

29.08.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Masood, ADEO (Litigation) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

The Lawyers are on strike and Learned Member (Judicial) Ms. Rozina Rehman is also on leave, therefore, arguments could not be heard. Adjourned. To come up arguments on 21.11.2022 before the D.B.



(Salah-Ud-Din)
Member (Judicial)

21st Nov, 2022

Lawyers on general strike today.

To come up for Arguments on 17.01.2023 before D.B. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.



(Fareeha Paul)
Member (E)



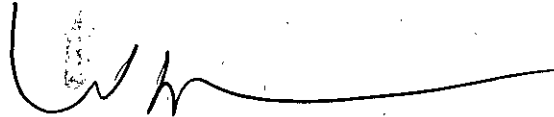
(Kalim Arshad Khan)
Chairman

24.11.2021

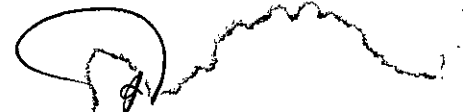
Learned counsel for the appellant present.

Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Masood Khan ADO (Litigation) for respondents present.

Former submitted rejoinder, which is placed on file and requested for adjournment. Adjourned. To come up for arguments on 14.03.2022 before D.B.



(Atiq ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

14.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 09.06.2022 for the same as before.

9.6.22

*proper D.B is on Taw, therefore
The case is adjourned to 29.8.22 for
same as before.*



Reader.



07.01.2021

Junior to the senior counsel is present for appellant. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Shoaib Akhtar, ADEO (Litigation), for the respondents are also present.

Representative of the department submitted written reply on behalf of respondents which is placed on record. File to come up for rejoinder and arguments on 27.04.2021 before D.B.

(3) / 1
(3)
(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

27.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 23.08.2021 for the same as before.

Reader

23.08.2021

Mr. Muhammad Anwar Khan, Advocate for the appellant present. Mr. Muhammad Rashid, DDA alongwith Mr. Masood Khan, ADO (Litigation) for respondents present.

Learned counsel for the appellant sought time for submission of rejoinder. Adjourned. To come up for rejoinder as well as arguments before the D.B on 24.11.2021.

(MIAN MUHAMMAD)
Member(E)

(SALAH-UD-DIN)
Member(J)

04.08.2020

None present on behalf of the appellant. Mr. Kabirullah Khattak, Additional AG for the respondents present.

Learned Additional AG seeks time to contact the respondents and furnish the requisite reply/comments. Adjourned to 28.09.2020 on which date reply/comments shall positively be furnished.


(MIAN MUHAMMAD)
MEMBER (E)

28.09.2020

Counsel for the appellant and Addl. AG for respondents present.

Learned AAG seeks further time to furnish reply/comments. Learned AAG is required to contact the respondents and facilitate the submission of reply/comments on 18.11.2020 before S.B.


Chairman

18.11.2020

Counsel for appellant and Addl; AG for respondents present.

Learned AAG seeks further time to furnish reply/comments. He is required to contact the respondents and facilitate the submission of reply/comments on 07.01.2021, as a last chance.


Chairman

18.06.2020

Counsel for the appellant present. Preliminary arguments heard and case file perused. The appellant is serving as PST at GPS Feroz Son Nowshera. The appellant having degree of M.Phil and wants to improve qualification further upto Ph.d for which he needs NOC from the respondent department. He filed departmental appeal on 04.07.2019 which was not responded within the stipulated period of ninety days, hence the instant service appeal on 30.10.2019.

The learned counsel for appellant was confronted with proposition and objection raised on the service appeal in hand, in order sheet dated 16.12.2019 and 12.03.2020. It was argued and contended that higher qualification would be utilized for enforcement in education system in public interest.

The appellant is apparently not aggrieved with order of the respondent department which might have violated his terms and conditions of service. It is rather related to Government Servants (Conduct) Rules 1987 where-under seeking prior NOC for admission in Ph.d classes in evening session.

As a sequel to the above and considering utility of acquiring higher education in public interest, response of the respondent department may be solicited.

Points urged need consideration. Service appeal is admitted subject to all legal objections. Appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 04.08.2020 before S.B.

Appellant Deposited
Security & Process Fee


(MAIN MUHAMMAD)
MEMBER

12.03.2020

Learned counsel for the appellant present. The appellant has submitted the present service appeal for issuance of directions to the respondents to issue him NOC for Ph.D. classes after duty hours.

Learned counsel for the appellant was confronted with the proposition that as to whether the prayer of the appellant in the present service appeal has any nexus with the terms & conditions of his service. Opportunity is granted to learned counsel for the appellant to further prepare the brief. Adjourn. To come up for preliminary hearing on 26.03.2020 before S.B.

Member

27.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 18.06.2020 before S.B.


Reader

16.12.2019

Counsel for the appellant present.

Learned counsel requests for time to bring on record order of regularization of appellant in service and also prepare the brief regarding violation of any term & condition of his service by disallowing him NOC to pursue higher study.

Adjourned to 27.01.2020 before S.B.

Chairman

27.01.2020

Appellant absent. Learned counsel for the appellant absent. Due to general strike of the bar, on call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for preliminary hearing on 12.03.2020 before S.B. Appellant be put to notice for the date fixed.

Member

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1447/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/11/2019	<p>The appeal of Mr. Tahir Shah resubmitted today by Mr. Muhammad Anwar Shah Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p><i>[Signature]</i> REGISTRAR 01/11/19</p>
2-	11/11/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>16/12/19</u>.</p> <p>CHAIRMAN</p>

*P.S.
Competence?*

The appeal of Mr. Tahir Shah son of Noor Muhammad Jamail PST, GPS Feroz sons Nowshera received today i.e. on 30.10.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Copy of departmental appeal is not attached with the appeal which may be placed on it.
- 3- One more copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

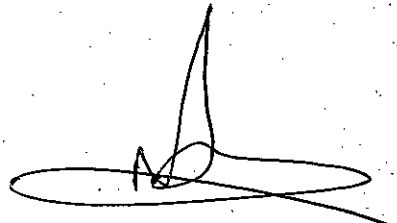
No. 1909 /S.T,

Dt. 31/10 /2019:

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Anwar Khan Adv. Pesh.

Resubmitted after compliance.
Departmental appeal is at page no
13 Annexure C.


(M. Anwar Khan)

BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. 1447 /2019

Mr. Tahir ShahAppellant

V E R S U S

Government of Khyber Pakhtun Khwa through Secretary
Elementary & Secondary Education Department, Khyber
Pakhtun Khawa Civil Secretariat, Peshawar & others

.....Respondents

APPLICATION FOR CONDONATION OF DELAY IF ANY

Respectfully Sheweth

1. That the applicant is filling accompanying appeal in this Honorable Service Tribunal.
2. That the applicant has requested for the issuing of NOC but till date no action has been taken on her appeals.
3. That the departmental appeal has not been rejected on the ground of limitation.
4. That time and again the applicant submitted applications/ appeals for NOC but no replay has been given.
5. That for the reasons above, the delay, if any ought to be condoned.

It is therefore requested that the delay if any infilling the departmental appeal/ the instant appeal be graciously condoned and the appeal be decided on merits.

Applicant

Through

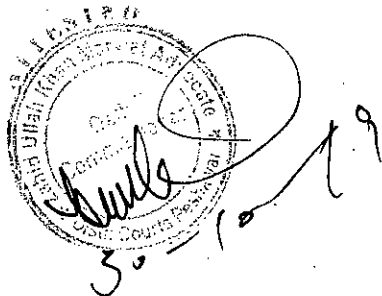
**Muhammad Anwar Khan
(PashtunGhari)**

Advocate High Court,
Peshawar

Date 30/10/2019

Affidavit

I, Tahir Shah S/o Noor Muhammad Jamail, PST GPS Feroz Son's Nowshera, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



DEPONENT

BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. _____/2019

Mr. Tahir ShahAppellant

V E R S U S

Government of Khyber Pakhtun Khwa through Secretary
Elementary & Secondary Education Department, Khyber
Pakhtun Khawa Civil Secretariat, Peshawar & others
.....Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Grounds of Service Appeal		1-4
2.	Affidavit		5
3.	Addresses of Parties		6
4.	Copy of M.Phil Degree	A	7-9
5.	Copy of syllabus of PHD	B	10-12
6.	Copies of Appeals/ Applications	C	13
7.	Wakalat Nama		

Appellant

Through

Muhammad Anwar Khan
(PashtunGhari)

Advocate High Court,
Peshawar

Cell: 0333-9262374

Date: 30/10/2019

BEFORE THE SERVICES TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. _____/2019

Mr. Tahir Shah S/o Noor Muhammad Jamail, PST
GPS Feroz Son's Nowshera

.....**Appellant**

V E R S U S

1. Govt of Khyber Pakhtunkhwa, through Secretary
Elementary & Secondary Education Peshawar.
2. Director Elementary & Secondary Education, Peshawar
3. District Education Officer (M) Nowshera.
4. Sub divisional Education Officer (M) Nowshera

.....**Respondents**

**Appeal u/s 4 of the Khyber
Pakhtunkhwa Service Tribunal Act,
1974 against the Respondents for
not issuing NOC for PHD Tahir
Shah PST GPS Feroz Son Nowshera.
The Act of the Respondents not to
issue NOC for PHD is illegal,
Unlawful and based on Malafide
and not in accordance with law.**

Prayer in Appeal

*That on Acceptance of this appeal the
Respondents be directed to allow the Appellant to be attend to*

2

PHD classes. In Peshawar University after School duty hours i.e. from 2:00 PM onward. The Respondents also be directed to extent such other relief as this Honorable Tribunal may deem fit in the circumstance of case may also be granted.

Respectfully Sheweth:

Brief Facts of the instant appeal

are as under:

1. That the appellant being a permanent Government employee of Education Department having been posted as PST at GPS Feroz son Nowshera at time of joining the service of education department the appellant was M.Phil.
(Copy of M.Phil degree is attached as Annexure A).
2. That as to improve the qualification is the fundamental right of every Pakistani as granted by Constitution of Islamic Republic of Pakistan 1973. The Appellant also opted to joined PHD Classes in Peshawar University after duty Hours. **(Copy of PHD syllabus is attached as Annexure B).**
3. That the Appellant requested the Respondents to issue NOC which is mandatory for every Civil Servant to utilize in future service and the higher education is not only for the benefit of employee but also it help in the development of Pakistan and stop any citizen of Pakistan from further higher education is Infact stopping the development of Pakistan.

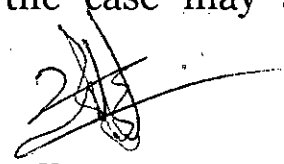
4. That the appellant job is related to Education, therefore to improve the education for appellant is must and it will further improve the standard of education in Pakistan but Respondents due to malafide intention not allowing the appellant to improve qualification.
5. That the appellant submitted request to the respondents but no action has been taken by respondents. **(Copies of applications/ Appeals are attached as Annexure C).**
6. That the appellant was M.Phil at the time of joining the service and due to malafide intention the Respondents has not sanctioned the M.Phil allowance.
7. That after having been failed departmentally to get any relief with regard sanctioning of NOC for attending PHD classes in the evening. Ultimately the appellant invoked the door of This Honorable Tribunal.
8. That being aggrieved and dissatisfied with act of respondents not issuing NOC for attending evening Classes of PHD, The appellant having no other alternative remedy seeks the indulgence of this Honorable Tribunal, interalia on the following grounds:

G R O U N D S:

- A. That not granting NOC as claimed by the appellant and not responding the Departmental appeal of the appellant is against law, facts and natural justice.
- B. That as per rule the appellant is entitled to be granted NOC/ Permission to attend the PHD classes after duties Hours.
- C. That the appellant had a clean service record throughout and had not been ever proceeded against departmentally in the past nor there was any bad entry in his service record.
- D. That to improve qualification for the development of country, has no bar, rather not permitting the appellant for PHD classes after duty hours is against natural justice.

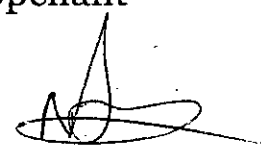
It is, therefore, most humbly prayed that on acceptance of the instant service appeal, this honorable tribunal may pleased be:

- (a). To direct the respondents to issue NOC for PHD classes after duty Hours.
- (b). Any other relief deemed fit in the circumstance of the case may also be granted.



Appellant

Through



Muhammad Anwar Khan

(Pashton Ghari)

Date: 30/10/2019

Advocate High Court Peshawar.

5

BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. _____/2019

Mr. Tahir Shah **Appellant**

V E R S U S

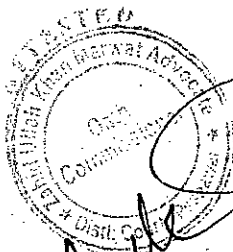
Government of Khyber Pakhtun Khwa through Secretary
Elementary & Secondary Education Department, Khyber
Pakhtun Khawa Civil Secretariat, Peshawar & others
..... **Respondents**

AFFIDAVIT

I, Tahir Shah S/o Noor Muhammad Jamail, PST GPS Feroz Son's Nowshera, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

DEPONENT

(17201-2259699-9)
(0345-9063508)



30-12-19

BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. _____/2019

Mr. Tahir Shah **Appellant**

V E R S U S

Government of Khyber Pakhtun Khwa through Secretary
Elementary & Secondary Education Department, Khyber
Pakhtun Khawa Civil Secretariat, Peshawar & others
..... **Respondents**

ADDRESSES OF PARTIES

APPELLANT

Mr. Tahir Shah S/o Noor Muhammad Jamail, PST
GPS Feroz Son's Nowshera

RESPONDENTS

1. Govt of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education Peshawar.
2. Director Elementary & Secondary Education, Peshawar
3. District Education Officer (M) Nowshera.
4. Sub divisional Education Officer (M) Nowshera

Appellant
Through



**Muhammad Anwar Khan
(Pashton Ghari)**

Advocate High Court,
Peshawar

Date: 30/10/2019

1 Annex A-7

Serial No. 000094

Reg. No. PNS-09-18

CNIC # 17201-2259699-9

Session: 2009-11

Date of Declaration of Result: 26th May, 2014

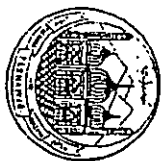
Code: ICP/09/MSAT/11/11/18/18

Controller of Examinations

Signature

Islamia College Peshawar

Pakistan



Signature

Mr./Ms. MUHAMMAD TAHIR Son/Daughter of NOOR MUHAMMAD JAMIL

having fulfilled all the conditions required by the University has been admitted to the Degree of

Master of Science / Master of Philosophy

in MATHEMATICS

Field of Specialization FLUID MECHANICS

HIGHER EDUCATION COMMISSION OF PAKISTAN
Rs.500 1095149



Signature

23 DEC 2018

Higher Education Commission



Ajina E Khan
Vice Chancellor

Amesat

Payroll

8

Dist. Govt. NWFP-Provincial
District Accounts Office Nowshera
Monthly Salary Statement (April-2019)



Personal Information of Mr. MUHAMMAD TAHIR (d/w/s of NOOR MUHAMMAD)

Personnel Number: 00715391 CNIC: 72012596994 NTN:
Date of Birth: 06/01/1980 Entry into Govt. Service: 04.10.2014 Length of Service: 01 Years 06 Months 028 Days

Employment Category: Active Temporary

Designation: PRIMARY SCHOOL TEACHER 80003682-DISTRICT GOVERNMENT KHYBE

DDO Code: NR6010-DY: DISTT OFFICER (M) NSR

Payroll Section: 001 GPF Section: 001 Cash Center:

GPF A/C No: Interest Applied: Yes GPF Balance: 3,320.00

Vendor Number: - Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 12 Pay Stage: 4

Wage type	Amount	Wage type	Amount
0001 Basic Pay	17,160.00	1000 House Rent Allowance	-1,961.00
1210 Convex Allowance 2005	2,856.00	1300 Medical Allowance	1,500.00
2118 15% Adhoc Relief AH-2013	350.00	2199 Adhoc Relief Allow @10%	243.00
2211 Adhoc Relief AH 2016 10%	1,194.00	2224 Adhoc Relief AH 2017 10%	1,716.00
2247 Adhoc Relief AH 2018 10%	1,716.00		0.00

Deductions - General

Wage type	Amount	Wage type	Amount
3012 GPF Subscription - Rs2220	-2,220.00	3501 Benevolent Fund	-600.00
3990 Imp. Edu. Fund KPS	-125.00	4001 R. Benefits & Death Comp.	-1,052.00
4200 Professional Tax	-100.00		0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till APR-2019: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 28,696.00 Deductions: (Rs.): -4,097.00 Net Pay: (Rs.): 24,599.00

Payee Name: MUHAMMAD TAHIR

Account Number: 7901587003

Bank Details: HABIB BANK LIMITED, 220222 CANTT BRANCH, NOWSHERA, CANTT BRANCH, NOWSHERA, NOWSHERA

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: NOWSHERA

Temp. Address:

City:

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Email: mt909079@gmail.com

S.D.E.O. (M)
Nowshera

Accepted

Appointment order (NTS) of PST Male Adhoc-2014



OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
NOWSHERA

(Office Phone#0923-9220228; Fax#0923-9220228)

Friday, October 3, 2014

NOTIFICATION

Consequent upon recommendation of the Departmental Selection Committee, appointment of the following candidates are hereby ordered as of Primary School Teacher (PST) on union council school based in BPS-12 (Rs.7000-500-22000) @ Rs. 7000/- PM fixed plus usual allowances as admissible under the rules on adhoc & Contract basis under the existing policy of the Provincial Government, in Teaching cadre on the terms and conditions given below with effect from the date of their taking over charge:-

		Father Name	Date of Birth	Score	Union Council	School
1	Muhammad Tahir (MA/PTC) Moh. Taj Abad Aman Garh NSR	Noor Muhammad	06/04/1980	112.82	Aman Garh	GPS Feroz Abad
2	Alaf Dad (MA/PST) Vill. Mohib Banda P.O Aman Kot.	Mir Akbar Khan	12/01/1975	102.2	Aman Kot	GPS Aman Kot
3	Alta Ur Rehman (BA/PTC) Vill; Babe Jadeed P/O Taru	Masaud Ur Rahman	02/02/1989	103.44	Baleo	GPS Babe Jadeed
4	Menhaj Ud Din (MA/PTC) Vill; Ali Baig P/O Taru	Mir Ahmad Khan	06/02/1979	99.04	Baleo	GPS No.3 Ali Baig
5	Daud BA/PTC Mor; Baghban Vill Bara Banda Risalpur NSR	Gul Faraz	07/01/1979	121.24	Bara Banda	GPS Sherin Kotee NSR
6	Sabz Ali Khan (MA/PTC) Vill; Khitab Killi P/O Rashakai (NSR)	Shah Jehan	15/02/1983	102.22	Bara Banda	GPS Bara Banda No.01
7	Gohar Rahman MA/PTC Vill; Gull Pabbi	Samin Jan	21/01/1983	106.09	Dagai	GPS Banda Nabi No.2
8	Loveed Ullah (MA/PTC) Vill; Dag Besud Pabbi	Fazli Ihsan	06/03/1980	110.16	Dag Besud	GPS No.1 Dag Besud
9	Safi Ullah (MA/PTC) Vill; Dag Besud Pabbi	Muhammad Shoaib Khan	04/03/1983	105.82	Dag Besud	GPS Wazir Gari
10	Nadeem Shah (BA/PTC) Vill; & P/O Dak Ismail Khel (NSR)	Mian Farooq Shah	15/03/1971	65.77	Dak Ismail Khel	GPS No.3 Dak Ismail Khel
11	Naseer Ud Din (FA/PTC) Vill; & P.O. Dak Ismail Khel. NSR	Dost Muhammad	03/03/1978	63.94	Dak Ismail Khel	GPS Gul Rehman Killi
12	Tahir Mahmood (BA/PTC) Vill; & P.O. Jehangira Road NSR	Mehmood Zaman	02/02/1983	121.03	Jehangira	GPS Jehangira Road
13	Muhammad Nadeem (MA/PTC) Vill; Nehal Pura P.O Khair Abad NSR	Muhammad Faiq	10/12/1979	119.65	Jehangira	GPS Nihal Pura
14	Amjad Ali (MA/PTC) Vill; Zande P.O. Risalpur	Raham Dad Khan	08/04/1976	118.19	Gandheri	GPS Misal Khan Koroon
15	Ramiz Khan (BSc/PTC) Vill; Kalangir Suhbat Koroon P.O Risalpur NSR	Akbar Khan	07/04/1990	116.12	Gandheri	GPS Shapano Killi
16	Noor Mast Khan (MA/PTC) Vill, Gandheri Bala	Mirwas Khan	11/01/1979	100.39	Gandheri	GPS Gandheri Bala
17	Irfanul Haq (MA/PTC) Vill; & P.O. Khashgi Bala NSR	Muhammad Bashir	10/08/1975	125.82	Khashgi Bala	GPS No.2 Ahmad Nagar
18	Fazal Munir (MA/PTC) Vill; & P.O. Khashgi Bala NSR	Bashir Muhammad	25/04/1983	114.75	Khashgi Bala	GPS Naseer Abad

Attested
[Signature]

Annex

B-10



OFFICE OF THE DEAN

PHYSICAL & NUMERICAL SCIENCES
ISLAMIA COLLEGE PESHAWAR
KHYBER PAKHTUNKHWA (PAKISTAN)
Exchange: +92-091-9216514-15-16-17, Ext. 3043

10/9/16

Dated: 19/09/2016

Faculty of Physical and Numerical Sciences

Time Table Ph.D 2nd Semester September 2016.

Day	02:30 – 04:00	04:00 – 05:30
Monday		
Tuesday		
Wednesday	Integral Transforms and Their Applications Dr. Sami ul Haq	Advanced Functional Analysis Dr. Arshed Ali
Thursday	Integral Transforms and Their Applications Dr. Sami ul Haq	Numerical Solutions of Integral Equations Dr. Muhammad Idrees
Friday	Numerical Solutions of Integral Equations Dr. Muhammad Idrees Time: 02:00 – 03:30	Advanced Functional Analysis Dr. Arshed Ali Time: 3:30-5:00

Note: 75% attendance is compulsory in case of failure student will not be permitted to sit in the examination. Classes will be held on 19.09.2016.

DEAN
Faculty of Physical & Numerical Sciences
Islamia College Peshawar

AH
19/9/16

Dr. Syed Iqbal Ali Shah
 Faculty of Physical & Numerical Sciences
 & Engineering Sciences
 Islamabad College Peshawar

Arshad

Arshad

examination. Classes will be held on 22.02.2016.

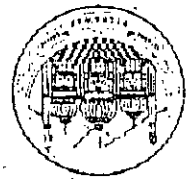
Note: 75% attendance is compulsory in case of failure student will not be permitted to sit in the

Day	02:30-04:00	04:00-05:30
Monday	Matlab/Maple (Non Credit Hours Course, Compulsory For All Scholars)	
Tuesday	Introduction to Graph Theory Dr. Gohar Ali	
Wednesday		
Thursday	Advanced PDEs Dr. Dil Nawaz Khan	
Friday	Mathematical Logic Dr. Arshed Ali (02:00-05:00)	

Faculty of Physical and Numerical Sciences
 Time Table Ph.D 1st Semester February 2016.

Dated: 22/02/2016

Exchange: +92-091-9216514-15-16-17, Ext. 3043
 KHYBER PAKHTUNKHWA (PAKISTAN)
 ISLAMIA COLLEGE PESHAWAR



OFFICE OF THE DEAN

100/100

11



OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
NOWSHERA

(Office Phone#0923-9220228, Fax#0923-9220228)

No. 37-38 /File No. 56:DEO (M) NSR Dated Nowshera the 07/03/2016.

To,

Mr. Muhammad Tahir PST
C/O Head Master GPS Feroz Sons
Nowshera

Subject: - NOC FOR P.HD PROGRAM

Memo

Reference your application dated 07-01-2016 that:-

1. The case may be routed through SDEO Concerned.
2. Departmental permission (if obtained) of M.Phil.
3. All the supporting documents along with admission forms.
4. The time of study may also be shown.

The same may please be due & then submit to this office for further Necessary action.

District Education Officer (Male)
Nowshera

Endstt: No. 37-38 /DEO (M) NSR/Vol-I/Enquiry/ADO/ Dated: 07 /03/2016.

Copy of the above is forwarded for information to the:-

1. SDEO Male Concerned

District Education Officer (Male),
Nowshera

Attested

Annex C

13

Appeal

The Secretary
Elementary & Secondary Education
Khyber Pakhtunkhwa
Peshawar.

Subject Issuances of NOC for Ph.D. Mr M. Tahira
PST GIPS Ferozsons Nowshera.

Respected Sir,

I submit as under
1. I join your department as PST on
04-10-2014.


2. I applied for Ph.D NOC to D.E.O (M)
Nowshera but no reply. Later on I
submitted request to Director E & S Education
KPK but till date no reply.

It is, therefore most humbly
request to your honour that I may
please be issue NOC.

Your Faithful

M. Tahira s/o Noor Muhammad Jamil
GIPS Ferozsons Nowshera
17201-22 59699-9
0345/9063508

AH as to



14
WAKALAT NAMA

IN THE COURT OF

M. Tahir S/O Noor VERSUS Secretary E & S Education
Muhammad Jamil and others

Accused/
Petitioner/
Appellant/ ✓
Plaintiff.

Respondent/
Defendant/
Complainant

FIR No. Dated: Police Station:

Charge U/s

KNOW ALL to whom these presents shall come that I the undersigned appoint:

Muhammad Anwar Khan, (Pushton Ghari),

Advocate, High Court, Peshawar (herein after called the advocate) to be the Advocate for the Appellant/Petitioner in the above mentioned case, to do all the following acts, deeds and things or any of them, that is to say:

- 1) To act and plead in the above mentioned case in this court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or execution or in any other stage of its progress until its final decision.
- 2) To sign, verify and present pleadings, appeals, cross - objections, petitions for execution, review, revision, withdrawal, compromise or other petition or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of said case in all its stages.
- 3) To withdraw or compromise in the said case or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the said case.
- 4) To receive money and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said case.
- 5) To engage any other legal practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate whenever he may think fit to do so.

AND I hereby agree to ratify whatever the Advocate or his substitute shall do in the promises.

AND I hereby agree not to hold the Advocate or its substitute responsible for the result of the said case and in consequence of his absence from the court when the said case is called up for hearing

AND I hereby that in the event of the whole or any part of the fee agreed by me to be paid to the Advocate remaining unpaid, He shall be entitled to withdraw from the prosecution of the said case until the same is paid.

IN WITNESS WHEREOF I hereunto set my hand to these presents the contents of which have been explained to and understood by me, this ____ day of ____ 201__

Accepted: ✓

Signature/ thumb impression
of party / parties.

Muhammad Anwar Khan, (Pushton Ghari),

Advocate High Court, Peshawar

Cell No:- 0333-9262374

Office Address:- Law Chamber No 127, New Bar Room, Judicial Complex, Peshawar

"B"

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

S.B

No.

Appeal No. 1447 of 20 19

Mr. Tahir Shah Appellant/Petitioner

Versus

Regd

Through Secy. Educ. Peshawar Respondent
Respondent No. 3

Notice to: -

Distt. Education Officer, (M)
Nowshera.

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 4/8/2019 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No. dated.....

Given under my hand and the seal of this Court, at Peshawar this 1st

Day of July 20 20

Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

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

No.

Appeal No. 1447 of 20 19
Mr. Tahid Shah. Appellant/Petitioner

through Secy. Educ Peshawar Respondent

Respondent No. 4

Notice to: -

Sub Divisional Education Officer, (M) Nowshera.

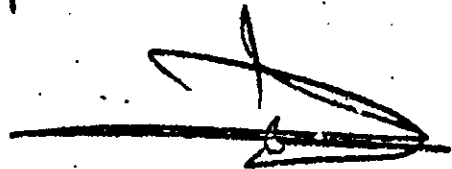
WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal 4/8/2020 on.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Given under my hand and the seal of this Court, at Peshawar this 1/8

Day of July 20 20



Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

- Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
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"B"

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

S.B

No.

Appeal No. 1447 of 20 19

Mr. Tahir Shah Appellant/Petitioner

Versus

through Secy: Edu Peshawar Respondent

Respondent No. 2

Director Edu canton Peshawar

Notice to: —


WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 4/8/2020 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Given under my hand and the seal of this Court, at Peshawar this 1st

Day of July 20 20


7/7/20



Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

No.

Appeal No. 1447 of 20 19

Appellant/Petitioner Mr. Tahir Shah

Versus Respondent Through Secy: Edu Peshawar

Respondent No. 1

Notice to: Through Secretary Education Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....at 8:00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Given under my hand and the seal of this Court, at Peshawar this 14th

Day of..... July 20 20

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Service Appeal No. 1447/2019

Tahir Shah VS Govt. of KPK

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

1. Para 1 pertains to record
2. No comments
3. No comments
4. In correct The appellant duty hours is from 8:30 AM to 1:35 PM. The appellant submitted time table of PHD classes along with his application according to the time table of the university, the class will start from 2:00 PM at Islamia College University. Therefore, after closing of school on 1:35 PM at Nowshera, it is not possible that the appellant will reach to attend his class on 2:00 PM, there at Islamia College University. Moreover, it is worth to mention that the conduct of appellant is not satisfactory, he has always used illegal means and concealed facts for his personal benefits and always wasted the precious time of innocent students. He submitted application and obtain medical leave from the govt. primary school Ferozsons Nowshera and at the same time he started teaching in the morning shift at a private university (Northern University Nowshera). It reveals that he fraudulently shows himself medically unfit for teaching at government school but at the same time he was quite fit to teach at private institutions just to get double salaries on this regard various show cause notices and inquiry was initiated by the department (**Copy of Time Table of PHD, Show Cause Notice & Inquiry Report are attached as annexure A,B & C Respectively**).
5. Para 5 incorrect, the appellant application was regretted by the respondents in the best public interest.
6. Incorrect, the appellant did not fulfill the requisite criteria for obtaining the allowances for higher education.

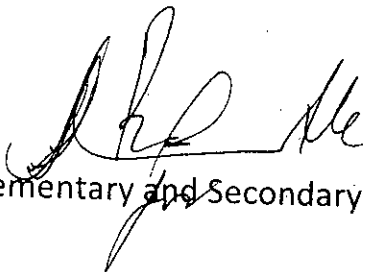
7. Incorrect, the detail reply is already mentioned in the above paras.
8. No comments

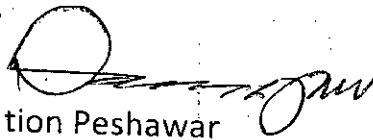
Grounds

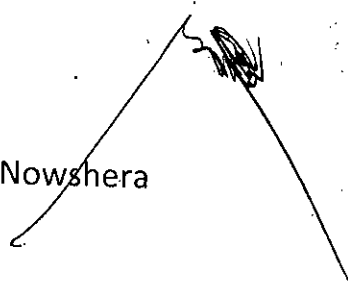
- A. Incorrect, the act of the respondents is duly according to law, facts, principle of natural justice and in the interest of innocent students.
- B. Incorrect, the appellant PHD classes starts from 2:00PM, therefore the appellant will leave the school before the closing time.
- C. Incorrect, the appellant previous conduct and service record is unsatisfactory and blemish. He has already misguided the department by presenting a bogus medical report and false timetable of PHD classes, due to his miss-conduct, concealment of facts, fraud and miss-representation regarding the best interest of the students, the department has regretted/rejected his NOC application for PHD.

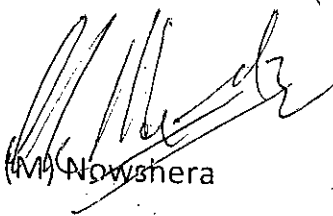
It is therefore, most humbly prayed that the instant service appeal is meritless, and against the facts may kindly be dismissed with costs.

Respondents


1. Secretary Elementary and Secondary Education Peshawar


2. Director Elementary and Secondary Education Peshawar


3. District Education Officer (M) Nowshera


4. Sub Divisional Education Officer (M) Nowshera

Page-03

10. Despite the approval of M. Phil allowance, the accused teacher has not been granted the said allowance up till now (Annex- Q).
11. The DEO (M) suspended the accused teacher on 14.03.2020 (See annex-B).

V. INVESTIGATIONS.

Starting the investigations, relevant record of the Office of the school was thoroughly checked. It was observed that the accused teacher remained absent from his duty as per detail given below.

1. From 22.10.2019 to 05.11.2019 = 15 days (Annex-R)
2. From 04.02.2020 till 07.05.2020 (Date of enquiry) = 93 days (Annex-S)

As next step in enquiry, a questionnaire (Annex-T) was served upon him. He categorically answered various questions (Annex-U), giving detail as mentioned above in the history of the case. However, it was felt that the accused is concealing facts.

To proceed further, a telephonic message of Mr. Iftikhar Ahmad ASDEO (Male) Circle Nowshera Cantt: was also recorded. Mr. Iftikhar Ahmad told that he has received two medical certificates of the accused teacher for medical leave and on the expiry of second M/Leave on 03.02.2020, he directed the accused teacher to submit fitness certificate from the concern Dr & re-join his duty on 04.02.2020. But failed to do so. (See Annex-O above)

For further enquiry, a statement of PSHT, Mr. Rafiq ur Rahman of the concerned school was obtained (Annex-V). He told that all the relevant record of the school is based on facts & nothing has been concealed in this connection.

During the course of investigations, the under signed came to know that the accused teacher has been teaching in Northern University Nowshera since 1st Jan 2020 till the start of summer vacations on 13.03.2020 due to covid-19 pandemic.

So, as final step in enquiry, the under signed visited Northern University on Walai Road on Monday, 11 May 2020 for confirmation of his teaching in N/University. But unluckily, the University was found closed for summer vacations due Covid-19 pandemic. However, the U/S obtained Cell # 03215078183 of Sir. Muhsin Raza, HOD Department of Mathematics N/University. In reply to SMS of the U/S (Annex-W), Sir Muhsin Raza Contacted the U/Signed. He admitted that Mr. Muhammad Tahir has been teaching in N/U in the morning session since 01.01.2020 till the commencement of summer vacations on 13.03.2020 regularly.

VI. FINDINGS

After thorough checking of all relevant record, investigation from the accused teacher Mr. Muhammad Tahir PST, statements of the PSHT, telephonic discussion with ASDEO (M) Circle Nowshera, and Mr. Muhsin Raza HOD, Department of Mathematics Northern University Nowshera and keeping in view the ground realities, the U/Signed feels no hesitation to conclude that.

1. The accused teacher Mr. Muhammad Tahir, used to teach as Lecturer in Maths at Northern University NSR w.e.f 1st Jan 2020 till the commencement of the summer vacations on 13.03.2020 due to covid-19 pandemic. It also includes the period for which he submitted medical certificates (W.e.f 06.01.2020 to 03.02.2020). Now the question is, how a teacher who is medically unfit for teaching in Primary school, is quite fit for teaching in a University? It means that the medical certificates provided by the accused teacher are also suspicious/bogus

A



OFFICE OF THE DEAN

PHYSICAL & NUMERICAL SCIENCES
ISLAMIA COLLEGE PESHAWAR
KHYBER PAKHTUNKHWA (PAKISTAN)
Exchange: +92-091-9216514-15-16-17, Ext. 3043


100
Years
of
GLORY

Dated: 19/09/2016

Faculty of Physical and Numerical Sciences Time Table Ph.D 2nd Semester September 2016.

Day	02:00 – 04:00	04:00 – 05:30
Monday		
Tuesday		
Wednesday	Integral Transforms and Their Application Dr. Sami Ul Haq	Advanced Functional Analysis Dr. Arshed Ali
Thursday	Integral Transforms and Their Application Dr. Sami Ul Haq	Numeric Solutions of Integral Equations Dr. Muhammad Idress
Friday	Numeric Solutions of Integral Equations Dr. Muhammad Idress Time: 02:00 – 03:30	Advanced Functional Analysis Dr. Arshed Ali Time: 03:30 – 5:00

Note: 75% attendance is compulsory in case of failure student will not be permitted to sit in the examination. Classes will be held on 19.09.2016.


DEAN
Faculty of Physical & Numerical Sciences
& Engineering Sciences
Islamia College Peshawar

DISTRICT ED 0.1319

(Office Phone

SHOW CAUSE

OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
NOWSHERA

(Office Phone#0923-9220228, Fax#0923-9220228)

SHOW CAUSE NOTICE

I, Mr. Sajjad Akhtar Iqbal District Education Officer (Male) Nowshera, under the Khyber Pakhtunkhwa Government Servants (Efficiently & Disciplinary) Rules 2011, do hereby serve you, Mr. Muhammad Tahir PST GPS Ferozsons as follow: -

1. That consequent upon the inquiry report submitted by the inquiry officer vide this office diary No.3125 Dated 29/06/2020, that:
 - a. You, Mr. Muhammad Tahir remained absent from official duties w.e.f 22/10/2019 to 07/11/2019 and w.e.f 01/01/2020 to 31/08/2020.
 - b. You Mr. Muhammad Tahir PST GPS Ferozsons Taught as lecturer in Maths at Northern University Nowshera w.e.f 01/01/2020 till the summer vacation on 13/03/2020.
 - c. You, Mr. Muhammad Tahir submitted medical certificate w.e.f 06/01/2020 to 03/02/2020, Now the question is, how a teacher who is medical unfit for teaching in Primary School and is quite fit for teaching in a university? It means that the medical certificates provided by you are also suspicious/bogus. -
2. As a result thereof, I as competent authority have tentatively decided to impose upon you the penalty of:
 - a). Deduction of unauthorized payment of salary during absent Period 22/10/2019 to 07/11/2019 (17 days) and w.e.f 01/01/2020 to 31/08/2020 (08 Months).
 - b). Reduction to lower stage of time pay scale.
3. You are, therefore, required to show cause as to why the aforesaid penalties should not be imposed upon you and also intimate whether you desired to be heard in person.
4. If no reply to this office is received within two weeks of its delivery, it shall be presumed that you have no defense to put in and in that case Ex-Parte action shall be taken against you under the E&D rules 2011.

(Sajjad Akhtar Iqbal)

Competent Authority / District Education Officer
(Male) Nowshera

Endst: No. 4237-43 /DEO (M)NSR/Estab: Pry/Muhammad Tahir Show Case/. Dated Nowshera the 08/09/2020
Copy of the above is forwarded for information to the: -

- 1: Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 2: Senior District Account Officer Nowshera.
- 3: Sub Divisional Education Officer (Male), Nowshera that pay drawn by the teacher concerned during his absence period w.e.f 22/10/2019 to 07/11/2019 (17 days) and w.e.f 01/01/2020 to 31/08/2020 (08 Months) may be recovered from him in Govt. Treasury.
- 4: Assistant District Officer (Male) Circle Risalpur Nowshera.
- 5: Mr. Muhammad Tahir Primary School Teacher Village and P/O Pashtun Garhi near All in one shop Riksha stand Pashtun Garhi.
- 6: Head Master GPS Ferozsons Nowshera.
- 7: EMIS local office.
- 8: Master file.

Competent Authority / District Education Officer
(Male) Nowshera

Page-01

OFFICE OF THE PRINCIPAL GOVT HIGH SCHOOL BARA BANDA NOWSHERA
ENQUIRY REPORT REGARDING ABSENCE FROM DUTY WITHOUT PRIOR SANCTION OF LEAVE BY Mr.
MUHAMMAD TAHIR PST GPS FERAZ SONS AMAN GARH NOWSHERA

I. INTRODUCTION.

Consequent upon the report submitted by SDEO (M) NSR vide Endst No. 3472-73/dated 09.03.2020 & ASDEO (M) NSR Cantt Circle vide Endst: No. 715-21/dated 22.02.2020 (Annex-A) Mr. Muhammad Tahir PST GPS Feroz Sons remained absent from his duty without prior sanction of leave. The DEO (M) Nowshera suspended the accused teacher & nominated the undersigned as Enquiry Officer to probe into the matter & submit detailed report vides letter No. 9187-91 / dated 14.03.2020 (Annex-3).

II. PROCEEDINGS:

In compliance with the above mentioned order, the U/Signed visited GPS Feroz Sons on 07.05.2020 10.30 AM, for the purpose of enquiry with prior intimation to the accused teacher Mr. Muhammad Tahir PST & Mr. Rafiq ur Rahman PSHT of the said school through their cell #s 03459063508 & 03369305967 respectively.

III. PARTICULARS OF THE ACCUSED TEACHER

Name: Muhammad Tahir
Father's Name: Noorullah
DOB:
CNIC #: 17201-2259699-9
Qualification: M Phil Maths, M.Ed
Date of 1st appointment: 03.10.2014
Date of regular appointment: 2018
Personal #: 00745394
Permanent Address: Village Pushtoon Garhi Tehsil & District: Nowshera

IV. HISTORY OF THE CASE

1. Mr. Muhammad Tahir Pst applied for NOC on 07.01.2016 (Annex-C) regarding his admission in PhD. In response, the DEO (M) NSR vides his letter NO. 37-38/07.03.2016 (Annex-D), directed the accused teacher to route his application though SDEO (M) NSR along with relevant documents.
2. The accused teacher submitted his application along with relevant documents though proper channel (Annex-E). The SDEO (M) marked his reply for NOC to the DEO (M) NSR vides his letter No. 847/04.04.2016 (Annex-F).
3. He applied for Ex-Facto NOC on 15.04.2019 (Annex-G)
4. Later on, the accused teacher applied for study leave on 15.04.2019. The competent authority regretted his request for study leave after 06 months & 21 days, vides Endst No. 3999-4003/04.11.2019 through SDEO (M) NSR (Annex-H).
5. The accused teacher applied for EOL by addressing direct to DEO (M) Nowshera w.e.f 31.12.2019 to 31.12.2021 (730 days) on 09.12.2019 (Annex-I). The competent authority regretted his application for EOL after two months & six days, vides Endst

Daily No 3125 dt 29/6/20
@ The DEO (M) NSR

[Handwritten Signature]

P-2

NO. 8049/15.02.2020 through SDEO (M) NSR (Annex-J) & vides ASDEO (M) NSR Endst: No. 708-714/ 21.02.2020, however, he was directed not to avail leave before proper sanction (Annex-k)

6. After this, he submitted two medical certificates for medical leave.

i. W.e.f 06.01.2020 to 19.01.2020 (14 days) from DHQ NSR (Annex-L)

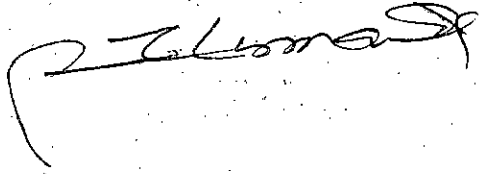
(Marked in attendance register on med: leave w.e.f 15.01.2020)

ii. W.e.f 20.01.2020 to 03.02.202 (15 days) from Dr. Farrukh Akhtar (Annex-M)

7. The accused teacher had to re-join his duty on 04.02.2020 along with fitness certificate; but he disappeared from his duty without any prior permission till the start of summer vacations on 13.03.2020, due to covid 19 pandemic.

8. The accused teacher was warned by ASDEO (M) NSR to provide fitness certificate and re-join his duty vides Endst: No. 708-714/21.02.2020 (Annex-N) & 715-721/22.02.2020 (Annex-O)

9. The accused teacher obtained fitness certificate from Dr. Farrukh Akhtar on 09.03.2020 after one month & 05 days of expiry of medical leave (Annex-P). But he didn't submit it to the office/officer concerned.

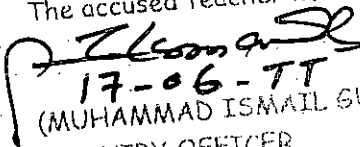


P-4

2. The accused teacher remained absent from his official duty as per detail given below.
 - i. W.e.f 22.10.2019 to 07.11.2019 = 17 days
 - ii. W.e.f 01.01.2020 to 07.05.2020 (Date of enquiry) = 98 daysTotal absence period = 17+98 = 115 days
3. He is found guilty of breach of orders of high ups

V. RECOMMENDATION/CONCLUSION

Keeping in view the above mentioned findings, it is recommended that:
The accused teacher Mr. Muhammad Tahir PST may please be dealt with under E & D Rules:


17-06-22
(MUHAMMAD ISMAIL GUL)
ENQUIRY OFFICER
PRINCIPAL
GHS BARA BANDA NOWSHERA

BEFORE THE KPK SERVICES TRIBUNAL, PESHAR

Rejoinder

In

Appeal No. 1417/2019

Mr. Tahir shah s/o Noor Muhammad Jamail P.S.T Govt
primary school feroz sons nowshera

.....
(Appellant)

V E R S U S

Government of KPK through Secretary Elementary and
secondary Education Peshawar &

Others..... **(Respondents)**

Rejoinder to the comments filed by Respondents.

Respectfully Sheweth:

The appellant submits as under.

ON Facts:

1. Para NO 1 to 3 are admitted as correct by the Respondents , so no comment for para 2 and 3. Where as the respondents admitted para as pertains to records so the director of elementary and secondary education admitted the request of the appellant and sanctioned the allowance of M.Phil. vide notification No.So(B&A) E & SED/11-16/2019/M.Phil. Allowance. More over the appellant was M.Phil before joining the PST sevice the Respondent

NO 2 already sanctioned the allowance of M.phil but respondents no 3 & 4 due to some unknown reason, malafidely not paying the M.Phil allowance rest of the para is incorrect, false, irrelevant without lawful authority and vexatious. The time table of Phd classes is from 2.30 pm to 4 pm as annexure B on page No 11 main appeal and there is no absence from the school but due to malafide intention of respondents No 4 the inquiry report is still pending and no action has been taken against the appellant. It is injustice to take any action against civil servant once the civil servant approach to any competent court for his grievances.

5. Para no 5 of the appeal is correct where as of Reply of Respondents is incorrect No public interest is involved as already the high up sanction appellants M.Phil. allowance Annex A.

6. Para No 6 of the appeal is correct where as reply of respondents is incorrect and misleading because high ups accepted the requisite criteria and allowed the allowances for higher education by Respondent No 2.

7. Para no 7 of the appeal is correct that of reply of Respondents is incorrect No final order of punishments has been till date passed by the Respondents.
8. Para No 8 of appeal is correct and admitted by Respondents so no comments.

GROUND:

- A. Para no A of appeal is correct and that of reply by respondents is incorrect no time of the students is wasted. The PhD class timing was only for two day and that is also from 02:30 pm to 04:00 pm whereas school timing is up to 12.30 pm or some time up to 1 pm.
- B. Para No B of the Respondents is incorrect the time table of PhD classes is 02:30 pm to 4:00 pm annexure B on page 11 of appeal.
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- C. Para No C of the appeal is correct and that of respondents is incorrect and misleading. The appellant due to his clean and satisfactory Record was allowed M.Phil. allowance by Respondent No 2. but due to mala fide

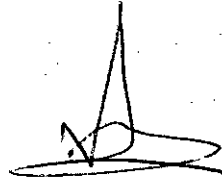
intention of respondent No 4 till date the allowance of M.Phil is not paid to the appellant, No time is wasted because the PhD classes timing is 2.30 pm to 4 pm and school timing is up 1 pm.

It is therefore, most humbly prayed that in light of foregoing facts the Respondents may be directed to issue NOC for the PhD and allowances of higher qualification may please be allowed.

Dated: 23/08/2021

Appellant

Through



Muhammad Anwar Khan
(Pushtun Ghari)
Advocate High Court,
Peshawar

AFFIDAVIT

It is affirmed that the content of this application are true and correct.

DEPONENT