

Execution Petition No. 90/2020

31.05.2021 Petitioner with counsel and Mr. Kabirullah Khattak, Addl. AG alongwith Jehan Bakht Said, Superintendent for the respondents present.

In view of the observations recorded in the previous order sheet; the department has produced the copy of office order bearing Endost. No. 14155-57 dated 05.04.2021 according to which petitioner's 120 days absence has been treated as leave on full pay, 122 days on half average pay and remaining 397 days leave without pay. The matter stands executed except the payment of leave salary. The present Execution Petition is filed. However, the petitioner would be at liberty to file fresh execution petition, if leave salary is not paid to him despite availability of the budget.

File be consigned to the record room.


Chairman

29.03.2021


Counsel for the petitioner and Addl. AG alongwith Janbar Said, Superintendent for the respondents present. Arguments on Execution Petition heard and record perused.

Learned AAG contended that in response to judgment dated in Service Appeal No. 706/2016, dated 09.01.2019, denovo enquiry was conducted and after conclusion, the petitioner has been reinstated in service vide office order dated 27.03.2019 with immediate effect.

Learned counsel for the petitioner contended that absence period of petitioner w.e.f. 01.08.2015 to 26.03.2019 (1363 days) was treated as leave without pay despite the fact that 952 days leave was available at his credit as per Memo dated 29.09.2019 of the District Education Officer, Dir Lower.

It was noted that the De-novo Inquiry in its conclusion have furnished two options either to consider the intervening period as leave without pay or if sufficient leave is available at his credit, then his intervening period be treated as leave on full pay/half average pay. It was further noted that 952 days leave is available at his credit, and declaring the intervening period without pay inspite of recommendations in Denovo Inquiry & availability of leave at his credit, would be unjust.

In view of the above, the respondents are directed to implement the judgment of this Tribunal in letter and spirit and submit compliance report on next date of hearing on 31.05.2021 before S.B.


(Atiq-ur-Rehman Wazir)
Member(E)

31.05.2021

Petitioner with counsel and Mr. Kabirullah Khattak, Addl. AG alongwith Jehan Bakht Said, Superintendent for the respondents present.

In view of the observations recorded in the previous order sheet; the department has produced the copy of office order bearing Endost. No. 14155-57 dated 05.04.2021 according to which petitioner's 120 days absence has been treated as leave on full pay, 122 days on half average pay and remaining 397 days leave without pay. The matter stands executed except the payment of leave salary. The present Execution Petition is filed. However, the petitioner would be at liberty to file fresh execution petition, if leave salary is not paid to him despite availability of the budget.

File be consigned to the record room.

Chairman

07.12.2020 Petitioner present through counsel.

Kabir Ullah Khattak learned Additional Advocate General alongwith Jan Bakht Said Superintendent for respondents present.

Representative of respondents produced office order dated 27.03.20219 whereby the present petitioner was reinstated into service but learned counsel for petitioner submitted that despite directions, record regarding de-novo inquiry was not produced. As such, learned A.A.G is required to contact respondent No.2 and make sure the production of requisite record on 27.01.2021 before S.B.

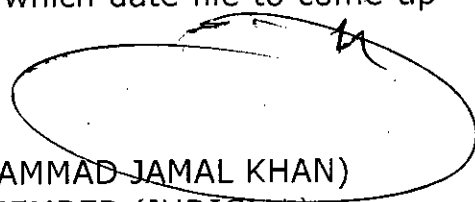

(Rozina Rehman)
Member (J)

27.01.2021

Counsel for petitioner is present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Jan Bakht Said, Superintendent, for the respondents are also present.

Learned counsel for the petitioner submitted that record regarding de-novo inquiry held by the respondent-department has not been produced as no inquiry as such at all has been held.

In response thereof the learned Additional Advocate General assisted by the representative of the concerned department submitted that de-novo inquiry was held in the instant case, the record of which has been submitted to this Tribunal which has already been made part of the file and he referred to the inquiry report accompanied with covering letter dated 08.02.2019. At this stage the learned counsel for petitioner submitted that he is not conversant with the record so placed on file and sought time for its perusal and addressing of his arguments. In consequence thereof the request so made is acceded to, the case is adjourned to 29.03.2021 on which date file to come up for arguments on the point.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

EP 90/2020

10.09.2020

Counsel for the petitioner and Addl. AG alongwith Jan Bakht Superintendent for the respondents present.

The representative of respondents states that the DEO (F) District Dir Lower (respondent No. 2) has proceeded to Chitral in connection with an enquiry, therefore, could not appear before the Tribunal today. He requests for time to produce relevant record regarding the denovo enquiry, if any, conducted against the petitioner.

Allowed. Adjourned to 26.10.2020 but as last chance.

Chairman 

26.10.2020

Nemo for petitioner.

Kabir Ullah Khattak learned Additional Advocate General alongwith Jan Bakht Said Superintendent for respondents present and produced record regarding the de-novo inquiry.

As lawyers are on general strike, therefore, file to come up for consideration/arguments in the light of record regarding de-novo inquiry on 07.12.2020 before S.B.


(Rozina Rehman)
Member (J)

24.07.2020

Waqas-ur-Rehman, Advocate for appellant is present. Mr. Abdul Wahid, Litigation Officer on behalf of respondent No. 5 along with Mr. Kabirullah Khattak, Additional AG for all the respondents are present.

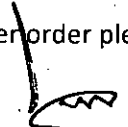


2. Notice has been sent through registered envelop to respondent No. 2 but no one is present on his behalf, let issue another notice through registered envelop to respondent No. 2. Learned Additional AG while referring to the office order dated 27.03.2019 submitted that the judgment of this august Tribunal dated 09.01.2019 has been implemented by virtue of which appellant has been reinstated into service with immediate effect sans allowing him any monitory benefits in his absence period with effect from 01.08.2015 to 26.03.2019 (total of 1363 days) leave without pay.

3. As to how the competent authority arrive at the conclusion as drawn in the last part of the office order, the learned AAG submitted that let wait for respondent No. 2 so that her point of view may be brought under consideration. For this end in view, plea of learned Additional AG, is appropriate let wait for attendance of respondent No. 2 and at the same time directing him to explain for the later part of the office order dated 27.03.2019 to this Tribunal on 10.09.2020.


(MUHAMMAD JAMAL KHAN)
MEMBER

Form- A
FORM OF ORDER SHEET

Court of _____
Execution Petition No. 90 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	3.06.2020	<p>The execution petition of Mr. Jani Mulk submitted today by Mr. Waqas-ur-Rehman Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p> REGISTRAR <u>316/2020</u></p>
2-		<p>This execution petition be put up before S. Bench on <u>12/06/2020</u>.</p> <p> CHAIRMAN</p>
	12.06.2020	<p>Counsel for the petitioner present. Addl: AG present. Notices be issued to the respondents for submission of implementation report on 24.07.2020 before S.B.</p> <p> (MAIN MUHAMMAD) MEMBER</p>

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

Execution petition no. 90/2020
JANI MULK

VS

THE SECRETARY ETC

Index

S.NO	documents	Annexure	Page No.
1.	Application along with affidavit		1 - 4
2.	Copy appeal and judgment	A	5 - 8
3.	Copy of the order dated 27.3.2019	B	9
4.	Copy of the departmental appeal, letter and certificate	C	10 - 16
6.	Wakalatnama		17

Jani Mulk

Petitioner

Through

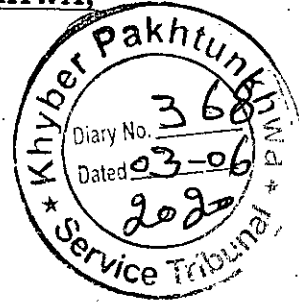
Waqas Ur Rehman

**WAQAS UR REHMAN
Advocate, High Court**

(1)

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

Execution Petition no. 90/2020



Petition No. _____/2020

**JANI MULK SON OF PATI MULK RESIDENT OF SHONTALA, TEHSIL
AND DISTRICT DIR LOWER.**

..... PETITIONER

Versus

1. SECRETARY TO EDUCATION OF GOVERNMENT OF KHYBER PAKHTUNKHWA ELEMENTARY & SECONDARY EDUCATION DEPARTMENT, PESHAWAR
- ✓ 2. DISTRICT EDUCATION OFFICER (F), DISTRICT DIR LOWER AT TIRMERGARA.
3. SECTION OFFICER (C-III) GOVERNMENT OF KHYBER PAKHTUNKHWA ELEMENTARY & SECONDARY EDUCATION, ARCHIVES & LIBRARIES DEPARTMENT, PESHAWAR
4. PRINCIPAL GOVERNMENT GIRLS MIDDLE SCHOOL, SHONTAL, SAMAR BAGH, DIR LOWER
- ✓ 5. DIRECTOR OF ELEMENTARY & SECONDARY EDUCATION, KPK, PESHAWAR

.....RESPONDENTS

**APPLICATION FOR IMPLEMENTATION OF THE
JUDGMENT/ORDER DATED 9.1.2019 PASSED BY THIS
HON'BLE TRIBUNAL TO THE EXTENT OF BACK BENEFITS.**

PRAYER IN PETITION:

**ON ACCEPTANCE OF THE INSTANT PETITION, THE
JUDGMENT/ORDER DATED 9.1.2019 PASSED BY THIS
HON'BLE TRIBUNAL MAY KINDLY BE IMPLEMENTED TO**

(2)

**THE EXTENT OF BACK BENEFITS AND THE RESPONDENTS
MAY KINDLY BE DIRECTED TO GRANTED ALL BACK
BENEFITS TO THE PETITIONER.**

Respectfully Sheweth:

1. That petitioner filed a service appeal No.706 of 2016 before this Hon'ble tribunal on 30.6.2016 which was allowed vide judgment dated 9.1.2019.
(Copy of the appeal alongwith the judgment is annexed as annexure A)
2. That while deciding the appeal mentioned ibid, this Hon'ble Court directed the respondents to reinstate the petitioner opined that the respondents are at liberty to conduct denovo inquiry and decide the issue of back benefits of the petitioner thereafter.
3. That the petitioner was reinstated by the respondent No.3 on 27.3.2019 and in such order the respondent No.3 considered the alleged absentee of the petitioner as leave without pay, which order to that extent is illegal as denovo inquiry had to be conducted after the reinstatement of the petitioner in service, whereas, the said order has been passed prior to the reinstatement of the petitioner.
(Copy of the order dated 27.3.2019 is annexed as annexure B)
4. That felt aggrieved from the said order the petitioner once again filed a departmental appeal on **23.4.2019**, the respondent No.3 has replied to the respondent No.5 on **29.2.2019 vide letter NO.2371**, that the petitioner has 952 days leave available at his credit according to his service length to which effect the respondent No.3 has also issued a certificate that the petitioner has not availed any kind of leave.
(Copy of the departmental appeal, letter and certificate is annexed as annexure C, D and F)
5. That neither the inquiry has been conducted by the respondents in the prescribed period as mentioned in the judgment nor the respondents are granting the petitioner his back benefits which is against the law and rights of the petitioner.


6. That any other point will be agitated during the course of arguments.

It is therefore, most humbly prayed, that on acceptance of this application the judgment passed by this Hon'ble tribunal may kindly be implemented to the extent of back benefits and the respondents may kindly be directed to grant the petitioner all back benefits.

Any other relief not specifically prayed for but deems fit by this Hon'ble Court may also be granted in favor of the appellant/defendant


Petitioner

Through


Waqas Ur Rehman
Advocate, High Court

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

JANI MULK

VS

THE SECRETARY ETC

AFFIDAVIT

I, do hereby affirm and state on oath that the contents of this application are true & correct to the best of my knowledge & belief & nothing has been concealed from this Hon'ble Court.

Jani Mulk
DEPONENT



Ahmad Hussain Bughra

Annexure - "A"



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

5

Service Appeal # 706 of 2016



Khyber Pakhtunkhwa
Service Tribunal

Diary No. 683

Dated 30-6-2016

JANI MALIK SON OF PATI MULK RESIDENT OF SHONTALA, TEHSIL AND
DISTRICT DIR LOWER.

Appellant

Versus

1. SECRETARY TO EDUCATION OF GOVERNMENT OF KHYBER
PAKHTUNKHWA ELEMENTARY & SECONDARY EDUCATION DEPARTMENT,
PESHAWAR.
2. DISTRICT EDUCATION OFFICER (F), DISTRICT DIR LOWER AT
TIMERGARA.
3. SECTION OFFICER (C-III), GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION, ARCHIEVES & LIBRARIES
DEPARTMENT, PESHAWAR.
4. PRINCIPAL GOVT GIRLS MIDDLE SCHOOL, SHONTALA, SAMAR BAGH, DIR
LOWER.
5. DIRECTOR OF ELEMENTARY & SECONDARY EDUCATION, KPK,
PESHAWAR

Respondents

Filed to-day

Registrar
30/6/16

Re-submitted to -day
and filed.

Registrar
4/7/16

PRAYER IN APPEAL:

ON ACCEPTANCE OF THIS APPEAL THE
IMPUGNED ORDER DATED 28.07.2015, MAY

ATTESTED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT SWAT

SERVICE APPEAL NO. 706/2016

Date of institution ... 30.06.2016

Date of judgment ... 09.01.2019



6

Jani Malik S/o Pati Mulk
R/o Shontala, Tehsil and District Dir Lower

... (Appellant)

VERSUS

1. Secretary to Education of Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department, Peshawar.
2. District Education Officer (F), District Dir Lower at Timergara.
3. Section Officer (C-III), Government of Khyber Pakhtunkhwa Elementary & Secondary Education, Achieves & Libraries Department, Peshawar.
4. Principal Government Girls Middle School, Shontala, Samar Bagh, Dir Lower.
5. Director of Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.

... (Respondents)

APPEAL UNDER SECTION-4 OF SERVICE TRIBUNAL ACT, 1974,
AGAINST THE ORDER DATED 28.07.2015, WHEREBY THE
APPELLANT, WHO WAS SERVING AS SWEEPER AT GGMS WAS
REMOVED FROM SERVICE WITHOUT AFFORDING AN
OPPORTUNITY OF PERSONAL HEARING AND FULFILLING THE
CODAL FORMALITIES.

Mr. Waqas-ur-Rehman, Advocate.

.. For appellant.

Mr. Mian Ameer Qadir, District Attorney

.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (JUDICIAL)

MR. AHMAD HASSAN

.. MEMBER (EXECUTIVE)

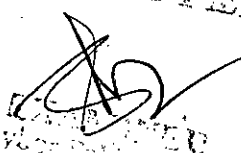
ATTESTED

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Appellant

alongwith his counsel present. Mr. Mian Ameer Qadir, District Attorney for the respondents present. Arguments heard and record perused.

2. Brief facts of the case as per present service appeal are that the appellant was serving in Education Department as Sweeper. He was removed from service


Khyber Pakhtunkhwa
Service Tribunal
Peshawar

vide impugned order dated 28.07.2015 on the allegation of absence from duty.


The appellant filed department appeal on 01.09.2015 which was not responded hence, the present service appeal.

3. Respondents were summoned who contested the appeal by filing written reply/comments.

4. Learned counsel for the appellant contended that the appellant was appointed as Sweeper in Education Department by the competent authority vide order dated 18.09.1995 and has 21 years serving in his credit but he never remained absent from duty. It was further contended that neither any charge sheet, statement of allegation was framed/served upon the appellant nor any inquiry was conducted nor the charge sheet, statement of allegation or inquiry report are available on the record. It was further contended that a show-cause notice was issued to the appellant on 08.03.2015 regarding the willful absence but the said show-cause notice does not disclose the absent period of the appellant. It was further contended that the respondents have also not disclosed in their written reply/comments that how much days the appellant remained absent from duty. It was further contended that the Headmistress of the said school have personal grudges with the appellant and on her complaint the appellant was removed from service mechanically without adopting proper procedure therefore, the impugned order is illegal and liable to be set-aside.

5. On the other hand, learned District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant remained absent from duty. It was further contended that all the codal formalities were fulfilled and the absent of the appellant was proved therefore, the competent authority has rightly removed the appellant from service and prayed for dismissal of appeal.

ATTESTED


Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

*Ms. Anwar
29.1.2014*

(7)

[Handwritten marks and a circled number 8]

6. Perusal of the record reveals that nothing is available on the record nor the respondent has mentioned in the impugned order or their comments/reply that for how much period the appellant remained absent from duty. Moreover, ⁱⁿ that neither any absence notice or any advertisement regarding the absence of the appellant in the newspaper are available on the record nor charge sheet, statement of allegation or inquiry report has been brought on the record by the respondent-department. Meaning thereby that the appellant was removed from service mechanically without adopting proper procedure as laid down in the Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011. Moreover, the appellant has also 21 years service in his credit but the competent authority has not considered the same at the time of passing the impugned order therefore, the impugned order is illegal and liable to be set-aside. As such, we accept the appeal, set-aside the impugned order and reinstate the appellant into service. However, the respondent-department is at liberty to conduct de-novo inquiry against the appellant as per rule within a period of ninety days from the date of receipt of judgment. The issue of back benefits will be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
09.01.2019

[Signature]
(AHMAD HASSAN)
MEMBER
CAMP COURT SWAT

[Signature]
(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
CAMP COURT SWAT

Certified to be true copy
[Signature]
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 16-1-19
 No. of Applications 1600
 Copying Fee 10
 Urgent 2
 Total 12
 Name of Copy [Signature]
 Date of Completion of Work 16-1-19
 Date of Delivery of Copy 16-1-19

Annexure - "B"

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) DIR LOWER AT TIMERGARA.

OFFICER ORDER.

In compliance with the direction of January Service Tribunal Khyber Pakhtunkhwa Peshawar dated 09/01/2019 in service appeal No. 706/2016 Mr. Jani Mulk ex-Sweeper is hereby reinstated into service and further adjusted at GGMS Shontala Samar Bagh against vacant post of sweeper with immediate effect, and the absence period w.e.f, 01/08/2015 to 26/03/2019, (1363 days) treated as leave without pay. ✓

- Note;
1. charge reports should be submitted to all concerned.
 2. No TA/DA is allowed

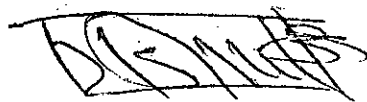
(NUSRAT BIBI)
DISTRICT EDUCATION OFFICER
(F) DIR LOWER AT TIMERGARA

Endst: No 8001-5

Dated Timergara the 27/3 /2019.

Copy of the above is forwarded to:

1. The Registrar Service Tribunal Khyber Pakhtunkhwa Peshawar.
2. The Director (E&SE) Khyber Pakhtunkhwa Peshawar.
3. The District Account Officer Dir Lower.
4. The Accountant local office.
5. The official concerned.


DISTRICT EDUCATION OFFICER
(F) DIR LOWER AT TIMERGARA

چارج رپورٹ



محوالہ آرڈر نمبر 8001-5 مورخہ 27/03/2019 از امرہ

10

دفتر ڈسٹرکٹ انجکشن افسیر (زنانه) بمقام ننگرہ

میں نے آج مورخہ 28/03/2019 قبل از دوپہر
گورنمنٹ گریڈڈ سکول شوئیالہ میں اپنے عہدے
کثیت خاکروب چارج سنبھال لیا
ہذا چارج رپورٹ ارسال خدمت ہے

چارج دہندہ

چارج گریڈو
جانی ملک
جانی ملک

Shul

(Head Mistress)
G.M.S. Shuntala
Distt: Dir Lower

Forwarded to D.E.O(F)
Timerghora for further
action please.

J/c Shul

(Head Mistress)
G.M.S. Shuntala
Distt: Dir Lower

بخدمت جناب ڈائریکٹر صاحب ابتدائی و ثانوی تعلیم صوبہ K.P. بمقام پشاور۔

عنوان:- اپیل۔

11

جناب عالی! سائل ذیل عرض گزار ہے۔

۱۔ یہ کہ سائل بحیثیت سوپر GGMS شونالہ تحصیل شرباغ ضلع دیر پائین میں مورخہ 18-09-1995 سے اپنی فرائض منصبی پوری لگن اور ایمانداری کے ساتھ انجام دے رہا تھا۔

۲۔ یہ کہ بندہ کی نوکری بغیر کسی انکوائری یا نوٹس کے ختم کی گئی جس کے خلاف بندہ نے محکمہ ہذا کو محکمانہ اپیل گزارا لیکن اس پر کوئی شنوائی نہیں ہوئی، جس کے خلاف بندہ نے عدالت سے رجوع کر کے بحالی سروس کیلئے اپیل دائر کیا۔

۳۔ یہ کہ عدالت نے سائل کا موقف درست تسلیم کرتے ہوئے بروئے آفس آرڈر نمبر 5-8001-Endst: مورخہ 27-03-2019 سائل کے سروس کے بحالی کے احکامات صادر کئے، تاہم سائل کے absence period کو Leave without pay قرار دیا۔ (نقل آرڈر لف ہے)۔

۴۔ یہ کہ سائل طویل سروس کر چکا ہے اور ریکارڈ پر کافی چھٹی موجود ہے۔

بحالات بالا استدعا ہے کہ اس دورانے کو چھٹی میں تبدیل کرنے یا بصورت دیگر چھٹی معہ تنخواہ قرار دیا جائے تاکہ انصاف کے تقاضے پورے ہوں۔ مورخہ 23-04-2019

جانجی ملک
عرض گزار!

جانجی ملک ولد فاتی ملک

سوپر GGMS شونالہ تحصیل شرباغ
ضلع دیر پائین۔

12

Directorate of Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.
No. _____ /F.No. 171-A-20/C-IV/Dir Lower Vol I
Dated Peshawar the 30/4 /2019

To

The District Education Officer
(F) Dir Lower

Subject: APPEAL

Memo:

I am directed to refer to the subject noted above and to enclose herewith a copy of appeal alongwith its enclosures in r/o Jani Malik sweeper GGMS Shontala Samarbagh Dir Lower, for necessary action and submission of detail report/comments at an early date.

Assistant Director (Admn)
Directorate of E&SE K.P, Peshawar

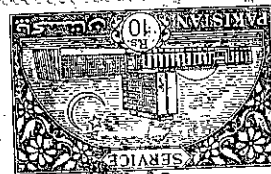
Endst; No 1843-44

Copy forwarded to the: -

1. Jani Malik sweeper GGMS Shontala Samarbagh Dir Lower.
2. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

Munawar 30/4/19
Assistant Director (Admn)
Directorate of E&SE K.P, Peshawar

K.P. Peshawar
Director (E&SE)
Directorate of E&SE



13



OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALE DIR LOWER.

No. 2371

Dated: 29/1/2019



emisdeofdirlower@gmail.com



DEO, Female Dir Lower



@DEOFemaleDir(L)

Phone# 0945-9250083

Fax# 0945-824083

To

The Director,
Elementary & Secondary Education Peshawar.

Subject: **APPEAL**
Memo,

Please refer to your office letter No.1842/F.No 171-A-20/C-IV Dir Lower dated 30-04-2019 on the subject cited above.

JAMI In this regarding it is stated for your kind information that Mr. Janu Maluk S/O Pati Maluk working in Education Department as sweeper at GGMS Shontala Since 18-09-1995 up to the date of removal i.e 31-07-2015 he has not been avail any kind of leave. According to the service length 952 days leave available at his credit. Photocopy of service book attached for ready reference.

Hence submitted for further order please.

District Education Officer (Female)
Dir Lower.



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

No. 4590 /F.No.171 /A-20/C-IV/Dir Lower Vol-1

Dated Peshawar the 1/10 /2019

Phone: 091-9225344

Email: ddadm.n.ese@gmail.com

14

To

The District Education Officer
(Female) Dir Lower

Subject: **APPEAL**

Memo:

I am directed to refer to your letter No 2371 dated 02/09/2019 on the subject noted above in r/o Janu Maluk GGMS Shontala Dir Lower and to ask you to provide relevant documents along with original Service Book, Leave Certificate, Removal from Service Notification Court Judgment etc to proceed further in to the matter and dispose of his appeal in the light of your comments/record.

Assistant Director (Admn)
Directorate of E&SE K.P, Peshawar

Endst; No. _____

Copy forwarded to the: -

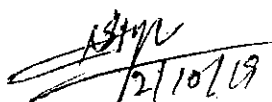
1. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

Assistant Director (Admn)
Directorate of E&SE K.P, Peshawar

15

Leave certificate.

Certified that Mr.Jani Mulk working as sweeper post at GGMS Shontala Dir lower
Since 18-09-1995.
It further certified that he has not been avail any kind of leave up to 31-07-2015


21/10/19
Distt: Education Officer.
Dir at Timergara



OFFICE OF THE
DISTRICT EDUCATION OFFICER (F)
DISTRICT DIR LOWER

16

NO 2995 Dated Timergara the 02/10/2019.

To,

The Director E&SE,
KPK PESHAWAR.

Subject;- APPEAL.

Reference your office letter NO 4590-E NO 171/A-20-IV /Dir Lower dated 01/10/2019 on the above cited subject.

Enclosed please find here with service in original along with leave certificate and copy of order regarding removal from service, Court Judgment in respect of Jani Mulk Sweeper GGMS Shontala Dir Lower for further necessary action.


21/10/19
DISTRICT EDUCATION OFFICER(F),
DIR LOWER AT TIMERGARA.

قیمت
50 روپے

43177



ایڈوکیٹ: وصاحی الرحمن، ایڈولٹس ہائی کورٹ

بار کونسل ایسوسی ایشن نمبر: bc-14-4726

رابطہ نمبر: 0334-2472723

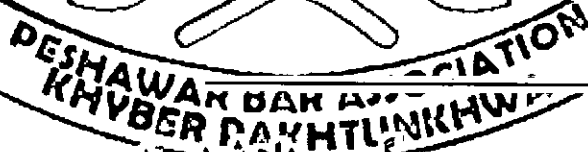
پشاور بار ایسوسی ایشن، خیبر پختونخوا

بعدالت جناب: سروس سٹراٹیجی و سول سیکرٹری جسٹس جواہر پشاور

دعویٰ:	منجانب: <u>Petitioner</u>
علت نمبر:	<u>جانی ملک</u>
مورخہ:	<u>بنام</u>
جرم:	<u>سیکریٹری وغیرہ</u>
تھانہ:	<u>پشاور</u>

باعث تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
آن مقام پشاور کیلئے وصاحی الرحمن، ایڈولٹس ہائی کورٹ کو وکیل مقرر
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو
راضی نامہ کرنے و تقرر 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 و نظرقامی 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 یقیناً اختیار کا اختیار ہوگا اور صاحب
مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخلہ منظور و قبول ہوگا
دوران مقدمہ میں جو خرچہ ہر جانب اتوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے
المقوم:

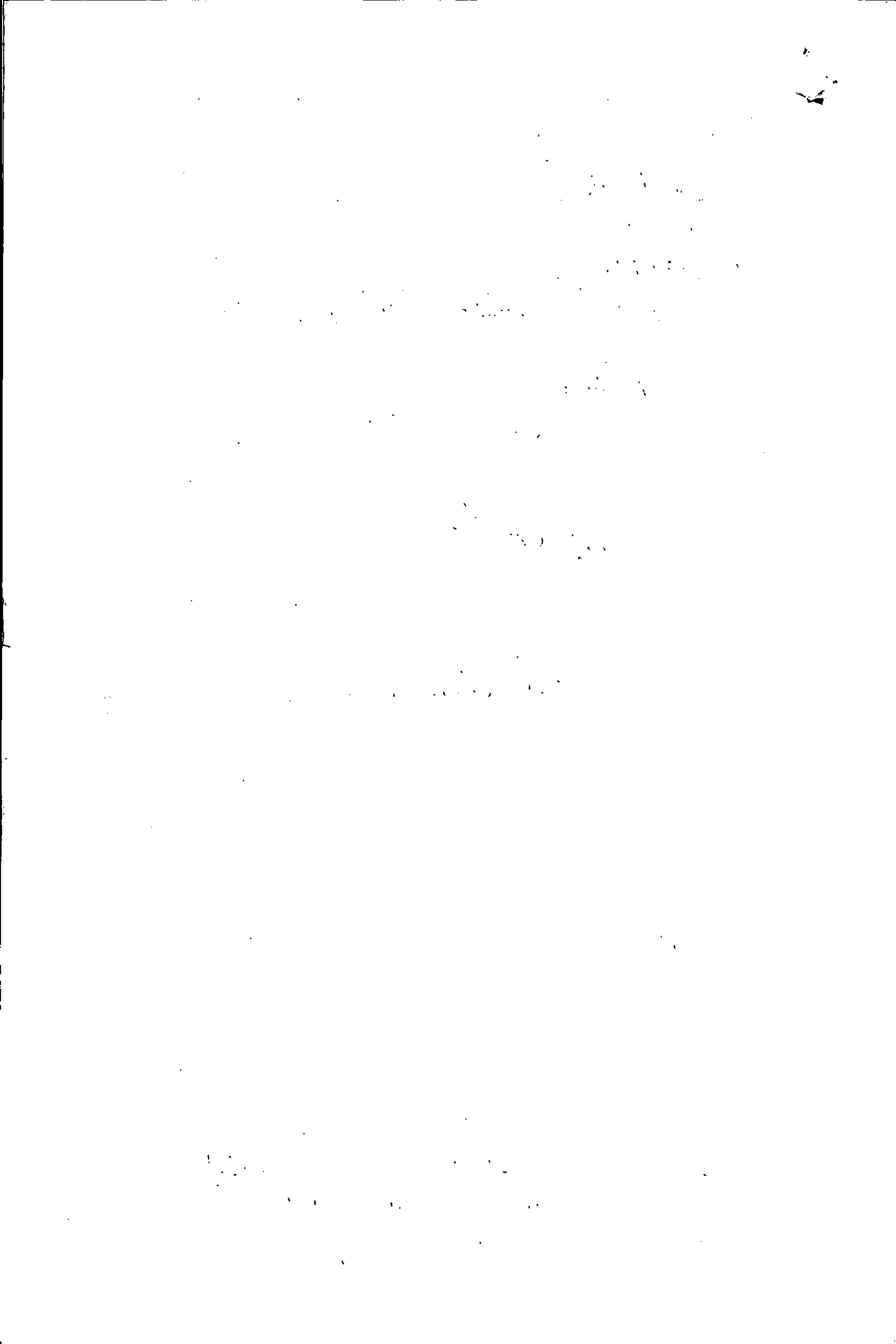


مقام پشاور کے لیے منظور ہے۔

Accepted and accepted
Uzair-ur-Rehman
Advocate, High Court

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

جانی ملک ولد یاتی ملک کئے ٹونٹام لوم دیم



OFFICE OF THE DISTRICT EDUCATION OFFICER (Female) DIR LOWER AT TIMERGARA.

No. 6415

Dated Timergara the 08/02 2019.

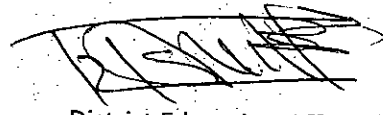
To,

1. Mr. Gul Badshah SDEO(F) Lalqila (Chairperson).
2. Mr. Mutabar Khan ASDEO(F) Circle (Member).

Subject: INQUIRY IN APPEAL NO.706/2016 SERVICE TRIBUNAL PESHAWAR.

Memo:

In the light of service tribunal Peshawar No.706/2016 in respect of Mr. Jani Mulk S/O Pati Mulk Ex-Sweeper GGMS, Shontala Teh: Samar Bagh decision announced on 09/01/2019, for enquiry and report within a week period to proceed further into the matter under the rules.



District Education Officer (F)
Dir Lower at Timergara

Endst: No _____

Copy of the above is forwarder for information to the litigation cell local Office.



District Education Officer (F)
Dir Lower at Timergara

DEO(F)
Surat An
21/10/2020
Distt: Edu: Officer(F)
District Lower Dir

INQUIRY REPORT.

As per direction of District Education Officer(F) Dir lower letter No,6415 dated 8/2/2019, I Mr, Gul Badshah SDEO(F) Lal Qila visited GGMS Shontala on 19/9/2019 to conduct inquiry against Mr, Jani Mulk Sweeper of the school in light of court decision dated 9/1/2019 by the Service Tribunal KPK Peshwar. When I reached to the school Teacher attendance checked all teaching staff were present class iv servants Sadiq Shah Naib Qasid and Mr, Jani Mulk petitioner was also present. Questionnaire were prepared and handed over to the Incharge Headmistress as well as to the Sadiq Shah Naib Qasid as well as Petitioner Jani Mulk. Witten reply/Statements obtained from them. Verbally discussion also made with the incharge Headmistress as well as Sadiq Shah NQ and petitioner.


Incharge Headmistress told that he does not performed his duty and remained absent. On the other hand Mr, Sadiq Shah told that as per duty roster He performed duty on the day and the petitioner named Jani Mulk was performed his duty at night. The petitioner also confessed that he actually performed the duty at night, but some personal grudges with the Headmistress he marked him as absent and also he reported by her to the IMU and high ups.

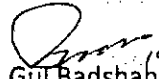
FINDINGS

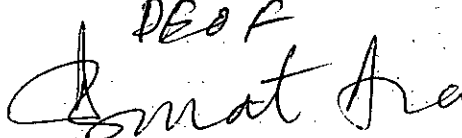
As per statements of incharge Headmistress and Sadiq shah. N. Qasid as well as petitioner it is pointed out that some personal grudges between the petitioner and Incharge Headmistress the situation occurred as the statement of Sadiq shah is evident between the two party. The honrli; court also re-instated him and removal order has been made set aside.


Conclusion

In this regard its suggested that the decision of the Honrli; Court may please be implemented in letter and spirit from the date of decision i.e w.e.f 9/1/2019, and intervening period i.e from date of Removal to the date of Re-instatement may be treated as leave without pay. If possible and leave available his credit then his absence period may be treated as leave on full pay/Half average pay please..


Mutabar Khan
ASDEO (F) 8/Besh
ASDEO
Samar Bagh
Circle Samar Bagh


Gul Badshah
SDEO(F) Lal Qila

DEO A

Smart Aza
Distt. Edu Officer (F)
District Lower Dir


21/3/2019

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) DIR LOWER AT TIMERGARA.

OFFICER ORDER.

In compliance with the direction of January Service Tribunal Khyber Pakhtunkhwa Peshawar dated 09/01/2019 in service appeal No. 706/2016 Mr. Jani Mulk ex-Sweeper is hereby reinstated into service and further adjusted at GGMS Shontala Samar Bagh against vacant post of sweeper with immediate effect, and the absence period w.e.f, 01/08/2015 to 26/03/2019, (1363 days) treated as leave without pay.

- Note;
1. charge reports should be submitted to all concerned.
 2. No TA/DA is allowed

(NUSRAT BIBI)
DISTRICT EDUCATION OFFICER
(F) DIR LOWER AT TIMERGARA

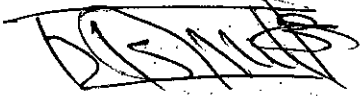
Endst: No

8001-51

Dated Timergara the 27/3 /2019.

Copy of the above is forwarded to:

1. The Registrar Service Tribunal Khyber Pakhtunkhwa Peshawar.
2. The Director (E&SE) Khyber Pakhtunkhwa Peshawar.
3. The District Account Officer Dir Lower.
4. The Accountant local office.
5. The official concerned.


DISTRICT EDUCATION OFFICER
(F) DIR LOWER AT TIMERGARA

OFFICE OF THE DISTRICT EDUCATION OFFICER (F) DIR LOWER AT TIMERGARA

OFFICE ORDER

In the light of decision made by honorable service tribunal Khyber Pakhtun Khwa Peshawar vide writ petition No.90/2020 dated 03/6/2020. Under the provision of revised leave rules 1981, The absent period in respect of Mr, Jani Mulk Sweeper GGMS Shuntala is hereby converted on full pay/Half average, and leave without pay is per detailed given below as due and admissible to him under the rules subject to the condition that necessary entry to this effect should be made in his service book by the DDO concerned.

<u>S.No.</u>	<u>Period of Leave</u>
1.	01/08/2015 to 18/11/2015(120 days) on full pay.
2.	19/11/2015 to 28/2/2018 (832 days) on half average pay.
3.	29/02/2018 to 26/03/2019 (397 days) leave without pay.


(ASMAT ARA QURESHI)
DISTRICT EDUCATION OFFICER
(F)DIR LOWER AT TIMERGARA.

Endst: No. 14155-57

Dated 05/04/2021.

Copy forwarded to:-

1. The DAO Dir lower at Timergara
2. The Local Accountant DEO (F) Concerned.
3. The Official Concerned.


DISTRICT EDUCATION OFFICER(F)
DIR LOWER AT TIMERGARA.