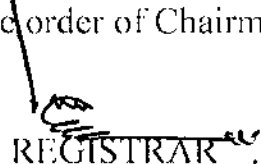


FORM OF ORDER SHEET

Court of _____

Case No. - 91/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	9/1/2023	<p>The appeal of Mr. Muntazir Mehdi presented today by Mr. Safdar Iqbal Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Parcha Peshi is given to appellant/counsel.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 91 /2023

Muntazir Mehdi..... Appellant

VERSUS

Govt. of KPK & others Respondents

I N D E X

S.No.	Description of Documents	Annex	Pages
1.	Memo of appeal		1-4-
2.	Affidavit		-5-
3.	Copy of CNIC	A	-6-
4.	Copy of appointment order	B	-7-5-
5.	Copies of the removal order, Appeal and judgment dated 12.8.2021	C, D & E	-9-18-
6.	Copies of the Notification dated 24.11.2021 & impugned order dated 20.5.2022 & charge report	F, G, H to H3	-19-24-
7.	Copy of the appeal	I	-25-
8.	Wakalat Nama		-26-

Through

Muntazir Mehdi
Appellant

Safdar Iqbal Khattak
Safdar Iqbal Khattak
Advocate, High Court
Peshawar

4/1/2023

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. 91/2023

Muntazir Mehdi S/o Imran Ali
R/o Lodhi Khel, Tehsil & District Hangu,
presently serving in GHS,
Azeeme Banda as AT (Arabic Teacher)
District Hangu

..... Appellant

VERSUS

1. Govt. of KP through Secretary Elementary & Secondary Education Peshawar.
2. Director Elementary & Secondary Education Department GT Road Peshawar
3. District Education Officer Male District Hangu.

..... Respondents

APPEAL UNDER SECTION 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL
ACT 1974, AGAINST THE IMPUGNED
ORDER DATED 20.05.2022, WHEREBY
SERVICE OF THE APPELLANT WAS RE-
INSTATED BUT THE INTERVENING
PERIOD I.E. 01.12.2017 TO 27.05.2022
WAS CONVERTED INTO "EXTRA
ORDINARY LEAVE WITHOUT PAY"

Prayer in Appeal:

By acceptance of the instant Appeal, the impugned order dated 20.05.2022, may kindly be set aside partially to the extent of that the respondents department illegally, unconstitutionally converted the intervening period i.e.

01.12.2017 to 27.05.2022 of the appellant, into "Extra Ordinary Leave without pay" thus depriving the appellant from all back benefits for the said Period therefore, this Hon,ble tribunal may pleas be direct to the respondents department to convert the ibid period with pay, and granted/release his salaries of the ibid period with all back benefits.

Respectfully Sheweth:

1. That the petitioner is law abiding citizen and is permanent residing at the above stated address therefore, he is entitled for all the fundamental rights guaranteed by the law of land. **(Copy of CNIC is attached as annexure A)**
2. That the appellant was appointed as AT (Arabic Teacher) Male in District Hangu, and thereafter he was transferred to GHS Tori Banda, Hangu, and presently he is serving at GHS Azeeme Banda District Hangu, as AT (Arabic Teacher). **(Copy of appointment order is attached as annexure B)**
3. That on 15.02.2018, the appellant was illegally removed from his service due to absents of 17 days, upon which the appellant filed an Appeal before this Hon,ble Tribunal, which appeal was accepted vide in his order dated 12.08.2021 by this Hon,ble Tribunal and the case of the appellant was remand back to the respondents department for de-novo enquiry. **(Copies of the removal order, Appeal and judgment dated 12.8.2021 are attached as annexure C, D & E)**
4. That after remanding the instant case to the respondents department for de-novo inquiry, one Mr.Faridullah DEO (M) District Orakzai nominated as enquiry officer and the appellant was pass through the said inquiry proceedings and resultanty the impugned Order dated 20.05.2022, was issued, wherein the service of the appellant was restored, but on the other hand the period i.e.1.12.2017 to 27.5.2022, spent in the litigation with the respondents department by challenging their illegal order dated 15.02.2018, by the appellant through service appeal No 807/2018 before this Hon,ble Tribunal wherein the appellant was removed from his service and now in the impugned order dated 20.05.2022 the respondents department illegally considered the above stated period as "Extra Ordinary Leave Without Pay" instead of with pay. It

worth to mention here that after issuance the above stated order the appellant took charge in the respective school. **(Copies of the Notification dated 24.11.2021 & impugned order dated 20.5.2022 & charge report are attached F,G & H to H-3)**

5. That after the appellant filed a departmental appeal before the respondents department, but since then till date neither rejected nor accepted. **(Copy of the appeal is attached as annexure I)**
6. That the appellant being aggrieved partially from the impugned order dated 20.05.2022, to the extent of converted the intervening period 1.12.2017 to 27.5.2022 into "Extra ordinary leave without pay" instead of with pay thus the appellant is deprived from all back benefits hence, prefer this appeal, inter alia on the following amongst other grounds:

GROUND:

- A. That the impugned Order dated 22.05.2022 to the extent of depriving the appellant for not considering the period which spent in litigation with the respondent department due to their illegal act is totally Illegal, against the law facts and circumstances of the case hence liable to be struck down.
- B. That the appellant is peaceful and law abiding citizen of Pakistan and is entitled for all basic law and fundamental rights guaranteed under the constitution of the country.
- C. That the act of the respondents is not following the same criteria which has been safeguard by the law, rules and guide lines provided by the Apex courts through their various judgments.
- D. That according to the Article 23 & 24 (1) of the Constitution of Pakistan, the property of every citizen of Pakistan have been protected and no one could be deprived from their due rights, but in the instant the appellant was deprived from his legal right thus the impugned order was passed, wherein the time spent by the appellant in litigation was not considered.
- E. That as stated in body of the appeal that the time spent in litigation is because of the illegal order passed by the

respondents department with due malafide intention on their part nor on the part of the appellant.

F. That the impugned order dated 20.5.2022 is self-contradictory because on one side the service of the appellant is re-instated while on other hand he is deprived from all back benefits for the above mentioned period on this score alone the impugned is liable to be set aside.

G. That any other additional ground will be raised at the time of arguments with the prior permission of this Honorable Tribunal.

Prayer in Appeal:

By acceptance of the instant Appeal, the impugned order dated 20.05.2022 may kindly be set aside as prayed for in heading of the appeal.

Through

Mud
Appellant
Sb
9/11/23

Safdar Iqbal Khattak
Advocate, High Court
Peshawar

5

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. _____/2023

Muntazir Mehdi..... Appellant

VERSUS

Govt. of KPK & others Respondents

AFFIDAVIT

I, Muntazir Mehdi S/o Imran Ali R/o Lodhi Khel, Tehsil & District Hangu, presently serving in GHS, Azeeme Banda as AT (Arabic Teacher) District Hangu, do hereby solemnly affirm and declare on oath that the contents of accompanying **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable court.



Muntazir

DEPONENT

CNIC # 14101-0102275-9

Cell # 0300-5980549

(6) Annex (H)

(8)

PAKISTAN National Identity Card
ISLAMIC REPUBLIC OF PAKISTAN

Name: **Muntazir Mehd** Annex H

Father Name: **Munir Ali** محمد علی

Gender: **M** / Country of Birth: **Pakistan** پاکستان

Identity Number: **14101-0102775-9** / Date of Birth: **04.04.1984**

Date of Issue: **26.05.2017** / Date of Expiry: **26.05.2027**

Holder's Signature

14101-0102775-9

گمشدہ کارڈ ملنے پر قریبی لیڈ بکس میں ڈال دیں

101181093857
144-84-370689

Registrar General of Pakistan

Annex B

OFFICE OF THE EXECUTIVE DISTT:OFFICER (S&L) HANGU
APPOINTMENT

Consequent upon the selection & approval by District Recruitment Committee District Hangu, the following appointments are hereby ordered in (BPS-15) in basic pay scale Rs.(3780-305-12930) plus usual allowances under the rules against vacant posts of the Arabic teachers(AT) Male in the schools noted against each with effect of the terms and conditions given below.

ARABIC TEACHERS MALE (BPS-15)

S.No.	Name of candidate with father name & full address	D/O Birth	Working/Fresh	School where appointed	Remarks
1	Muhammad Jan S/O Hakeem Khan GPS NO.1 Dallah	28/08/1977	Working	GHS Darsamand	A.V.P
2	Ghulam Sadiq S/O Muhammad Khaliq R/O Shahuwam Hangu	5/4/1978	Fresh	GMS Bilyamina	A.V.P
3	Muntazer Mehdi S/O Imran Ali R/O Lodhikhal Tehsil & District Hangu	4/4/1984	Fresh	GMS Azim Banda	A.V.P
4	Ali Akbar S/O Mainay Khan R/O Kotki Bala Hangu	9/4/1979	Fresh	GMS Chappri Naryab	A.V.P
5	Gul Noor S/O Taj Ali Khan GHS Karbogha Hangu	01/05/1978	Working	GMS Chappri Waziran	A.V.P
6	Rehman Ud Din S/O Wazir Hashim R/O Karbogha Hangu	22/1/1978	Fresh	GMS Shamal Din Karbogha	A.V.P
7	Fazal Khanan S/O Gul Khanan R/O Tora Wol Hangu	13/3/1978	Fresh	GMS Anay china	A.V.P
8	Abdul Latif S/O Gul Muhammad Saeed R/O GMS Samana	10/04/1973	Working	GMS Samana	A.V.P
9	Ghazi Ur Rehman S/O Norab Khan R/O Zaretri Hangu	10/02/1976	Fresh	GMS Dorari Banda Kahl	A.V.P
10	Ghayoor Syed S/O Syed Muhammad Abbas R/O Ibrahim Zal	12/10/1975	Fresh	GMS Khazina Banda	A.V.P

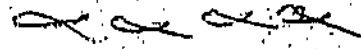
Approved
Signature

TERMS AND CONDITIONS

1. They may be governed by such rules and regulations as may be prescribed by the Govt time to time for the category of the Govt servant which they belong.
2. Their service will be liable to termination on one month notice from either side. In case of registration without notice one month pay will be forfeited in favour of Govt if resigned without prior notice.
3. They should join the posts within 15 days after 01-09-2007.
4. Their inter. seniority will be determined in accordance with the merit of district departmental selection committee.

(5)

5. Charge report should be submitted to all concerned.
6. They will produce the Bank Receipt deposited for the purpose of verification for their certificates/diplomas/degrees/Sanadats & other testimonials before handing/taking over charge & in case of any of their documents proved fake their appointment will be considered cancelled without any rights or privilege.
7. They shall be on probation for the period of two years.
8. Their pay will not be drawn by the concerned DDO till the process of verification of their documents is completed.
9. They are required to produce health and age certificates from the medical authority concerned before taking over the charge.
10. If the age of any candidate found less than 18 years or above 35 years, their appointment will also be considered as cancelled.
11. No TA/DA is allowed to anyone.
12. Their appointment is subject to further conditions that they are permanent domiciled of Hangu District.
13. UNDERTAKING, GHS/GMS hereby give an undertaking to the effect that if any over sight/mistake/amendments in recruitment policy Govt policy is made, I will have no objection on my termination & also will not submit any petition in the court.
14. Fresh/Contract candidate are regularized on their posts after commencement of NWFP sevelservants(amendment)act 2005n notified. Vide establishment administration department (regulation wing) Govt of NWFP No.SO(Regulation)(E&AD)1-13/2005 dated 10/08/2005, but they will not avail of pension or gratuity. However such a civil servant will lieu of pension and gratuity be entitled to receiver such an amount contributed but him towards the contributory provident fund, along with the contribution made by Govt. to his account in the said fund, in the prescribed manner and they are entitled to get the benefits if regular employers except pension and entry to this effect may be made in their service book.



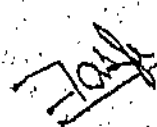
(FAKH-E-ALAM)

DISTRICT COORDINATION OFFICER
DISTRICT HANGU

Endst No. 48-64 Det 18/06/07

Copy of above is forwarded to the:-

1. Secretary of Govt NWFP schools & Literacy department Peshawar,
2. Director schools & literacy NWFP Peshawar.
3. District Coordination Officer Hangu.
4. District Nazim Hangu
5. District account Officer hangu.
- 3-15 All concerned schools
- 16-25 Official concerns
26. Accountant Local Office
27. Dealing Assistant
- 28 .Office copy for Office record


EXECUTIVE DISTRICT OFFICER
SCHOOLS AND LITERACY HANGU



(9)

Annex 2

OFFICE OF THE DISTRICT EDUCATION OFFICE MALE HANGU

No: 7657

Dated: 15/02/2018

To

The Mr. Muntizer Mehd AT,
GHS Tari Banda District Hangu.
REMOVAL FROM SERVICE:-

Subject:
Memo:-

The case of Mr. Muntizer Mehd AT, GHS Tari Banda Hangu was decided on 04/11/2016, with the following terms & conditions reproduced under as:- that

1. Recovery of all financial benefits drawn legally during the entire period of his absence.
2. Conversion of absent period into leave without pay.
3. Affidavit on judicial stamp paper regarding regular duty in future. In case of failure he shall be terminated and will have no right to appeal at any form.

He was informed the above decision on 07/12/2016 with the direction to fulfill the requisite.

On 04-01-2017, he submitted his statement on Judicial Stamp paper without signature and surety required which fall just a take and lack of interest.

On 07-02-2017, the undersigned personally paid a surprise visit to GHS Tari Banda at 09:30am.

Mr. Muntizer Mehd AT found absent till 23-01-2017; he was issued three absent notices prior to decision on 04-11-2016 and given ample chance to serve but unluckly, he did not show seriousness toward his job/service. He neither submitted/provided the requisite judicial stamp paper nor become punctual towards his duty/service.

He did not paid due consideration to his attendance rather to contact through outsider for relief which itself is against the establish norms.

Further more you were granted NOC for inter District transfer on your request vide this office No.49, dated:06/07/2017, which is still under process. During the course of time you did not attend your duty and continuously remained absent.

Keeping all the above in front, it is cleared and proved that you Mr. Muntazir Mehd AT GHS Tari Banda have no interest in this service.

Hence in the light of above facts/proof you, Mr. Muntazir Mehd AT, GHS Tari Banda services are hereby removed forthwith.

Recovery of salary/any other amount or stock received is to be recovered. In case of failure regarding recovery illegal financial drawn, FIR must be lodged.

Necessary entries must be made in the relevant record.

M. Mehd
DISTRICT EDUCATION OFFICER
MALE HANGU

Dated: 15/02/2018

Encls: No: 7658-64

Cop: to

1. Director (E&SE) Khyber Pakhtunkhwa Peshawar.
2. District Account office Hangu.
3. Deputy Commissioner Hangu
4. District Nazim Hangu
5. Head Master GHS Tari Banda Hangu.
6. EMIS Local office Hangu
7. DMO Office Hangu
8. Office Copy.

DISTRICT EDUCATION OFFICER(M) HANGU

(10) Anne & D

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal 807 / 2018



Muntazir Mehdi S/o Imran Ali R/o Lodhi Khel Tehsil & District Hangu

(Appellant)

Versus

- 1:-The Director Elementary & Secondary Education Department Peshawar
- 2:-The Secretary Education Government of KPK Peshawar
- 3:- The District Education Officer Male Hangu.

1025
01-6-2018

(Respondents)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED LETTER /ORDER DATED 15-02-2018 VIDE No 7657 IN WHICH THE RESPONDENT NO:-3 REMOVED THE APPELLANT FROM SERVICE WITHOUT ANY LAWFUL JUSTIFICATION & APPELLANT FEELING AGRRIVED FILE DEPARTMENTAL REPRESENTATION DATED 19-02-2018 WHICH WAS NOT ENTERTAIN NOR CONSIDER TILL DATE.

2/12

Pray:

it is respectfully prayed that on acceptance of instant service appeal the impugned order of respondent No-3 dated 15-02-2018 may set aside and the Appellant may graciously be reinstated in service with all back benefits or any other remedy in the larger interest of justice.

16/12

Respectfully Sheweth,

With great veneration the instant appeal is preferred by the appellants on the following grounds:-

FACTS

1:- That the appellant was appointed as AT (Arabic Teacher) Male in the school at Hangu and on dated 05-03-2010 the appellant was transferred to GHS Tarri banda Hangu and the appellant till 01-10-2015 served in above mention school.

Submitted to -day filed.

ATTESTED

[Signature]

2016/18

That the due to extrem militancy at Tari Banda, GHS Hangu the School was closed and respondent No-3 having complete knowledge about militancy compell the appellant to ensure attendance at the said school which was already remain closed as well as other teaching staff and student were also not in attendance.

3:-That the appellant due to official pressure ensure the attendance as per the direction of Respondent :-03 at closed school.

4:-That on 28-02-2017 appellant was on the way to closed school miscreants attacked on appellant due to belonging to Aleh -Tashee caste hence there were eminent apprehension of threat to life and this fact has also agaitate before high ups but in vain.

5:-That the appellant without any show cause notice and charge sheet or without following the departmental enquiry proceedings the appellant was removed from service exparty. (Copy of impugned order annexed as annexure A)

6:-That appellant feeling aggrieved from the impugned order dated 15-02-2018 file departmental appeal on dated 19-02-2018 before the respondent NO-1 which is still not entertain nor consider (Copy of departmental appeal is annexed as annexure B)

7:-That the appellant since his appointment never ever become absent which could be verify from the appellants service record and it is worth mentioning here that the impugned order issued by respondent No-3 on the basis of personal grevience (Copy of appointment order is annexed as annexure C)

8:-That there is no bad entry in the service record of the Appellant but without giving any opportunity of personal hearing the appellant removed from service without any law ful justification.

ATTESTED

(12)
at the appellant time and again inform about apprehension of death due to T.T.P

the said written request not consider by respondent above like departmental representation (Copy of application is annexed as annexure D)

10:-That the Appellant is aggrieved from the illegal act of the respondents and having no alternate remedy except this Honorable Tribunal for speedy disposal / redressal for infringement of appellant's legal rights through instant service appeal on the following amongst other grounds .

Grounds

1:- That the illegal acts of the respondents No -3 is against to the cannon of law as well as against to the natural justice.

2:-That there is legal cogent reason defined by respondent No-3 for which the present Appellant has been removed from service .

3:-That the impugned transfer order is against to the principal of natural justice and show the discrimination on the part of respondent No-3 .

4:-That the impugned order of the above respondent is illegal and highly condemnable and unlawful in nature .

5:-That the Appellant is a poor and only person to earn the livelihood for her large supported family and the income from his job is a source of spoon feeding for infant children's .

6:-That the bias of the respondent No-1 clearly shows by not entertaining the representation of the appellant , keeping in view the decision of apex court the respondent No-1 & 2 were duty bound to record reason of rejection "when departmental

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Tribunal

... was submitted the competent authority was duty bound to decide same within reasonable time after application of independent mind by giving reason such was a requirement of law as well as of the principal of natural justice "2009 (PLC) (CS) 77.

- 7:- That the Appellant never ever remains absent from his duties till date.
- 10:- That it is clearly mention in 2003 PLC CS 1468 that any instruction issued in violation of Rules would be illegal and void.
- 11:- That some other grounds will be agitated at the time of arguments with the permission of this Honorable court.

PRAYER:-

In the light of above circumstances it is respectfully prayed that on acceptance of instant service appeal the Hon ble tribunal may direct to respondents above to set a side impugned order dated 15-02-2018 and the Appellant may graciously be reinstated in service with all back benefit and blessed with any other remedy in the larger interest of justice.

Through

(Signature)
 Appellant
 Syed Mudasir Pirzada
 District Courts Kohat
 Syed Mudasir Pirzada
 Advocate HC
 Cell 0345-9645854

Certificate:-

Certified that as per instruction received from my client this is the first writ petition on the subject matter ever moved before this Honorable Court.

ADVOCATE

(Signature)
 Syed Mudasir Pirzada
 Advocate
 District Courts Kohat

LIST OF BOOKS

- Constitution of Islamic Republic of Pakistan 1973.
- Any other Book according to need.

ATTESTED
(Signature)
 District Courts Kohat

(14)

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal 807 / 2018.

Muntazir Mehdi -S/o Imran Ali R/o Lodhi.Khel Tehsil & District Hangu

(Appellant)

Versus

1:-The Director Elementary & Secondary Education Department Peshawar

2:-The Secretary Education Government of KPK Peshawar.

3:- The District Education Officer Male Hangu.

(Respondents)

1025
01-6-2018

2/2

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED LETTER ORDER DATED 15-02-2018 VIDE No 7657 IN WHICH THE RESPONDENT NO:-3 REMOVED THE APPELLANT FROM SERVICE WITHOUT ANY LAWFUL JUSTIFICATION & APPELLANT FEELING AGRRIVED FILE DEPARTMENTAL REPRESENTATION DATED 19-02-2018 WHICH WAS NOT ENTERTAIN NOR CONSIDER TILL DATE.

Pray:

it is respectfully prayed that on acceptance of instant service appeal the impugned order of respondent No-3 dated 15-02-2018 may set a side and the Appellant may graciously be reinstated in service with all back benefits or any other remedy in the larger interest of justice.

01/6/18
Respectfully Sheweth,

With great veneration the instant appeal is preferred by the appellants on the following grounds:-

FACTS

1:- That the appellant was appointed as AT (Arabic Teacher) Male in the school at Hangu and on dated 05-03-2010 the appellant was transferred to GHS Tarri banda Hangu and the appellant till 01-10-2015 served in above mention school.

re-submitted to -day
and filed.

01/6/18
ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Annex E

(15)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.807/2018

Date of Institution ... 01.06.2018
Date of Decision ... 12.08.2021



Muntazir Mehdi S/O Imran Ali R/O Lodhi Khel Tehsil & District Hangu.
(Appellant)

VERSUS

The Director Elementary & Secondary Education Department
Peshawar and two others.
(Respondents)

Qaiser Abbas Bangash,
Advocate ... For appellant.

Kabir Ullah Khattak,
Additional Advocate General ... For respondents.

AHMAD SULTAN TAREEN ... CHAIRMAN
ROZINA REHMAN ... MEMBER (J)

JUDGMENT

ROZINA REHMAN, MEMBER : The appellant has filed the present service appeal U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 15.02.2018 vide which major penalty of removal from service was imposed upon appellant.

02. Brief facts of the case are that appellant was appointed as A.T (Arabic Teacher) in a School at Hangu on 05.03.2010. Due to extreme militancy at Tarri Banda G.H.S Hangu, School was closed but the

ATTES

12/8/21

appellant was compelled to ensure attendance in the said School which was already closed and the teaching staff as well as students were also not in attendance. He was proceeded against departmentally and lastly he was removed from service vide impugned order. Feeling aggrieved, he filed departmental appeal which was not responded to, hence, the present service appeal.

03. Learned counsel for the appellant contends that the impugned order is against law and facts as the appellant was not treated in accordance with law. He submitted that the impugned order dated 15.02.2018 was passed in view of previous inquires and that no fresh inquiry was initiated before imposition of the major penalty. He submitted that surprise visit was paid by the authority on 07.02.2017, whereas, the impugned order shows the absence of appellant on 23.01.2017.

04. Conversely learned A.A.G submitted that the School was never closed as there was no militancy in the year 2015-16 and that the staff was performing duty regularly. He submitted that the inquiry was conducted against the appellant according to law and that proper show cause notice was issued to the appellant with direction to resume duty, where-after, he appeared before the District Education Officer and submitted judicial stamp paper that he will never remain absent in future.

05. Record shows that appellant was appointed as Arabi Teacher in School at Hangu on 05.03.2010. He was transferred to G.H.S Tarri Banda Hangu and he served in the said area till 01.10.2015; Perusal of impugned order would reveal that the District Education Officer paid a surprise visit to G.H.S Tarri Banda on 07.02.2017 at 9:00 AM but no inquiry was conducted in order to check the absence of the appellant

Handwritten signature and date 12/02/21. A stamp that reads "ATTESTED" is visible. Below the signature, there is a faint stamp that reads "BOARD OF DISTRICT EDUCATION, SERAJEVA, DISTRICT HANGU".

rather the inquiries conducted much before the surprise visit were mentioned in the impugned order. The contents of the impugned order show that the appellant was informed on 07.12.2016 with direction to fulfill the requisite in respect of the affidavit. Accordingly, he submitted his statement on a judicial stamp paper on 04.01.2017. He was found absent till 23.01.2017, therefore, he was issued absentee notices prior to the decision on 04.11.2016. All this shows previous closed transactions which have nothing to do with the surprise visit of the District Education Officer on 07.02.2017. As per Rule-3(d) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, a Government servant shall be liable to be proceeded against under these rules if he is guilty of habitual absenting himself from duty without prior approval or leave. In the instant case, if the appellant was not available in the school when surprise visit was paid on 07.02.2017, then the appellant was liable to be proceeded against Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and the initiation of proceedings as per Rule-5 of the Rules *ibid* has to be followed in letter and spirit. But in the instant case, his past conduct was taken into consideration while passing the impugned order of removal from service.

06. Keeping in view the above discussion, this Tribunal is left with no option but to partially allow this appeal. Accordingly, impugned order is set aside. Case is remitted to the Department with direction to conduct de-novo inquiry in view of Rule-3 (d) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 within 30 days after the receipt of this judgment. Reinstatement and back benefits

Handwritten signature and date: 12/8/21

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

18

shall be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED.

12.08.2021

(Ahmad Sultan Tareen)
Chairman

(Rozina Rehman)
Member (J)

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application	13/8/21
Number of Words	2000
Copying Fee	22 -
Urgent	
Total	22 -
Name of Applicant	
Date of Completion of Copy	9/9/21
Date of Delivery of Copy	9/9/21

Annex F (19)

**DIRECTORATE OF ELEMENTARY AND SECONDARY
EDUCATION KHYBER PAKHTUNKHWA.**

NOTIFICATION.

Consequent upon the approval of the Competent Authority, Mr. Faridullah DEO(M) Orakzai (BPS-19) is hereby nominated as Enquiry officer to conduct enquiry against Mr. Muntazir Mehdi AT GHS Tari Banda District Hangu.

The Inquiry Officer shall submit his report, possessing facts/findings with recommendations, within a week to this Directorate for further necessary action.

DIRECTOR

Encls: No. 1862-65 /PP Muntazir Mehdi AT Hangu Dated Peshawar 24/11/2021

Copy forwarded for information and necessary action to the:-

1. Mr. Faridullah District Education Officer(M) Orakzai.
2. District Education Officer(Male) Hangu with the request to extend cooperation with the enquiry officer during the course of enquiry and provide him the relevant record
3. P.A to Director Elementary & Secondary Education local office.

[Signature]
Assistant Director (Estab)
Elementary & Secondary Edu: Khyber
Pakhtunkhwa Peshawar

Annex B (20)



**Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar**

NOTIFICATION

1. WHEREAS, Mr. Muntazir Mehdi Ex-AT was appointed at GHS Tari Banda District Hangu vide No. 4864 Dated: 18-06-2007.
2. AND WHEREAS, he was proceeded under the rules on account of willful absence from duty by DEO (Male) Hangu and imposed the major penalty of "Removal from Service" upon Mr. Muntazir Mehdi vide Order No. 7657 Dated: 15-02-2018.
3. AND WHEREAS, he lodged an appeal before the Service Tribunal Court on 01-06-2018, wherein the court passed judgment on 12-08-2021 with the direction to conduct Denovo Inquiry, which was conducted accordingly.
4. AND WHEREAS, Upon the appeal of Mr. Muntazir Mehdi, Mr. Faridullah DEO (M) Orakzai was nominated as Inquiry Officer vide Order No. 2862-65 Dated: 24-11-2021 by Worthy Director E&SE Peshawar.
5. AND WHEREAS, the Inquiry Officer recommended to re-instate Mr. Muntazir Mehdi in Service w.e.f. 01-12-2017 with proposal to convert his absence period into Extra ordinary leave without pay.
6. NOW THEREFORE, in exercise of power conferred upon by the Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar, being appellate authority after having examined the evidence on record is pleased to accept the appeal under Rules (17)(2)(C) of E&D 2011, and to Re-Instate Mr. Muntazir Mehdi into Service and the intervening Period is converted into Extra ordinary leave without pay subject to the approval of the competent authority (Finance) as per Govt. Khyber Pakhtunkhwa E&D Rules 2011 with immediate effect.

**(Dr. Hafiz Muhammad Ibrahim)
DIRECTOR**

Directorate of Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

5049-53
Endst: No: _____/PF: Muntazir Mehdi Ex-AT/Denovo Inquiry Dated Pesh: the 20/05/2022.

Copy forwarded for information to the:-

1. District Education Officer (Male) Hangu.
2. District Accounts Officer Hangu.
3. Mr. Muntazir Mehdi Ex-AT GHS Tari Banda District Hangu.
4. P.A. to Director Elementary & Secondary Education, Local Directorate, Peshawar.
5. Master File.

(Signature)
Assistant Director (Estab-1)

Directorate of Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar



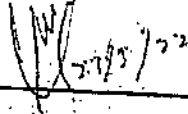
H. M. M. H. H.

Office Of The District Education Officer
(Male) District Hangu

CHARGE REPORT

In the light of District Education Officer Male Hangu, vide his office bearing Endst: No. 1869-76 Dated 06-06-2022, I Mr. Muntazir Mehdi AT take over / made over the charge of the post AT at GHS Azimi Banda Hangu today on 27/05/2022.

Signature of the Relieving Officer
Muntazir Mehdi AT


27/5/22


Signature of the Relieved Officer
Vacant


Head Mater
GHS Azimi Banda

Endst No. 756 / Dated Hangu the 27 / 05 / 2022

Copy of the above for information to the:-

1. Deputy Commissioner Hangu.
2. DEO (M) Hangu.
3. District Account Officer Hangu
4. District Monitoring Officer Hangu
5. EMIS Local Office.
6. Officer Concerned.


Head Mater
GHS Azimi Banda

HEAD MATE
GHS AZIMI BANDA
HANGU

Annex H-1

22



GOVT HIGH SCHOOL AZIMI BANDA HANGU

To

The District Education Officer (Male)
Elementary & Secondary Education
Department District Hangu.

Subject: Application of Mr. Muntazir Mehdi AT (BPS-15) for necessary action.

The application of Mr. Muntazir Mehdi Arabic Teacher (BPS-15) is hereby forwarded to your office for further necessary action.

Regards

Dr. Aziz
25/5/2022
HEAD MASTER
GHS AZIMI BANDA HANGU

HEAD MASTER
G.H.S AZIMI BANDA
HANGU



(5) Annex H-2

**Office Of The District Education Officer
(Male) District Hangu**

CORRIGENDUM ORDER

Office order issued vide this office bearing Bndol No: 1761-67 Dated 27/05/2022 where the services of Mr. Muntazir Mehdi Ex-AT were re-instated into services and was adjusted at GCMHS No.1 Hangu against SAT Post. The place of posting may be read as GHS Azimi banda instead of GCMHS No.1 Hangu against AT BPS-15 Post w.e.f 27/5/2022 in the interest of public service.

District Education Officer
Male District Hangu

Endst No: 1869-76 Dated 06/06/2022

Copy to the:

1. Director Ele: & Sec: Education Khyber Pakhtunkhwa Peshawar
2. P.A to Director Ele: & Sec: Education Peshawar
3. Assistant Director (Estab-1) Directorate of E & SE, KP, Peshawar
4. District Account Officer Hangu
5. District Monitoring Officer Hangu
6. Principal GCMHS No. 1 Hangu
7. Head Master GHS Azimi Banda Hangu
8. Official Concerned
9. Office Copy.


District Education Officer
Male District Hangu 6/6/22

Malik Naeem Assistant

Annex H-5

(26)

Hangu

P Sec:002 Month:November 2017
HG6011 -Government Middle Schools
GOVERNMENT MIDDLE SCHOOLS

NTN:
GPF #:
Old #:

S#: 1

Per: 00385822 Buckle:
Name: MUNTAZIR MEHDI
ARABIC TEACHER.

CNIC No.1410101027755
GPF Interest Applied
15 Vocational Temporary

HG6011 -

PAYS AND ALLOWANCES:

0001-Basic Pay	28,090.00
1000-House Rent Allowance	1,566.00
1210-Convey Allowance 2005	2,856.00
1300-Medical Allowance	1,500.00
2148-15% Adhoc Relief All-2013	670.00
2199-Adhoc Relief Allow @10%	456.00
2211-Adhoc Relief All 2016 10%	2,359.00
2224-Adhoc Relief All 2017 10%	2,809.00

Gross Pay and Allowances 40,306.00

DEDUCTIONS:

IT Payable 584.08 Deducted 352.00	TAX: (3609) 84.00
GPF Balance 97,814.00	Subrc: 2,890.00
3501-Benavolent Fund	600.00
3990-Emp.Edu. Fund KPK	125.00
4004-R. Benefits & Death Comp:	1,052.00

Total Deductions 4,751.00

35,555.00

D.O.B 04.04.1984
10 Years 03 Months 001 Days

LFP Quota:
BANK ALFALAH LIMITED HANGU BRANCH
05990092

D/A
The case may be
brought through HM
Concerned

بخدمت جناب ڈی ای او صاحب (مردانہ) منگور
عنوان اہل اور درخواست برادر فرامی ہوا

جناب عالی: مسائل آپ صاحبان کے ذیل عرض رہا ہے۔

- 1- گزارش کی جاتی ہے کہ مسائل (2007) سے گورنمنٹ ہائی سکول اعلیٰ پانڈو میں بطور سہ کی خدمات سر انجام دے رہا تھا۔ (ایو اینٹ آرڈر لف ہے)
 - 2- مسائل کو بطور نو (18-2-15) صرف (17) دنوں کی غیر حاضری پر قانونی تقاضے پورا کرنے بلکہ ملازمت سے درخواست کر دیا گیا۔ (لف ہے)
 - 3- جناب والا اسر دس فریوئل سے (21-8-12) کو مسائل کے حق میں فیصلہ کر کے (De.Novo) انگریزی مقرر کی۔ (لف ہے)
 - 4- ڈائریکٹر صاحب نے بطور نو (21-11-24) فریڈ اللہ خان صاحب کو انگریزی آفیسر مقرر کی۔ (لف ہے)
 - 5- مذکورہ انگریزی آفیسر نے انگریزی سکل کر کے اپورٹ ڈائریکٹوریٹ میں جمع کیا۔
 - 6- جناب والا! اس کے بعد ڈائریکٹر صاحب نے بطور نو (22-5-20) کو (Reinstatement) کا آرڈر جاری کیا۔ (لف ہے)
 - 7- اس کے بعد ڈی ای او (مردانہ) منگور نے مسائل کا ایڈجسٹمنٹ آرڈر بطور نو (22-5-27) کو جاری کیا۔ (لف ہے)
 - 8- مسائل نے اپنے عہدے کا چارج (22-5-27) گورنمنٹ ہائی سکول اعلیٰ پانڈو میں سنبھال لیا اور احسن طریقے سے اپنے فرائض سر انجام دے رہا ہے (لف ہے)
 - 9- جناب والا آپ صاحبان نے بھالی ملازمت کا جو آرڈر جاری کیا ہے اس میں مسائل کا غیر حاضری کا عرصہ بغیر تنخواہ کے احکامات جاری کئے ہیں۔ اس میں مسائل کا کیا تناہ تھا کہ مسائل کو چند دنوں کی غیر حاضری پر درخواست کیا تھا۔ اور مسائل اس دورانیہ لاکھوں روپے مقرر ہو چکا ہے اور اہل خانہ کا واحد کھیل ہے۔
- لہذا آپ صاحبان سے ہمدردانہ اپیل کی جاتی ہے کہ مسائل کا مور نو (17-12-1) سے (22-5-27) تک کا عرصہ Withpay میں Convert کر کے منگور فرمائیں۔ مسائل تاحیات ڈعا گو دو ممنون و مشکور رہے گا۔

منتظر محمدی (اے ٹی)




جی ایچ ایس اعلیٰ پانڈو

مین نوٹس حرمی

العارض

مور نو 15-8-22

4592

ایڈریس: صدر اقبال محلہ

بار کونسل ایسوسی ایشن نمبر: be-10-7969

رابطہ نمبر: 0300-5980549

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعد اٹ جناب: صدر محترمہ خواہ سروس ٹر بیرون لیسٹہ سر

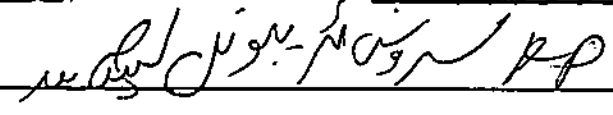
دعویٰ:	منجانب: Appellant
علت نمبر:	مختصر عدالتی - ریفرنڈم
مورخہ:	بنام
جرم:	گورنمنٹ کی عدم پیروی
تھانہ:	کیسڈ وٹنس

پاک فوری ایک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ مقام کے ایزرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے اور تفر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں برداشت کرانے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور مستثنیٰ، نیز دائرہ کرنے ایجن نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ یا اختیارات حاصل ہوں گے اور اس کا ساختہ برداشت منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر لحاظ سے التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب یا بندہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سندر ہے

المقوم:  

پشاور بار ایسوسی ایشن

مقام:  صدر محترمہ خواہ سروس ٹر بیرون لیسٹہ سر کے لیے منظور ہے۔

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

مختصر عدالتی