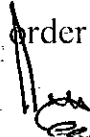


FORM OF ORDER SHEET

Court of _____

Case No. - 1813/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/12/2022	<p>The appeal of Mr. Sherin Zada presented today by Roccda Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. 1813 of 2022

Sherin Zada S/o Gul Zada R/o Ghozano Shah, P.O Khar Shinky Tehsil
Khar Bajaur District Bajaur.

..... Appellant

VERSUS

- 1) Government of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat Peshawar.
- 2) Secretary to Government of KPK E&SE Department Peshawar.
- 3) Director E&SE KPK Peshawar.
- 4) District Education Officer (Male) District Bajaur.

..... Respondents


INDEX

S.No.	Description of documents	Annexure	Pages
1.	Memo of Appeal		1-4
2.	Addresses of the parties		5
3.	Affidavit		6
5.	Copy of Notification dated 16/03/2022.	A	7
6.	Copy of impugned order	B	8
7.	Copy of charge sheet and statement of allegation	C	9-10
8.	Copy of Departmental Appeal	D	11-13
	Wakalat Nama		

Dated 15/12/2022


Appellant

Through


Roeda Khan
Advocate, High Court,
Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. _____ of 2022

Sherin Zada S/o Gul Zada R/o Ghozano Shah, P.O Khar Shinky Tehsil
 Khar Bajaur District Bajaur.

..... Appellant

VERSUS

- 1) Government of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat Peshawar.
- 2) Secretary to Government of KPK E&SE Department Peshawar.
- 3) Director E&SE KPK Peshawar.
- 4) District Education Officer (Male) District Bajaur.

..... Respondents

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ORDER DATED 29.08.2022 WHEREBY MINOR PENALTY OF WITH HOLDING OF TWO ANNUAL INCREMENTS FOR TWO YEARS HAS BEEN AWARDED TO THE APPELLANT AGAINST WHICH THE APPELLANT FILED A DEPARTMENTAL APPEAL 05/09/2022 WHICH HAS NOT BEEN DECIDED WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

Prayer:

On acceptance of the instant service appeal the impugned order dated 29.08.2022 may kindly be set aside and the appellant may kindly be order to be

restored his two annual increments for two years along with all back benefits.

Respectfully Sheweth:

FACTS

The appellant respectfully submits as under:

- 1) That the appellant is performing his duty as District Education officer (Male) at District Bajuar with full deviation and hard work since long time with respondent Department and no complaint whatsoever has been made against the appellant.
- 2) That while performing his official duty as DEO (Male) Bajaur the Additional charges of the post of DEO (Female) Bajaur has been granted to the appellant through notification dated 16/03/2022. (Copy of notification is attached as Annexure-A).
- 3) That on 29/08/2022 the impugned order has been issued against the appellant whereby the appellant has been awarded minor penalty of withholding of two annual increments for two years. (Copy of impugned order is attached Annexure-B).
- 4) That a charge sheet and statement of allegation has been issued against the appellant which has not been served to the appellant by the respondent Department, it has been received by the appellant through his personal effect with the impugned order dated

29/08/2022. (Copy of charge sheet and statement of allegation is attached as Annexure-C).

- 5) That the appellant submitted Departmental Appeal against the impugned order dated 29/08/2022 on 05/09/2022. (Copy of Departmental Appeal is attached as Annexure-D).
- 6) That feeling aggrieved the appellant prepares the instant Service Appeal before this Hon' able Tribunal inter alia on the following grounds.

GROUNDS

- A). that the impugned order dated 29/08/2022 is come under the definition of void order because it has been passed without fulfilling the codal formalities.
- B) That no opportunity of personal hearing and defense has been provided to the appellant.
- C) That no Departmental inquiry has been conducted against the appellant.
- D) That there is no illegality on part of the appellant and so concerned the charges mention in the charge sheet and statement of allegation as concocted, false and baseless hence denied.
- E) That any other will be raised at the time of arguments with the prior permission of this Hon' able court.


It is therefore most humbly prayed that on acceptance of the instant service appeal the impugned order dated 29.08.2022 may kindly be set aside and the appellant may kindly be order to be restored his two annual increments for two years along with all back benefits.

Any other remedy which this august tribunal deems fit that may also onward granted in favor of appellant.

Dated 15/12/2022

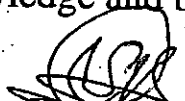

Appellant

Through


Roeda Khan
Advocate, High Court,
Peshawar.

Verification:

Verified that the contents of the above appeal are true and correct to the best of my knowledge and belief.


Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. _____ of 2022

Sherin Zada S/o Gul Zada R/o Ghozano Shah, P.O Khar Shinky Tehsil
 Khar Bajaur District Bajaur.

..... Appellant

VERSUS

- 1) Government of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat Peshawar.
- 2) Secretary to Government of KPK E&SE Department Peshawar.
- 3) Director E&SE KPK Peshawar.
- 4) District Education Officer (Male) District Bajaur.

..... Respondents

ADDRESSES OF THE PARTIES

Appellant

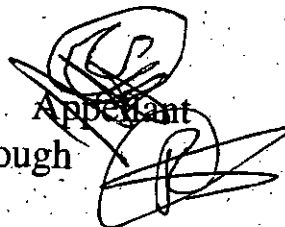
Sherin Zada S/o Gul Zada R/o Ghozano Shah, P.O Khar Shinky
 Tehsil Khar Bajaur District Bajaur.

Respondents

- 1) Government of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat Peshawar.
- 2) Secretary to Government of KPK E&SE Department Peshawar.
- 3) Director E&SE KPK Peshawar.
- 4) District Education Officer (Male) District Bajaur.

Dated 15/12/2022

Through



Rooeda Khan
Advocate, High Court,
Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. _____ of 2022

Sherin Zada S/o Gul Zada R/o Ghozano Shah, P.O Khar Shinky Tehsil
 Khar Bajaur District Bajaur.

..... Appellant

VERSUS

- 1) Government of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat Peshawar.
- 2) Secretary to Government of KPK E&SE Department Peshawar. °
- 3) Director E&SE KPK Peshawar.
- 4) District Education Officer (Male) District Bajaur.

..... Respondents

AFFIDAVIT

I, Sherin Zada S/o Gul Zada R/o Ghozano Shah, P.O Khar Shinky Tehsil Khar Bajaur District Bajaur do hereby solemnly and oath that the contents of the instant appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon' able Court.


 Dependent



Annex A

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
(Phone No. 091-9221388)

Dated Peshawar the March 16th, 2022

NOTIFICATION

NO.SO(MC)E&SED/4-16/2021/POSTING/TRANSFER/TC/MC: The following posting / transfers of officers of Elementary & Secondary Education Department are hereby ordered with immediate effect, in the public interest: -

Sr. No	Name & designation	From	To
1.	Mr. Hasrat Zahra (MC BS-18)	DEO (Female) Mardan	Report to Directorate of E&SE Khyber Pakhtunkhwa
2.	Mr. Zulfiqar ul Muik (MC BS-19)	DEO (Male) Mardan	He is authorized to hold additional charge of the post of DEO (Female) Mardan, in addition to his own duties, till arrival of regular incumbent of the post.
3.	Mr. Shireen Zada Principal (BS-18)	DEO (Male) Bajaur	He is authorized to hold additional charge of the post of DEO (Female) Bajaur, in addition to his own duties, till arrival of regular incumbent of the post.
4.	Mr. Qadeem Khan Principal (BS-19)	DEO (Male) South Waziristan	He is authorized to hold additional charge of the post of DEO (Female) South Waziristan, in addition to his own duties, till arrival of regular incumbent of the post.
5.	Mr. Jadoon Khan Principal (BS-19)	DEO (Male) North Waziristan	He is authorized to hold additional charge of the post of DEO (Female) North Waziristan, in addition to his own duties, till arrival of regular incumbent of the post.

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

Endst: of even No. & date:

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers (Male & Female) of the concerned districts.
4. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
5. District Accounts Officers concerned.
6. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
7. Officers concerned

(JUNAID SHAH)

SECTION OFFICER (Management Cadre)

EOM

7-3-2022

✓

16/3/22

REGISTERED



Annex B 8

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the August 29, 2022

NOTIFICATION

No. SO(SM)ESSED/4-11/2021/Mr. Shireen Zada/DEO/Bajaur & others: WHEREAS Mr. Shireen Zada (TC BS-18), District Education Officer (Male), District Bajaur was proceeded against under the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

2. AND WHEREAS Mr. Johar Ali Shah (PMS BS-19), Additional Secretary, Public Health Engineering Department and Mr. Sajjad Akhtar, District Education (Male), BS-19, at the disposal of Directorate were nominated as Inquiry Committee to conduct Formal Inquiry under the ibid Rules, against Mr. Shireen Zada (TC BS-18), District Education Officer (Male), District Bajaur, for the charges leveled against him.

3. AND WHEREAS the Inquiry Committee after having examined the charges, evidence on record and explanation of the accused, has submitted the report.

4. AND WHEREAS the Competent Authority (Chief Minister) after having considered the charges and evidence on record, inquiry report, explanation of the accused in response to the show cause notice and personal hearing granted to him by Secretary, Minerals Development Department on behalf of the Competent Authority on 18.05.2022 is of the view that charges against the accused have been proved.

5. NOW, THEREFORE, in exercise of the powers conferred under section 14 (3) of the ibid Rules, the Competent Authority (Chief Minister), is pleased to impose minor penalty of "withholding of two annual increments for two years" upon Mr. Shireen Zada (TC BS-18), District Education Officer (Male), District Bajaur with immediate effect.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male) Bajaur.
4. District Account Officer Bajaur.
5. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
6. PS to Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
7. Section Officer (School/Male), E&SE Department.
8. Section Officer (Management Cadre), E&SE Department.
9. Incharge EMIS E&SE Department.
10. Mr. Shireen Zada (TC BS-18), District Education Officer (Male), District Bajaur.
11. Office under file.


(MUJEEB UR REHMAN)
SECTION OFFICER (INQUIRIES)

CHARGE SHEET

I, Dr. Kazim Niaz, Chief Secretary, Khyber Pakhtunkhwa as the Competent Authority, hereby charge you, Mr. Sherin Zada Ex-DEO (Male) District Bajaur, as follows: -

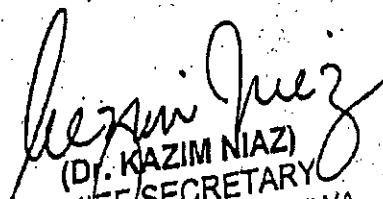
2. That you while posted as District Education Officer (Male) Bajaur committed the following irregularities.

- I. You instead of clear-cut instructions issued by the Elementary & Secondary Education Department, Khyber Pakhtunkhwa paid visit to the Government Girls High School Bajaur and took part in the functions as Chief Guest.
- II. You therefore, violated the government rules / policy.

3. By reason of the above, you appear to be guilty of inefficiency 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.

4. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the enquiry officer/enquiry committee, as the case may be. Your written defense, if any, should reach the enquiry officer/ enquiry committee within specified period of time, failing which it shall be presumed that you have no defense to put in and, in that case, ex-parte action shall be taken against you.

5. A statement of allegations is enclosed.


(Dr. KAZIM NIAZ)
CHIEF SECRETARY
KHYBER PAKHTUNKHWA

Mr. Sherin Zada,
Ex-DEO (Male) District Bajaur
Now at the disposal of Directorate of E&SE

'C' 10

DISCIPLINARY ACTION

I, Dr. Kazim Niaz, Chief Secretary, Khyber Pakhtunkhwa as the Competent Authority am of the opinion that, Mr. Sherin Zada Ex-DEO (Male) District Bajaur, has rendered himself liable to be proceeded against, as he committed the following offenses, within the meaning of Rules-3 of the Khyber Pakhtunkhwa Government Service (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

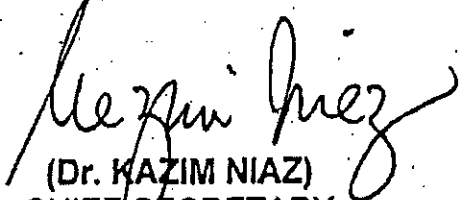
- I. That he instead of clear-cut instructions issued by the Elementary & Secondary Education Department, Khyber Pakhtunkhwa paid visit to the Government Girls High School Bajaur and took part in the functions as Chief Guest.
- II. He therefore, violated the government rules / policy.

For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer/inquiry committee, consisting of the following, is constituted under Rule 10(1) (a) of the Rules ibid.

- i. Mr. Tauhas Ali Shah AS. (PHE)
- ii. Mr. Sajid Akhtar MC - (BS-19) E&SED.

The inquiry officer/inquiry committee shall, in accordance with the provisions of the Rules ibid, provide reasonable opportunity of hearing to the accused, record its findings and make within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

The accused and a well conversant representative of the department shall attend the proceedings on the date, time and place fixed by the inquiry officer/inquiry committee.


(Dr. KAZIM NIAZ)
CHIEF SECRETARY

To,

The Chief Minister Khyber Pakhtunkhwa

Through

Worthy Secretary Elementary & Secondary Education
Khyber Pakhtunkhwa

**Subject:- REVIEW PETITION AGAINST THE IMPUGNED
ORDER DATED 29/08/2022 WHEREBY MINOR
PENALTY OF WITH HOLDING OF TWO ANNUAL
INCREMENTS FOR TWO YEARS HAS BEEN
AWARDED/GRANTED TO THE APPELLANT.**

Respected Sir:-

1. That the appellant is performing his duty as District Education Officer at District Bajuar with full devotion and hard work since long time with Respondents/Department and no complaint whatsoever has been made against the appellant.
2. That while performing his official duty with Respondent /Department the Impugned order dated 29/08/2022 has been issued against the appellant whereby minor penalty of withholding of two annual increments for two years has been granted to the appellant.
3. That the impugned order is liable for setting aside on the following grounds.

GROUNDS

- A. That the impugned order dated 29/08/2022 is void ab-initio as it has been passed without full filling the codal formalities.
- B. That no opportunity of personal hearing and defense has been provided to the appellant.
- C. That no opportunity of cross examination has been provided to the appellant.
- D. That there is no misconduct/inefficiency and other irregularity available on the part of the appellant in his whole service record.
- E. That a show cause notice has been issued against the appellant by the respondent Department which has been properly reply by the appellant whereby the appellant denied the allegation level against the appellant.
- F. That there is no illegality on part of the appellant and so concerned the charge mention in the charge sheet and statement of allegation, it is stated that the appellant has been property authorized to hold additional charge of the post of District Educating Officer (Female) Bajuar through Notification dated 16/03/2022 by the respondent Department, so, the charge

mention in the charge sheet is concocted, baseless and is liable for setting aside. (Copy of notification is attached).

A. That law and rules has been violated by the Respondent / Department as such material irregularity has been committed by the respondent /Department.

It is therefore most humbly prayed that on acceptance of the instant Departmental Appeal the impugned order dated 29/08/2022 may kindly set aside and the appellant may kindly be order to the restore his two annual increments along with all back benefits.

Dated 05/09/2022

Your Sincerely



Mr. Shireen Zada
(District Education Officer)

Bajaur

Cell No. 03138261136

قیمت
50 روپے

36974



ایڈویکٹ: _____
بار کونسل / ایسوسی ایشن نمبر: _____
رابطہ نمبر: _____

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

Before the court of Service Tribunal
بعد ازاں منجانب

منجانب: <i>Appellant</i>	دعویٰ:
<i>Shereen Zada</i>	علت نمبر:
<i>Education Dept</i>	مورخہ:
	جرم:
	تھانہ:

باعث تحریر آنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی ہم جواب دہی کارروائی متعلقہ
 آن مقام کیلئے *الحمد لله* کے قرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز کوکیل صاحب کو
 راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف 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 کر گئے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو کوئی جملہ مذکورہ بالا اختیار حاصل ہوں گے اور اپیل کا ہجرت پر داخلہ منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانہ 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

981567-229822
 ظاہر و مل قابل ظاہر



الرقوم:

نوٹ: اس وکالت نامہ کو نوکالی ناقابل قبول ہوگی۔

Attestation