of such leave, therefore, though the appellant annexed an application but having no diary number of the offices of SDEO and EDEO/DEO in 2013 & 2014 which confirms his long absence since 2009.

I. Incorrect charge sheet has been given as per **annexure-E.**

J. Incorrect show cause and personal hearing has also been given to the appellant. **(Copy of show cause notice is annexed as Annexure F)**

K. Incorrect hence strongly denied as the appellant ran away from the office on the date of his personal hearing.

L. Incorrect, because the imposed penalty is the righteous one for such a long willful absence.

M. Incorrect, the appellant has 19 years' service and did not care for his service and left the department without performing any codal formalities, therefore, has been proceeded under the E&D rules. The appellant had been abroad for more than seven years in Saudi Arabia for more earnings.

N. That the Answering Respondents seeks permission to advance other grounds/arguments at the time of hearing of the appeal.

PRAYER.

It is, therefore, humbly prayed that on acceptance to the reply of the instant appeal the appeal of the appellant is of no legal force, hence, this Hon'ble Tribunal may graciously be pleased to dismiss the appeal in hand in favor of Answering Respondents with heavy cost.

Respondents

1. The Secretary (E&SE) Khyber Pakhtunkhwa.

2. The Director (E&SE) Khyber Pakhtunkhwa Peshawar.

3. The District Education Officer (Male) Charsadda

(5)

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 606/2018

Inam Ullah

Vs

Government of KPK & others

Written comments on behalf of Respondents

AFFIDAVIT

I Mr. Jehangir Khan DEO (M) Charsadda do hereby solemnly affirms that the contents of the Para-wise comments submitted by respondents are true and correct and nothing has been concealed intentionally from this Hon' able court.

Deponent

Jehangir Khan
DEO (MALE)
Charsadda CNIC: 17101-

Recommendations

1 The above quoted facts denote violation on the part of the then competent authority for not serving notice to the class 1v
2 ,the existing authority may take proper actions against the responsible officer/officials.
3 The responsible person/persons of the period may bound to justify their silence and appointment of another class 1v without taking actions against the one who violated.
4 The existing competent authority can do nothing except to serve the class1v with a notice to justify his prolong absence and the stamp paper written in his absence but with the support of his NIC found attached and obtained from the office of SDEO Tangi.
5 The ADOs may be directed to be vigilant enough to trace out and promptly reports well in time

Masal Khan

Principal G H S S Mandani

Enquiry Officer

Attested

Enquiry repport against Mr Inamullah Chowkidar GPS Chail Tangi

In compliance with District Education Officer Male Charsadda vide his Notification No1882 dated25/3/2014 the undersigned processed the enquiry. He attended the relevant stations and asked questions

Summary Mr Inamullah Chokidar GPS Chail proceeded Saudi Arabia without any leave and Mr Mushtaq was appointed.

Proceeding .; The undersigned attended Mr Naveed s/o Inamullah and served him with questionnaire annexed as A-1 and his statement was recorded as Q-1

The undersigned then proceeded to the office of SDEO Tangi and got information through questionnaire

Findings;.

1 The Chowkidar Mr Inamullah proceeded abroad on 1/9/2009

2 The Chowkidar came home from Saudi Arabia on 31/8/2011 on leave

3 He again proceeded abroad after 2 months and came home back on 22/9/2013

4 A written statement on stamp paper No1389 dated 14/6/2011 duely supported by NIC copy of Inamullah and Safdar which showing request for resignation and appointing Mr Safdar as class iv in his place on the basis of land donation

5 Statement occurring at Sr No2 and writing of stamp paper as quoted at Sr No4 that the Chowkidar Mr Inamullah was in Saudi Arabia and the Stamp paper was got written by Mr Safdar in absentia of Inamullah

6 It was found that Mr Inamullah spent a lot of time abroad but no notice was found served by the competent authority.

7 It is another serious mistake that no action could be processesd against him

8 It was found that the vacancy was not yet created and Mr Mushtaq was appointe against the non vacant post of GPS Chail which is a clear violation of the rules.

9 Service book of Mr Inamullah could not be traced to have checked up previous record.

The undersigned was not informed whether the SDEO Tangi has reported the willfull absence or otherwise.

10 The School Head Master also did not play vital roll in this regard

Attested

Annex C (8) 1/11

TITLE

INQUIRY AGAINST MR. INAM ULLAH CHOWKIDAR GPS CHAIL TANGI

The DEO (Male) Charsadda appointed Mr. Ahmad Jan Principal Govt: Shaheed Umar Hayat Higher Secondary School Charsadda as a inquiry officer vide letter No. 12794/A-12 Dated 24-12-2016 to conduct the inquiry against Mr.Inam Ullah Chowkidar GPS Chail Tangi .The competent authority charged Mr. Inam Ullah Chowkidar as :-

1. He has been found guilty of habitually absenting himself from duty without prior approval of leave since 1-10 2009.
2. His son Namely Naveed Anjum performed the duties of chowkidar in his father's absence as the school was adjacent to the Hujra of the accused. (An-A)

The statement of allegation served upon him as:

1. That you have been habitually absenting yourself from duty without prior approval of leave since 1-10 2009
2. That your son namely Naveed Anjum performed the duties of chowkidar in your absence, as the school was adjacent to your hujra.(An-B)

The inquiry officer issued his letter No. 239-42 dated 26-12-2016 to Mr. Inam Ullah Chowkidar along with a copy of the statement of allegations and charge sheet and asked him to appear before the inquiry office on 2-1-2017 at 10.00 AM along with his written reply in his defense. He was also informed that absence before the inquiry officer will be tantamount to the admission of the charge leveled against him. (An-C)

The proceeding of the inquiry held on 2-1-2017 in the office of the inquiry officer and the departmental representative Mr. Fazli Wahid SDEO (Male) Charsadda appeared before the inquiry officer as prosecutor witness. He recorded his statement in which he admitted on oath that Mr.Inam Ullah S/O Hazrat Muhammad was appointed as chowkidar vide order No.521-22/A-12 dated 1-12-1990. He further admitted that Mr. Inam Ullah the accused was absent from duty from 1st October 2009 as reflected from the attendance register. The accused mr. Inam Ullah Chowkidar failed to appear before the inquiry officer to defend his cause. (An-D&E)

The scrutiny of the record provided by the departmental representative Mr. Fazli Wahid SDEO (Male) Charsadda shows that the accused official Mr. Inam Ullah Chowkidar has been willfully absent from his duty w.e.f 1-10-2009 without any information to the department. The competent authority served a show cause notice upon the accused vide 8157 dated 9-9-2014 (An-F-1,2) through the SDEO (Male) Tangi. The reply of the accused official has been received to the office the DEO (Male) Charsadda on 12-9-2014 through the SDEO (Male) Tangi vide No 858 dated 12-9-2014 (An-G-1,2). In which he state that his Ex-Pakistan was sanctioned and he went out of the country when his leave came to closed he returned the country and came to know that

Attested

(9)

2/11

the some other person had been appointed during his period of leave. He had not received any letter from SDEO Tangi to cancel his leave and when he approached the office of SDEO (Male) Tangi for duty, but he received no response.

FINDINGS

1. *The absence of the accused from duty w.e.f 1-9-2009 is proved.*
2. *He has been willfully absent from duty without sanction of the competent authority.*
3. *The leave that he claims has no documentary proof in the office record and he has been abroad the country.*
4. *He has made a fabulous story of his leave.*
5. *No record has been found of the performance of duty of Mr. Naveed Anjum S/O Inam Ullah, the accused.*

RECOMMENDATIONS.

Keeping in view his absence record ~~that~~ the accused Mr. Inam Ullah Chowkidar should be terminated from service after fulfillment of codal formalities.

(Mr. Ahmad Jan) 20/01/2017
Inquiry Officer
GOVT; SHAHEED UMAR HAYAT HIGHER SECONDARY SCHOOL CHARSADDA

Attested

V

Annex "B"

(10)

نوٹس غیر حاضری

آپ انعام اللہ ولد حضرت محمد سکنہ چیل گئی چوکیدار گورنمنٹ پرائمری سکول چیل گئی ضلع چارسدہ۔ آپ بغیر کسی اطلاع کے مورخہ 01/09/2014 سے مسلسل غیر حاضر ہے۔ آپ کو ڈیوٹی پر حاضری کے لئے اظہار وجوہ کے نوٹس نمبر 8157 مورخہ 09/09/2014 کو آپ کے گھر کے پتہ پر بھیجے گئے۔ جس میں آپ کو جلد از جلد ڈیوٹی کیلئے حاضر ہونے اور غیر حاضری کی وجہ بیان کرنے کو کہا گیا ہے۔ لیکن تاحال آپ کی طرف سے کوئی جواب موصول نہیں ہوا اور ابھی تک ڈیوٹی سے غیر حاضر ہے۔ اس لئے آپ کو بذریعہ نوٹس ہذا آخری بار اطلاع دی جاتی ہے کہ اس نوٹس کی اشاعت کے 15 دن کے اندر اندر ڈیوٹی پر حاضر ہو کر اپنی غیر حاضری کی معقول وجہ بیان کریں بصورت دیگر آپ کے خلاف حکومت خیبر پختونخوا E&D رولز 2011 کے تحت حاصل کردہ اختیارات بروئے کار لاتے ہوئے یکطرفہ کارروائی کی جائیگی جو آپ کی ملازمت سے برخاستگی پر منتج ہو سکتی ہے۔

اشتہر (میراج محمد) ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) چارسدہ

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Attested

Annex C (11)

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) CHARSADDA.

ATTENDANCE SHEET DATED 01-04-2017

Inam Ullah S/O Hazrat Muhammad Chowkidar GPS Chail Tangi Charsadda

S.No	Name of School	Father Name	Phone No.	Signature
1	Inam ullah	Hazrat Muhammad	0344-9457309	Inam ullah

Attested

FEDERAL INVESTIGATION AGENCY

INTEGRATED BORDER MANAGMENT SYSTEM

FIAHQ G -9/4 PESHAWAR MOR,ISLAMABAD

FaxNo:051-9262376,Tel-No:051-9107219,

R-11(TRAVEL HISTORY)

Annex-D (12)

TRAVEL HISTORY FOUND ON: 1710234472415

Required By: District Education Officer, Charsadda Department: EDO Diary No: 289

Letter Number: No.11859 Request Date: 21-May-2019 Query Date: 21-May-2019

TRAVELER'S CNIC/NIC

1710234472415

PERSONAL INFORMATION:

NAME INAMULLAH BIRTH DATE 01-JAN-1972

FATHER/HUSBAND NAME HAZRAT MUHAMMAD NATIONALITY Pakistan

TRAVEL DETAILS:

S.NO	TRAVEL DATE	FLIGHT NO	TRAVEL STATUS	PASSPORT NO	SITENAME
1	10-Aug-07 2:56:09	MH-160-DEP	Departing	AN2742411	JINNAH INTERNATIONAL AIRPORT
2	10-Aug-07 2:56:09	MH-160-DEP	Departing	AN2742411	JINNAH INTERNATIONAL AIRPORT
3	10-Aug-07 2:58:23	MH160-DEP	departing	AN2742411	Jinnah International Airport Karachi
4	26-Jan-08 23:07:42	PK-208	Arriving	AN2742411	JINNAH INTERNATIONAL AIRPORT
5	26-Jan-08 23:07:42	PK-208	Arriving	AN2742411	JINNAH INTERNATIONAL AIRPORT
6	26-Jan-08 23:08:18	PK208	arriving	AN2742411	Jinnah International Airport Karachi
7	07-Jul-09 12:36:37	G9-554	Departing	AN2742411	PESHAWAR INTERNATIONAL AIRPORT
8	07-Jul-09 12:37:27	G9554	departing	AN2742411	Peshawar International Airport
9	23-Sep-13 2:41:14	QR346	arriving	AN2742412	Peshawar International Airport
10	04-Feb-14 1:31:10	EY262	departing	AN2742412	Peshawar International Airport
11	03-Aug-14 12:23:18	XY58	arriving	AN2742412	Benazir Bhutto International Airport Islamabad
12	22-Oct-14 16:04:16	PK731	departing	AN2742412	Jinnah International Airport Karachi
13	09-Nov-16 10:57:31	NL722	arriving	AN2742412	Peshawar International Airport

Attested

CHECKED

Time: 11:50:22 am

Note:Computer Generated Report Based On Given Particulars.

PREPARED BY:_____

(NOT FOR COURT USE)

Annex "E" (13)

~~Ann-B~~

4/11

CHARGE SHEET

I, **Siraj Muhammad DEO (Male) Charsadda**, as competent authority, here by charge you, Mr. Inam Ullah (ex.chowkidar of GPS Chail Tangi) as follows:

That you, while posted as chowkidar at GPS Chail Tangi committed the following irregularities:

(a) That you have been found guilty of habitually absenting yourself from duty without prior approval of leave since October 01, 2009.
(b) That your son namely Naveed Anjum performed the duties of chowkidar in your absence, as the school was adjacent to your hujra.

2. By reason of the above, you appear to be guilty of absence and misconduct under rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and 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.

4. Your written defence, if any, should reach to the inquiry officer 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.

24/12/2016.

COMPETENT AUTHORITY
Siraj Muhammad
DEO (Male) Charsadda.

Dated: 24/12/2016

Attested

V

Annex F (14)

SHOW CAUSE NOTICE

I, Siraj Muhammad District Education Officer (M) Charsadda as Competent Authority under the Khyber PakhtunKhwa Govt: Servants E&D Rules 2011, do hereby charge Mr. Inam Ullah ,Chowkidar GPS Chail (Tangi) District Charsadda as follows:-

That you while working as Chowkidar at GPS Chail, remained absent from duty w.e.f 01/09/2009 to 31/08/2011 with out any sanction of leave of the competent authority.

I am satisfied that you are guilty of misconduct and inefficiency as specified in rules 3 of the said rules. Thus you have rendered yourself liable to be proceeded against under the said rules.

3) In exercise of the powers conferred by the Khyber PakhtunKhwa Government Servants (Efficiency and Discipline) Rules, 2011, I, as the competent authority, is hereby dispense with the conduct of a formal enquiry and serve you with the instant show receipt of this notice a and I have tentatively decided, as to why one of the penalty of rule-4(b) of the said rules should not be imposed upon you and also intimate whether you desire to be heard in person.

4) 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.

9/9/24

SIRAJ MUHAMMAD
DEO (M) CHARSADDA
COMPETENT AUTHORITY

Mr. Inam Ullah
Chowkidar GPS Chail (Tangi)

Attested

9/9/2024

KHYBER PAKHTUNKWA

SERVICE TRIBUNAL, PESHAWAR

No. 1440 /ST

Dated: 29/07 /2021

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

To

The District Education Officer Male,
Government of Khyber Pakhtunkhwa,
Charsada.

Subject: **JUDGMENT IN APPEAL NO. 606/2018, MR. INAM ULLAH.**

I am directed to forward herewith a certified copy of Judgement dated 05.07.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

قیمت 10 روپے

PESHAWAR BAR ASSOCIATION PBA

74664

ایڈوکیٹ/دستخط: ____________

بارکونسل/بارایسوسی ایشن نمبر: ____________

رابطہ نمبر: ____________

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: Honorable Service Tribunal Peshawar

منجانب: Appellant	دعویٰ: سروس اپیل
Inam Ullah بنام Govt	علت نمبر: ____________ مورخہ: ____________ جرم: ____________ تھانہ: ____________

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام پشاور کیلئے سینئر ایڈووکیٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے وتقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی ونظرثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہو گا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہرجانہ التوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف وصول کرنے کا حقدار ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہٰذا وکالت نامہ لکھ دیا تاکہ سند رہے۔

المرقوم: ____________

العبد گواہ شد العبد العبد

مقام Peshawar کے لئے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

Attested/accepted
Taimur Ali Advocate
Peshawar

Inamullah
انعام اللہ ولد ... سابقہ ...