

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 3845/2020

BEFORE: MR. KALIM ARSHAD KHAN ... CHAIRMAN
MISS. FAREEHA PAUL ... MEMBER(E)

Shah Zaman, S/O Baaga, R/O Lundian, Labarkot, Tehsil & District Mansehra,
Ex-CT Teacher posted at Paras Mansehra.

... (Appellant)

Versus

1. Director Elementary & Secondary Education Peshawar.
2. District Education Officer (Male) Mansehra.

... (Respondents)

Mr. Malik Ashfaq Ahmad Jillani
Advocate

...

For appellant

Mr. Muhammad Adeel Butt
Addl. Advocate General

...

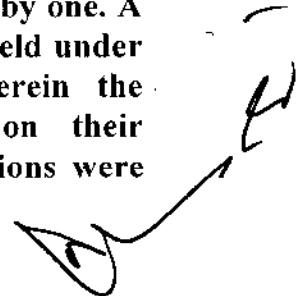
For respondents

Date of Institution.....30.04.2020
Date of Hearing.....17.10.2022
Date of Decision.....17.10.2022

JUDGEMENT

KALIM ARSHAD KHAN, CHAIRMAN: A Division Bench of this Tribunal had, in a similar matter, on 22.07.2022, delivered a judgment in different service appeals including Service Appeal No.5793/2022 titled "Khani Zaman Vs. Elementary & Secondary Education Peshawar" the operative part of the judgment is given as under:-

"A perusal of the record would show that a scrutiny committee was constituted for scrutinizing the documents of the appellants as well as others for determining of their eligibility for appointment in light of the Sacked Employees Act, 2012. The scrutiny committee recommended the appellants for their appointment and has mentioned in its report that the scrutiny committee checked the record of all the candidates one by one. A meeting of the District Selection Committee was then held under the Chairmanship of DEO (Male) Mansehra, wherein the appellants were recommended for appointment on their respective posts and thus their appointment Notifications were



issued by the competent Authority. The minutes of Departmental Selection Committee are available on record, wherein it is mentioned that the committee had made through deliberation and had perused the record minutely. The appellants were, however later on issued show cause notices on the ground that upon verification, fake and fabricated documents were found in their service record. Final show cause notices were then issued to the appellants without mentioning there in that regular inquiry was dispensed with. It appears that the main allegations against the appellants were that their names had been inserted in the respective termination orders by way of tempering. The question of tempering being factual in nature was required to have been ascertained through a regular inquiry but the same has not been done. The departmental Authority was required to have adduced evidence in support of the allegations then against the appellants by providing Opportunity of cross-examination. Although it is mentioned in the impugned Notifications that proceedings were conducted under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 but the mandatory provisions of the same were not complied with. In these circumstances, conducting of de-novo inquiry in the matter is necessary for reaching a just and right conclusion.

In view of the above discussion, the appeal in hand as well as connected Service Appeal bearing No.5892/2020 titled "Ejaz Ahmad Vs. Secretary, Elementary and Secondary Education Department Peshawar and two others", Service Appeal bearing No. 8634/2020 titled Razaqat Ali Versus Secretary, Elementary and Secondary Education Department Peshawar and two others" and Service Appeal bearing No. 8635/2020 titled "Zardad Khan Versus Secretary, Elementary and Secondary Education Department Peshawar and two others" are allowed by setting-aside the impugned orders and the appellants are reinstated in service for the purpose of de-novo inquiry. The departmental Authority shall conduct de-novo inquiry strictly in accordance with the relevant law/rules within a period 90 days of receipt of copy of this judgment and the result be intimated to this Tribunal through Registrar. Needless to mention that the appellants shall be associated with the inquiry proceeding and fair be provided to them to defend themselves. Keeping in view peculiar facts and circumstances of the cases, the issue of salary and back benefits shall be subject to outcome of de-novo inquiry".

3. This appeal being similar in nature is also disposed off accordingly. Consign.

4. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 17th day of October, 2022.*

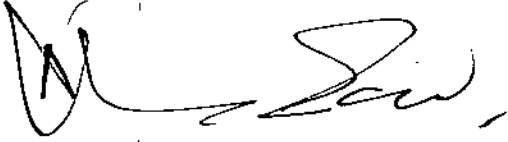

(FARZEHA PAUL)
Member (E)


(KALIM ARHAD KHAN)
Chairman

Service Appeal No. 3845/2020

1. Mr. Malik Ashfaq Ahmad Jillani, Advocate for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present. Arguments heard and record perused.
2. Vide our detailed judgement containing 02 pages, we arrived at a conclusion that the appeal in hand is allowed by setting aside the impugned order and the appellant is reinstated in service for the purpose of de-novo inquiry. The departmental Authority shall conduct de-novo inquiry strictly in accordance with the relevant law/rules within a period 90 days of receipt of copy of this judgment and the result be intimated to this Tribunal through Registrar. Needless to mention that the appellants shall be associated with the inquiry proceedings and fair opportunity be provided to them to defend themselves. Keeping in view peculiar facts and circumstances of the cases, the issue of salary and back benefits shall be subject to outcome of de-novo inquiry". Consign.
3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 17th day of October, 2022.*


(FAREEHA PAUL)
Member (E)


KALIM ARHAD KHAN)
Chairman

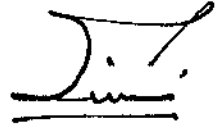
19.04.2022

Malik Ashfaq, Advocate, as proxy for learned counsel for the appellant present. Mr. Noor Zaman Khattak, District Attorney for the respondents present.

Malik Ashfaq, proxy stated at the bar that learned counsel for the appellant has telephonically contacted him that as he is busy in some domestic engagement, therefore, adjournment may be granted. Adjourned. To come up for arguments on 14.06.2022 before the D.B at Camp Court Abbottabad.



(Rozina Rehman)
Member (J)
Camp Court Abbottabad



(Salah-ud-Din)
Member (J)
Camp Court Abbottabad

14.06.2022

Appellant present in person.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 15.08.2022 before D.B at Camp Court, Abbottabad.



(Fareeha Paul)
Member (E)
Camp Court, A/Abad



(Rozina Rehman)
Member (J)
Camp Court, A/Abad

20.05.2021

Due to cancellation of tour, Bench is not available. Therefore, case to come up for the same as before on 27.09.2021.


Reader

27.09.2021

Junior to counsel for the appellant and Mr. Muhammad Riaz Khan Paindakhel, Asstt AG alongwith Tauseef Alam, ADEO for the respondents present.


Respondents have furnished reply/comments. Placed on file. Case to come up for arguments on 17.01.2022 before the D.B at Camp Court, Abbottabad.

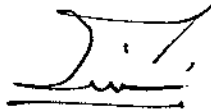

Chairman
Camp Court, A/Abad

17.01.2022

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel is unable to attend the Tribunal today due to death of his relative. Adjourned. To come up for arguments on 19.04.2022 before the D.B at Camp Court Abbottabad.


(Rozina Rehman)
Member (J)
Camp Court A/Abad


(Salah-ud-Din)
Member (J)
Camp Court A/Abad

19.04.2022

19.01.2021

Due to COVID-19, the case is adjourned for the same on 18.02.2021 before S.B.



READER

18.02.2021

Counsel for the appellant present.

Noor Zaman Khattak learned District Attorney alongwith Muhammad Touseef ADO for respondents present.

Written reply/comments on behalf of respondents not submitted. Representative of respondents requested for time to submit reply/comments. Granted. To come up for reply/comments on 20.05.2021 before S.B at Camp Court, Abbottabad.


(Atiq ur Rehman Wazir)
Member (E)
Camp Court, A/Abad

16.11.2020

Mr. Malik-Ashfaq Ahmed Jillani, Advocate, for appellant is present. He submitted that on being removed from service vide termination order No. 16052-189 dated 07.07.1996 he was to be restored into service by virtue of the Government of Khyber Pakhtunkhwa Sacked Employees Act, 2012, but he was forced to agitate his claim through invocation of the constitutional jurisdiction of the Hon'ble Peshawar High Court and in consequence thereof he was reinstated into service vide appointment order dated 20.06.2019 and in pursuance thereof he took charge of GHS Paras. He was astonished by the issuance of the show-cause notice dated 06.10.2019 being properly replied but his appointment order bearing endorsement No. 10268-74 dated 20.06.2019 was withdrawn to be efficacious from 20.06.2019 without conducting of any regular inquiry or for that matter a proper inquiry, the plea agitated by way of departmental appeal dated 28.11.2019 proved abortive hence, the present appeal.

The pleas agitated at the bar needs consideration. The appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 19.01.2021 before S.B at Camp Court, Abbottabad.

Appellant Deposited
Security & Process Fee
20/11/20



(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT ABBOTTABAD

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 3845 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/04/2020	<p>The appeal of Shah Zaman presented today by Mr. Abdul Saboor Khan Advocate, may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on at camp court, Abbottabad on <u>16-11-20</u>.</p> <p style="text-align: right;"> Chairman</p>
2-		

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No 3845 of 2020

Shah ZamanAppellant

VERSUS

Director Elementary and Secondary
Education Peshawar etcRespondents

APPEAL

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8.	copy of show cause notice dated 06.10.2019.	"D"	19-20
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10	copies of Departmental appeal dated 28.11.2019.	"F"	22-24
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Dated 30.03.2020


SHAH ZAMAN
(Appellant)

Through:-


ABDUL SABOOR KHAN
&
MALIK ASHFAQ AHMED JILLANI
ADVOCATES HIGH COURT

1

BEFORE THE SERVICE TRIBUNAL Khyber Pakhtukhwa
Service Tribunal
K.P.K PESHAWAR

Diary No. 326

Dated 30/4/2020

3845
Service appeal No ___ of 2020

Shah zaman, son of Bagga, resident of village lundian, Labarkot, Tehsil & District Mansehra, Ex-CT Teacher posted at Paras Mansehra.....**Appellant**

VERSUS

Filed to-day
Registrar
30/4/2020

- 1) Director Elementary and secondary Education Peshawar.
- 2) District Education officer (Male) Mansehra

.....**Respondents**

APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL, ACT, 1974 AGAINST THE IMPUGNED ORDER BEARING NO. 17746-50 DATED 09.11.2019, PASSED BY RESPONDENT NO. 02 WHEREBY RE-APPOINTMENT ORDER OF THE APPELLANT BEARING ENDST NO.10268-74 DATED 20.06.2019 UNDER SACKED EMPLOYEES ACT, 2012 WAS WITHDRAWN FROM THE DATE OF RE-APPOINTMENT.

PRAYER:-

On acceptance of the instant service appeal, the impugned order bearing No **17746-50** dated **09.11.2019**, passed by respondent No. 02 may kindly be set-aside declaring it as illegal, void and against the law and facts on the subject and appellant be re-instated into service with all back benefits.

Respectfully Sheweth:-

1. That, appellant was appointed in a prescribed manner by competent authority against the post of **CT** vide appointment order dated **20.10.1996**.

(Copy of appointment order dated 20.10.1996 is annexed as Annexure "A").

2. That, appellant and many others were terminated from service vide **termination order No. 16052-189** dated **07.07.1996**, appellant figures at serial No. **98** of the said termination order.
3. That, Govt. of KPK enacted sacked employees Act, 2012, whereby all the terminated employees were to be re-instated into service. Appellant being terminated on **07.07.1996** on irregular appointment fully covered under the

above Act applied for his re-appointment which was not acceded to by respondent No. 02 forcing the appellant and others to invoke the constitutional jurisdiction of Honourable Peshawar High Court and in the light of the judgment/order of Honourable Peshawar High court Abbottabad bench appellant and 09 others were re-instated into the service vide appointment order dated **20.06.2019**.

(copy of re-appointment order dated 20.06.2019 is annexed as Annexure "B").

4. That, consequent upon appointment order dated **20.06.2019**, appellant took over charge at GHS Paras and performed duty as Teacher over there since reappointment dated **20.06.2019** till impugned order dated **09.11.2019**.

(copies of extracts of attendance register are annexed as annexure "C").

5. That, to the utter surprise, appellant was served a showcase notice dated **06.10.2019**, to which appellant submitted a detailed and comprehensive reply, but copy whereof could not be retained.

(copy of show cause notice dated 06.10.2019 is annexed as annexure "D").

6. That, no regular and proper inquiry was ever conducted in this case and without any evidence, the re-appointment order of the appellant bearing endorsement No. **10268-74** dated **20.06.2019**, was withdrawn from the date of re-appointment dated **20.06.2019** on the flimsy grounds mentioned therein.

(copy of impugned order dated **09.11.2019** is Annexed as Annexure "E").

7. That, appellant filed Departmental appeal with respondent No. 01 on dated **28.11.2019** which was not responded to within the statutory period.

(copies of Departmental appeal dated **28.11.2019** are annexed as Annexure "F").

8. That, felling aggrieved from the impugned order bearing No. **17746-50** dated **09.11.2019**, appellant having no other remedy files the present service appeal before this Honourable Tribunal for interference inter alia, on the following amongst other grounds.

GROUND:-

- A) That, appellant being sacked employee was re-appointed by respondent No. 02

vide re-appointment order dated **20.06.2019**, on the direction of Honourable Peshawar High Court Bench Abbottabad.

- B) That, the re-appointment order was issued after the recommendation of Departmental selection committee and scrutiny committee tasked with to scrutinize the previous service record of the appellant.
- C) That, no regular and proper inquiry was held by respondent No. 02 before imposing major penalty upon the appellant hence, the impugned order is liable to be laid to rest on this sole legal ground.
- D) That, no such plea was ever taken by the Department in the earlier round of litigation before Honourable Peshawar High Court, so the Department is legally estopped to urge by now.
- E) That, no concrete material worth name was ever collected by the Department before passing the impugned order.
- F) That, appellant provided all the attested and verified documentary proof to respondent No. 02 but was not considered for no reason at all because the department had already made up

its mind to terminate the appellant from service.

- G) That, the most vital aspect of the matter is that appellant provided attested copies of all relevant documents and service record to respondent No. 02 which were checked and verified and thereafter re-appointment order dated **20.06.2019**, was issued.
- H) That, the allegations mentioned in the impugned order are artificial, conjectural, based on surmises and tainted with mala fide.
- I) That, only fake report of head master GMS Bandi Kanith has been made a ground to withdraw the re-appointment order of the appellant, but said head master never appeared to own the said alleged letter.
- J) That, after having scrutinized the documents and service record of the appellant there was neither any justification, nor legal authority vesting in any one to get the same re-scrutinized by the said so called Head Master so the alleged correspondence with the said Head Master is without lawful authority, without jurisdiction and of having no legal effect.

- K) That, Had the proper inquiry been held by the Department, the ultimate result would have been different and by non-holding of the inquiry has also prejudiced the case of the appellant.
- L) That, appellant had a long unblemished service record at her credit and he has been removed from service with a single stroke of pen without observing due process of law and having the allegations proved.
- M) That, the impugned order on its very face value, is illegal, unlawful, without lawful authority, without jurisdiction and of having no legal effect.
- N) That, the Department its self displayed the list of all the sacked Employees after enactment of the Act, so it is absurd to declare the termination order of the appellant fake.
- O) That, all the allegations mentioned in the impugned order are false, baseless, having no leg to stand. All the documents and service record of the appellant are genuine, attested and verified.

PRAYER:-

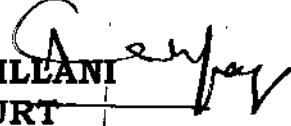
On acceptance of the instant service appeal, the impugned order bearing No **17746-50** dated **09.11.2019**, passed by respondent No. 02 may kindly be set-aside declaring illegal, void and against the law on the subject and appellant be re-instated into service with all back benefits.

Dated 30.03.2020


SHAH ZAMAN
(Appellant)

Through:-

ABDUL SABOOR KHAN
&
MALIK ASHFAQ AHMED JILLANI
ADVOCATES HIGH COURT



VERIFICATION :

I, Shah zaman, son of Bagga, resident of village lundian, Labarkot, Tehsil & District Mansehra, Ex-CT Teacher posted at Paras Mansehra, do hereby solemnly affirm and declare that the contents of fore-going Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed form this Honorable Tribunal.


Shah Zaman
(DEPONENT)

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No _____ of 2020

Shah Zaman.....**Appellant**

VERSUS

Director Elementary and Secondary
Education Peshawar etc**Respondents**

APPEAL

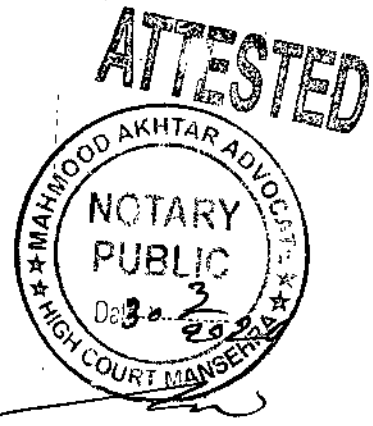
AFFIDAVIT

I, Shah zaman, son of Bagga, resident of village lundian, Labarkot, Tehsil & District Mansehra, Ex-CT Teacher posted at Paras Mansehra, do hereby solemnly affirm and declare on oath that the no such subject matter appeal has ever been filed before this honorable court nor pending nor decided. That the contents of fore-going affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this Honourable tribunal.

Dated 30.03.2020



Shah Zaman
(DEPONENT)



BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No _____ of 2020

Shah Zaman.....**Appellant**

VERSUS

Director Elementary and Secondary
 Education Peshawar etc**Respondents**

APPEAL

CORRECT ADDRESSES OF THE PARTIES


APPELLANT:

Shah zaman, son of Bagga, resident of village lundian, Labarkot, Tehsil & District Mansehra, Ex-CT Teacher posted at Paras Mansehra.

RESPONDENTS:


- 1) Director Elementary and secondary Education Peshawar.
- 2) District Education officer (Male) Mansehra

Dated 30.03.2020


SHAH ZAMAN
 (Appellant)

Through:-

ABDUL SABOOR KHAN
 &
MALIK ASHFAQ AHMED JILLANI
ADVOCATES HIGH COURT



Attended
Asif

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Annex - A

OFFICE OF THE DIV. DIRECTOR OF EDUCATION (S) HAZARA ABBOTTABAD

OFFICE ORDER NO. 128

DATED 20/10/1996

APPOINTMENT:

The following candidates are hereby appointed against vacant At/ CT/SV/DM/PET position the Schools mentioned against each their names belows in R-S fixed or R-3 (Rs.1605- 97-3060) in case of trained plus. usual allowances as admissible to them under the rules w.e.f. the date of their taking over charge on the following terms, and conditions.

S/No.	Name of candidate with Father's Name Qualification on Address.	School Where appointed	Remarks
1.	Abdul Malik S/O Khan Gul Village Sut Bany Balakot	PACT GMS Hillkot	Ag:CT in BPS-9
2.	Zardad Khan S/O Hatiat-Tullah R/O V; Barar Kot	PA CT GMS Ghari Habib Ullah	Do/
3.	Shah Zaman S/o Baga R/O Village Balakot Distt: Manshra.	PA GMS Bandi Kenth	Do/

NOTE:- NO/TA/ DA & TG is allowed.

Charge reports should be sent to all concerned.

CONDITIONS-

- i) The appointments are purely on temporarily basic and liable for termination at any time w/out any notice or a signing reason.
- ii) They/He/ She/ should produce their /his/her Age & Health Certificate from the Medical Supdt; concerned.
- iii) The head of Institutions is required to check all the original Education /professional documents before adding or Charge to them.
- iv) They are required to get verify their academic Certificates from university concerned.
- v) In case they he/she wish to resign from service they/he/she have to give on maibh's notice or for effect on month's pay in local of short notice.
- vi) The appointment shall automatically stand cancelled if the /he/she failed to join the post within 15 days of issue of this letter.
- vii) They Candidate should not be handed over charge if their his/her age exceed 32 years or below 12 years.

(FAZAL-UR-REHMAN KHAN)
DIV. DIRECTOR OF EDUCATION (S)
HAZARA DIV. ABBOTTABAD.

Endost No. 27560-71/ Appl/Trf; Date A/abad the 20/10/1996
Copy to the:-

1. P/S to Hon:Minister for education NWFP.
2. Director of Secondary Education Peshawar.
3. District Education officer. (M) (F) & Secy: _____
4. Principal headmaster / Headmistress Manshra.
5. Candidates Concerned
6. ADE Local Director.
7. Office order File.

2/3/10
DIV. DIRECTOR OF EDUCATION (S)
HAZARA DIV. ABBOTTABAD.

Tariq Khan

APPOINTMENT

In pursuance of Khyber Pakhtunkhwa Sacked Employees (Appointment) 2012 and Consolidate Judgment passed by Honorable Peshawar High Court Abbottabad Bench Abbottabad vide Dated 24-05-2016, 27-03-2018, 03-04-2018 & 07-03-2019 in W/P No 516-A/2013, 676-A/2015, 20-A/2014, 216-A/2015, 1155-A/2015, 702-A/2014, 115-A/2014, and orders of Honorable High Court in COC No. 22-A/2016, COC No. 47-A/2016, COC No. 58-A/2016, COC No. 83-A/2016, COC 14/2019, and recommendation of the Departmental Selection Committee the appointment of the following candidates are hereby ordered against the vacant post of **CERTIFIED TEACHER (CT) BPS-15 (RS.16120-13330-56020)** plus usual allowances as admissible under the rules, under the existing policy of the Provincial Government, on the terms and condition given below with effect from the date of their taking over charge:-

S. #	Name	Father's Name	Date Of Birth	Domicile	Permanent Address	Place of posting	Remarks
1	M. PERVAIZ	DURIAMAN	MANSEHRA	05-06-1963	VILLAGE PATHANI P/O SERI PERHINNA TEHSIL & DISTRICT MANSEHRA.	GHS GIHNARKOT	AGAINST VACANT POST
2	M. NAWAZ	M. MUMTAZ	MANSEHRA	01-02-1972	VILLAGE DADAR NOORI MAIDAN P/O DHARYAL TEHSIL & DISTRICT MANSEHRA.	GHS MATHAL JABBORE	AGAINST VACANT POST
3	MUHAMMAD SAJJID	M. SADIQ	MANSEHRA	01-03-1971	VILLAGE & P/O UPPER CHANNAE TEHSIL & DISTRICT MANSEHRA	GMS BAI PAIEN	AGAINST VACANT POST
4	SHER AFZAL	SHER MUHAMMAD	MANSEHRA	28-03-1972	VILLAGE RAHAMKOT TEHSIL OGHI DISTRICT MANSEHRA I	GMS KHANIAN KHAKI	AGAINST VACANT POST
5	RAFAQAT ALI	KHANIZAMAN	MANSEHRA	10-5-1972	VILLAGE AND P/O KANSHIAN TEHSIL BALAKOT DISTRICT MANSEHRA	GHS BALA MANOOR	AGAINST VACANT POST
6	EJHAZ AHMED	M. QASIM	MANSEHRA	02-03-1973	VILLAGE KANSHIAN P/O BALAKOT TEHSIL BALAKOT DISTRICT MANSEHRA	GMS BATANGI	AGAINST VACANT POST
7	MUNIR AHMED	HAFIZULLAH	MANSEHRA	01-01-1969	VILLAGE NAKAI P/O GARHI HABIBULLAH TEHSIL BALAKOT DISTRICT MANSEHRA	GHS KHAIRABAD	AGAINST VACANT POST
8	ZARDAD KHAN	HADAYTULLAH	MANSEHRA	03-08-1965	VILLAGE LASS MAIRA BARARKOT P/O GARHI HABIBULLAH TEHSIL BALAKOT DISTRICT MANSEHRA	GMS GHORY PHAIR	AGAINST VACANT POST
9	ABDUL MALIK	KHAN GUL	MANSEHRA	06-02-1976	VILLAGE KHABA KHATTA GALI P/O SAT BANI TEHSIL BALAKOT DISTRICT MANSEHRA	GMS SERI MANOOR	AGAINST VACANT POST
10	SHAH ZAMAN	BAGA	MANSEHRA	05-05-1977	VILLAGE BATSANGRA TEHSIL BALAKOT DISTRICT MANSEHRA	GHS PARAS	AGAINST VACANT POST

TERMS & CONDITIONS.

1. NO TA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Their Appointment are subject are condition that, their certificates/document and domicile be verify from the concerned authority before releasing their salary in the light of Section 3 of the said ACT.
4. They will be governed by such rules & regulation enforce and as may be prescribed by the Government time to time for the category of the Government savant to which they belong.
5. Their appointment has been made in pursuance of Khyber Pakhtunkhwa, Sacked Employee (appointment) ACT 2012. Hence under Section 5 of the said ACT they shall not be entitled to any claim of the seniority, promotion and back benefits.
6. Their appointment has been made in pursuance of Khyber Pakhtunkhwa, Sacked Employee (appointment) ACT 2012. Hence Section 4 of the said ACT period during which they remained dismissed, removed or terminated from services, till the date of their appointment shall have been deemed atomically relaxed.
7. Their Appointment is subject to the condition that the certificates/documents must be verified from the concerned authorities by the DEO. Anyone found producing bogus Certificate will be reported to the law enforcing agencies for further action.
8. Their services are liable to termination on one month's prior notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
9. Their pay will not be drawn until and unless a certificate to the effect by DEO is issued that his certificates/degrees are verified from the concerned board/university.
10. The Principal / Headmaster School concern is directed to submit their Degrees /Certificates etc to this office for verification from Board /University/Institutions before any payment made to them.

(Signature)

- P-13
Ann B
11. They should join their post within 15 days of the issuance of this notification. In case of failure to join their post within 15 days of the issuance of this notification, his appointment will expire automatically and no subsequent appeal etc shall be entertained.
 12. Health and Age Certificate should be produced from the Medical Superintendent King Abdullah Teaching Hospital Mansehra before taking over charge.
 13. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
 14. Their services shall be terminated at any time, in case his performance is found unsatisfactory during their probation period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
 15. In case of having less qualification which ever is prescribed Academic BA for CT as well as classical certificate as profession the candidate must attain prescribed qualification for his post i.e. Academic & Professional within 3 years after issuance of this appointment order, failing which their appointment order shall stand terminated automatically, without any further notice.
 16. Before handing over charge once again their documents must be checked by Head of institution and convey deficiencies in qualification to DEO office.
 17. Before handing over charge they will sign an affidavit by stating that they will not claim seniority or back benefits/service and they will acquire required qualification within stipulated period of time, failing which they will have no objection on their removal.
 18. The competent authority reserve to right to rectify the error / omission, if any noted /observed at any stage in instant order issued erroneously.
 19. The candidates appointed against the school(s) falling in summer vacation shall be handed over the charge w.e.f 01-09-2019 on opening of school after summer vacation.
 20. Their documents if found fake/bogus at any stage, their appointment order shall be withdrawn and legal action be taken against him.

[Signature]
DISTRICT EDUCATION OFFICER,
(MALE) MANSEHRA

Endst: No. 10268-74/CT/Sacked Apptt:/2019/Dated Mansehra the 20/6/2019

Copy forwarded for information to the:-

1. Registrar Honorable Peshawar High Court Abbottabad Bench.
2. Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. PS to Secretary Khyber Pakhtunkhwa E&SE Department Peshawar.
4. District Accounts Officer Mansehra.
5. District Monitoring Officer Mansehra.
6. Budget & Account Officer Local Office.
7. Officials Concerned.
8. Office Order File

Sd/-
DY: DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

P-15 چتر حاضر کی مدیرین گورنمنٹ ہائی سکول پارس بابت ماہ اگست سال 2019

C

شماره اولیہ =				شماره ثانویہ =				شماره اولیہ =			
DM				CT				CT			
NIC#13503-0232261-1				NIC#13503-0232261-1				NIC#13501-1338297-1			
Phone# 0301-8170156				Phone# 0301-8170156				Phone# 0321-5397550			
تاریخ	آدم	دستخط	روائی	تاریخ	آدم	دستخط	روائی	تاریخ	آدم	دستخط	روائی
1	7:30	1:35	اسٹاپ	7:30	1:35	اسٹاپ	اسٹاپ	7:30	1:35	اسٹاپ	اسٹاپ
2	7:30	11:15	اسٹاپ	7:30	11:15	اسٹاپ	اسٹاپ	7:30	11:15	اسٹاپ	اسٹاپ
3	7:30	1:35	اسٹاپ	7:30	1:35	اسٹاپ	اسٹاپ	C/leave			
4											
5	7:30	1:35	اسٹاپ	7:30	1:35	اسٹاپ	اسٹاپ	7:30	1:35	اسٹاپ	اسٹاپ
6	7:30	1:35	اسٹاپ	7:30	1:35	اسٹاپ	اسٹاپ	7:30	1:35	اسٹاپ	اسٹاپ
7	7:30	1:35	اسٹاپ	7:30	1:35	اسٹاپ	اسٹاپ	7:30	1:35	اسٹاپ	اسٹاپ
8	7:30	1:35	اسٹاپ	7:30	1:35	اسٹاپ	اسٹاپ	7:30	1:35	اسٹاپ	اسٹاپ
9	7:30	11:15	اسٹاپ	7:30	11:15	اسٹاپ	اسٹاپ	7:30	11:15	اسٹاپ	اسٹاپ
10	7:30	1:35	اسٹاپ	7:30	1:35	اسٹاپ	اسٹاپ	7:30	1:35	اسٹاپ	اسٹاپ
11											
12											
13											
14											
15	7:30	11:15	اسٹاپ	C/leave			7:30	11:15	اسٹاپ	7:30	11:15
16	7:30	1:35	اسٹاپ	7:30	1:35	اسٹاپ	اسٹاپ	7:30	1:35	اسٹاپ	اسٹاپ
17											
18	7:30	1:35	اسٹاپ	7:30	1:35	اسٹاپ	اسٹاپ	7:30	1:35	اسٹاپ	اسٹاپ
19	7:30	1:35	اسٹاپ	7:30	1:35	اسٹاپ	اسٹاپ	7:30	1:35	اسٹاپ	اسٹاپ
20	7:30	1:35	اسٹاپ	7:30	1:35	اسٹاپ	اسٹاپ	7:30	1:35	اسٹاپ	اسٹاپ
21	7:30	1:35	اسٹاپ	7:30	1:35	اسٹاپ	اسٹاپ	7:30	1:35	اسٹاپ	اسٹاپ
22	7:30	1:35	اسٹاپ	7:30	1:35	اسٹاپ	اسٹاپ	7:30	1:35	اسٹاپ	اسٹاپ
23	7:30	11:15	اسٹاپ	7:30	11:15	اسٹاپ	اسٹاپ	7:30	11:15	اسٹاپ	اسٹاپ
24	7:30	1:35	اسٹاپ	7:30	1:35	اسٹاپ	اسٹاپ	7:30	1:35	اسٹاپ	اسٹاپ
25											
26	7:30	1:35	اسٹاپ	7:30	1:35	اسٹاپ	اسٹاپ	7:30	1:35	اسٹاپ	اسٹاپ
27	7:30	1:35	اسٹاپ	On Duty			7:30	1:35	اسٹاپ	7:30	1:35
28	7:30	1:35	اسٹاپ	7:30	1:35	اسٹاپ	اسٹاپ	7:30	1:35	اسٹاپ	اسٹاپ
29	7:30	11:15	اسٹاپ	7:30	11:15	اسٹاپ	اسٹاپ	C/leave			
30	7:30	11:35	اسٹاپ	7:30	11:35	اسٹاپ	اسٹاپ	7:30	11:35	اسٹاپ	اسٹاپ
31	7:30	11:35	اسٹاپ	7:30	11:35	اسٹاپ	اسٹاپ	7:30	11:35	اسٹاپ	اسٹاپ
میل	میل	میل	میل	میل	میل	میل	میل	میل	میل	میل	میل
02	03	05	01	00	01	02	03	02	05	03	02
میل	میل	میل	میل	میل	میل	میل	میل	میل	میل	میل	میل
میل	میل	میل	میل	میل	میل	میل	میل	میل	میل	میل	میل
میل	میل	میل	میل	میل	میل	میل	میل	میل	میل	میل	میل

(Your suggestions will be welcome)

سید ذوالقادر صاحب				شاہد عثمان صاحب				سید اجازت علی صاحب			
BM				CT				CT			
13503-0232241-1				13501-1340740-3				13501-1338137-1			
0301-8170156				0349-7911080				0347-1895590			
فون نمبر:				فون نمبر:				فون نمبر:			
تاریخ	آد	دعوت	نروائی	دعوت	نروائی	دعوت	آد	دعوت	نروائی	دعوت	تاریخ
1			SUNDAY			SUNDAY					SUNDAY
2	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	2
3	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	3
4	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	4
5	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	5
6	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	6
7	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	7
8											8
9											9
10											10
11	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	11
12	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	12
13	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	13
14											C/Leave
15											
16	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	16
17	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	17
18	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	18
19	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	19
20	7:30	11:15	اساتذہ	7:30	11:15	اساتذہ	7:30	11:15	اساتذہ	7:30	20
21	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	21
22											22
23	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	C/Leave
24	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	24
25	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	C/Leave
26	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	26
27	7:30	11:15	اساتذہ	7:30	11:15	اساتذہ	7:30	11:15	اساتذہ	7:30	27
28	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	11:35	اساتذہ	7:30	C/Leave
29											29
30	7:30	11:15	اساتذہ	7:30	11:15	اساتذہ	7:30	11:15	اساتذہ	7:30	30
31											31
حرفت	مال	باقہ	میزان	مال	باقہ	میزان	مال	باقہ	میزان	مال	حرفت
07	05	02	03	01	02	07	05	02	03	01	07

AA
B

شہزاد احمد صاحب				شاہنواز صاحب				سجاد احمد صاحب			
COT				COT				CT			
13501-1338197-1				13501-1340740-3				13501-1338197-1			
0301-8170156				0349-7911080				03471895590			
روز	وقت	وقت	وقت	روز	وقت	وقت	وقت	روز	وقت	وقت	وقت
1	8:15	2:20	8:15	8:15	2:20	8:15	8:15	8:15	2:20	8:15	8:15
2	8:15	2:20	8:15	8:15	2:20	8:15	8:15	8:15	2:20	8:15	8:15
3	8:15	2:20	8:15	8:15	2:20	8:15	8:15	8:15	2:20	8:15	8:15
4	8:15	12:20	8:15	8:15	12:20	8:15	8:15	8:15	12:15	8:15	8:15
5	8:15	2:20	8:15	8:15	9:20	8:15	8:15	8:15	11:20	8:15	8:15
6	X	X	X	X	X	X	X	X	X	X	X
7	8:15	2:20	8:15	8:15	9:20	8:15	8:15	8:15	2:20	8:15	8:15
8	8:15	2:20	8:15	8:15	12:20	8:15	8:15	8:15	2:20	8:15	8:15
9	8:15	2:20	8:15	8:15	2:20	8:15	8:15	8:15	2:20	8:15	8:15
10	8:15	2:20	8:15	-C/Leave-	-	-	-	8:15	2:20	8:15	8:15
11	8:15	2:20	8:15	8:15	2:20	8:15	8:15	8:15	12:15	8:15	8:15
12	8:15	2:20	8:15	8:15	2:20	8:15	8:15	8:15	2:20	8:15	8:15
13	X	X	X	X	X	X	X	X	X	X	X
14	8:15	2:20	8:15	8:15	2:20	8:15	8:15	8:15	2:20	8:15	8:15
15	8:15	2:20	8:15	8:15	2:20	8:15	8:15	8:15	2:20	8:15	8:15
16	8:15	2:20	8:15	8:15	2:20	8:15	8:15	-C/Leave-	-	-	-
17	8:15	12:20	8:15	8:15	12:20	8:15	8:15	8:15	2:20	8:15	8:15
18	8:15	2:20	8:15	8:15	2:20	8:15	8:15	8:15	12:15	8:15	8:15
19	8:15	2:20	8:15	8:15	2:20	8:15	8:15	8:15	2:15	8:15	8:15
20	X	X	X	X	X	X	X	X	X	X	X
21	8:15	2:20	8:15	8:15	2:20	8:15	8:15	-C/Leave-	-	-	-
22	8:15	2:20	8:15	8:15	2:20	8:15	8:15	8:15	2:20	8:15	8:15
23	8:15	2:20	8:15	8:15	2:20	8:15	8:15	8:15	2:20	8:15	8:15
24	8:15	12:20	8:15	8:15	12:20	8:15	8:15	8:15	2:20	8:15	8:15
25	8:15	2:20	8:15	8:15	2:20	8:15	8:15	-C/Leave-	-	-	-
26	8:15	2:20	8:15	8:15	2:20	8:15	8:15	8:15	2:20	8:15	8:15
27	8:15	2:20	8:15	8:15	2:20	8:15	8:15	8:15	2:20	8:15	8:15
28	8:15	2:20	8:15	8:15	2:20	8:15	8:15	8:15	2:20	8:15	8:15
29	8:15	2:20	8:15	8:15	2:20	8:15	8:15	8:15	2:20	8:15	8:15
30	8:15	12:20	8:15	8:15	2:20	8:15	8:15	8:15	2:20	8:15	8:15
31	8:15	2:20	8:15	8:15	2:20	8:15	8:15	8:15	12:20	8:15	8:15
حرف	مال	مال	مال	مال	مال	مال	مال	مال	مال	مال	مال
03	07	10	03	03	03	01	03	03	07	10	03

رجسٹر

Attested
Gulzar

P-19
Annex 'D'



OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DISTRICT MANSEHRA

No 16332 /lit/Date 07/10/2019

To

The Head Master,
GHS Paras.

Subject: **SHOW CAUSE NOTICE.**

Memo;

Show cause notice in R/O Mr. Shah Zaman S/o Baga CT GHS Paras Mansehra is attached herewith with the direction to serve the same to the concerned teacher and return one copy to this office as token of receipt duly received by him

DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA



OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DISTRICT MANSEHRA

No 16332 /lit/Date 07/10/2019

To

The Head Master,
GHS Paras.

Subject: **SHOW CAUSE NOTICE.**

Memo;

Show cause notice in R/O Mr. Shah Zaman S/o Baga CT GHS Paras Mansehra is attached herewith with the direction to serve the same to the concerned teacher and return one copy to this office as token of receipt duly received by him.

DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA



Affected
Reply

P-20
Am D

SHOWCAUSE NOTICE

1. Mr. Khan Muhammad District Education Officer (M) Manshira, as competent authority under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve a show cause notice to Mr. Shah Zaman s/o Baga CT GHS Paras on account of producing fake /tempered documents for appointment in District Manshira are as follows:

- i. Whereas Mr. Shah Zaman CT was reappointed and posted at GHS Paras District Manshira under sacked Employee Act 2012 vide this office vide Endst No.10268-74 dated 20-06-2019, On the basis of documents provided by you as per direction of Honourable Peshawar High Court Abbottabad Bench vide his judgment dated 03-04-2018.
- ii. Whereas according to the Terms and Condition NO.20 of the appointment order is that "their documents if found fake/bogus, at any stage, their appointment order shall be withdrawn and legal action be taken against him"
- iii. Whereas after issuing of appointment order the competent authority sent a letter to the Head Master GMS Bandi Kainth Manshira for re-verification of record of Mr. Shah Zaman s/o Baga Ex-CT GMS Bandi Kainth vide letter No.10740 dated 26-06-2019.
- iv. After verification of your documents/service record, fake and fabricated documents have been found in your service record.
- v. Whereupon during the course of scrutiny of their documents/service record, it was pointed out that Mr. Shah Zaman tempered his name at serial No.98 in termination order vide Endst No.16052-189 dated 07-07-1996. It shows that you have committed misconduct /illegality thus violated E&D rule, 2011.
- vi. I am satisfied that you found guilty of misconduct, inefficiency and committed illegal act as specified in rule 3 of the said rules. Thus you have rendered yourself liable to be proceeded against under the said rules.

2. In exercise of the powers conferred by the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, the competent authority is hereby pleased to serve you with the show cause notice with the direction to submit your defense in writing within 07 (Seven) of the receipt of this notice as to why one of the major penalty of rule-4 of the said rules should not be imposed upon you.

3. In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defense to offer and an ex-parte decision will be taken against you.

COMPETENT AUTHORITY

Shah Zaman S/o Baga CT
GHS Paras,
District Manshira



Attested
G. H. J.

P-21

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA

Phone # 0997-382271

Fax # 0997-382244

E-mail Address: edoedu_mans_hra@yal.go.gov.pk

Amir E

NOTIFICATION

Mr. Shah Zaman S/O Bagga CT GHS Paras Mansehra, WHEREAS Mr. Shah Zaman CT (HS Paras Circle Mansehra) was proceeded against under Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011 on account of fake and fabricated documents have been found in service record and tempering in documents was proved.

- i. Whereas Mr. Shah Zaman CT was reappointed and posted at GHS Paras District Mansehra under sacked Employee Act, 2012 vide this office vide Endst No. 10268-74 dated 20-06-2019. On the basis of documents provided by you as per direction of Honourable Peshawar High Court Abbottabad Bench vide his judgment dated 03-04-2018.
- ii. Whereas according to the Terms and Condition NO.20 of the appointment order is that "their documents if found fake/bogus at any stage, their appointment order shall be withdrawn and legal action be taken against him."
- iii. Whereas after issuing of appointment order the competent authority sent a letter to the Head Master GMS Bandi Kainth Mansehra for verification of record of Mr. Shah Zaman CT GMS Bandi Kainth vide letter No.10740 dated 26-06-2019 & letter No.15986 dated 27-09-2019.
- iv. After verification of your documents/service record, fake and fabricated documents have been found in your service record.
- v. Whereupon the initial inquiry conducted by the officer on 06-08-2019, the said committee submitted report to this office on 12-08-2019, with the remarks that Mr. Shah Zaman tempered/forged his name at serial No.98 in Termination order vide Endst 16052-189 dated 07-07-1996 and no record was found in school record the case is fake, so the appointment order may be withdrawn. It shows that you have committed misconduct /illegality thus violated E&D rule, 2011.
- vi. Whereas, as per report of the Head Master GMS Bandi Kainth vide dated 06-10-2019 with the remarks that "Mr. Shah Zaman CT has never ever been appointed vide Endst No.27560-71 dated 20-10-1996 at GMS Bandi Kainth, whereas the appointment documents in r/o Mr. Shah Zaman CT are Fake, some unscrupulous elements are trying to submit the fake record of sacked employee in your office, His first appointment order, charge report, appraisal report, acquaintance role, attendance register, log book and appointment order file were checked no such record was found of the said person in our school for the period 1996-1997.
- vii. Whereas as per report dated 06-10-2019, a showcause notice was issued to concerned vide this office No. 16332 dated 07-10-2019, and received reply of showcause on 16-10-2019.
- viii. Whereas, he was called for personal on 01-11-2019, while attending the office of undersigned on 04-11-2019 and heard.
- ix. Whereas the competent authority District Education Officer (M) E&SE Mansehra after having considered the charges and evidence on record, perusal of reply of show cause notice & Personal hearing, is of the view that the charges against the accused Teacher have been proved. Therefore the appointment order vide Endst No.10268-74 dated 20-06-2019 in r/o Mr. Shah Zaman CT GHS Paras Mansehra is hereby **WITHDRAWN** from the date of issue of re-appointment order (Ab-initio Withdrawn) with immediate effect.

Sd/-
DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

Endst: No. 17746-50 /F.No.Final Showcause/Appointm: 2019 (M)//Dated 07/11 /2019

Copy forwarded for information to the:

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. District Monitoring Officer (IMU) Mansehra.
3. District Account Officer Mansehra.
4. Head Master GHS Paras.
5. Mr. Shah Zaman s/o Bagga Residence of village Lundian Labarkot P/O College Dohraya Tehsil & District Mansehra.
6. Office File.

DY-DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

To,

The Director,
E&SE Education Department,
Khyber Pakhtunkhwa Peshawar

P-22
Amir F

Attested
Amir F

Subject: APPEAL FOR RE-INSTANTMENT AGAINST IMPUGNED NOTIFICATION ENDST: NO. 17686-92 DATED 07.11.2019 ISSUED BY DEO (MALE) MANSEHRA WHEREIN APPOINTMENT ORDER OF APPELLANT WAS WITHDRAWN FROM THE DATE OF APPOINTMENT.

Respected Sir,

- 1) That, appellant was appointed against vacant post of CT and posted at GMS BANDI KORNITB. (Copy of appointment order vide dated 20/10/96 is attached).
- 2) That, appellant joined duties and continued in job, meanwhile appellant in the year 1997, vide dated 07-07-97, appellant was terminated.
- 3) That, in the year 2012 Government of KPK promulgated Khyber Pakhtunkhwa Sacked Employee Act (Appointment) 2012, wherein appellant applied vide that Act for re-instatement.
- 4) That, appellant being sacked employee DEO(M) Mansehra conducted a scrutiny committee for scrutiny of documents of appellant, the said documents i.e. application alongwith relevant documents of appellant for re-instatement was referred for appointment to Departmental Selection Committee in the light of recommendations of DSC, appointment order of appellant was issued vide Endst. No. 10268-74 dated 20.06.2019 by DEO (M) Mansehra. (Copy of appointment order is attached).
- 5) That, appellant took over charge that post of CT at GHS Paras (Mansehra) as per reinstatement order vide dated 20.06.2019 and is devotedly serving with his utmost endeavour and to the best his ability from the date of his appointment. (Copy of charge report is attached).
- 6) That, appellant being sacked employee was appointed after checking/scrutiny of application and relevant document as per record in office

concerned and on the recommendations of Departmental Selection Committee, as per judgment of Honourable Peshawar High Court, Bench Abbottabad appellant was appointed by DEO(M) Mansehra but inspite of all relevant and reliable facts, the DEO(M) Mansehra issued baseless, without approving relevant record in office concerned, without adopting code formalities, explanation, show cause etc, on the basis of so-called report of which is depict as Para No. V of Notification dated 07.11.2019 i.e. Head Master of GMS BANDI Kainth, the place of first appointment vide dated ~~24.04.1996~~ wherein the record of official no available in GMS BANDI Kainth Notification Endst. No. 17746-50 dated 07.11.2019 wherein upon the appointment order vide dated 20.06.2019 was withdrawn, from the date of appointment. (Copy of Notification dated 07.11.2019 is attached).

7) That, the appellant being sacked employee was appointed in due course and after adopting all code formalities and after inquiry by concerned quarter and on recommendations of DSC and Scrutiny Committee of document as per record of office concerned and furthermore attested copies of all relevant documents has been produced before DEO(M) Mansehra time and again, which were verified and checked thereafter appointment order dated 20.06.2019 was issued by DEO(M) Mansehra.

8) That, DEO(M) Mansehra deliberately ignored the recommendations of DSC, on the basis of so called report of Head Master GMS BANDI Kainth (Mansehra) and so-called allegations issued impugned Notification vide dated 07.11.2019, which is against the rules, policy, norms of justice and spirit of judgment of Honourable Peshawar High Court, Abbottabad Bench was issued vide Endst. No. 17746-50 dated 07.11.2019 which is liable to be set-aside.

9) That, appellant has filed a writ petition No. 944-M/19 dated 12/6/19 before Honourable Peshawar High Court Bench Abbottabad against the illegal process of department against the law, withdrawal of appointment order vide dated 07.11.2019 which is subjudice for adjudicate, during pending adjudication of writ petition the appointment order vide dated 20.06.2019 was withdrawal order vide dated 07.11.2019 which is against the law and spirit of judgment of

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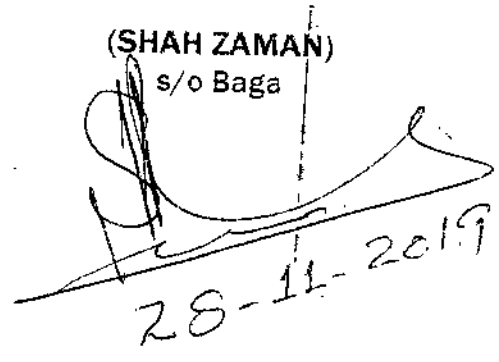
Honourable High Court. (Copy of writ petition is attached).

It is, therefore, most graciously requested that on acceptance of appeal, the impugned Notification vide dated 09.11.2019 may kindly be set-aside and appellant may graciously be reinstated into Government Service with immediate effect.

Dated 28.11.2019

Yours Sincerely,

(SHAH ZAMAN)
s/o Baga



28-11-2019

Address: -
Village Batsangra, Tehsil Balakot
District Mansehra
Ex-CT, GMS Para S
(Mansehra)

Cont No # 0349-7911080

وکالت نامہ

P-25

بعدالت جناب KPK سروس ٹریبونل پشاور کمپ کورٹ ایبٹ آباد

حکومت KPK وغیرہ

بنام

شاہ زمان

سروس اپیل

اپیلانٹ

باعث تحریر آنکھ!

منجانب:

عبدالصبور خان، ملک اشفاق احمد جیلانی ایڈووکیٹس ہائی کورٹ

اندریں مقدمہ عنوان بالا اپنی طرف سے برائے بیرونی وجوہات ہی، بمقام پشاور ہائی کورٹ

کو بدیں شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختیار خاص روبرو عدالت حاضر ہوتا رہوں گا اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دیکر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہوا اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی اور جگہ کچہری کے مقررہ اوقات سے پہلے یا بروز تعطیل بیرونی کرانے کے مجاز نہ ہونگے اگر مقدمہ مقام کچہری کے آگے یا پیچھے ساعت ہونے پر مظہر کو کوئی نقصان پہنچے تو صاحب موصوف ذمہ دار نہ ہوں گے اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی، اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دخیل تعہد یق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے کا، ہر قسم کا بیان دینے اور سپرد ثالثی و راضی نامہ و دستبرداری و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا فیصلہ ڈگری و اجراءے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ فیس کرنے کا مجاز ہوگا۔ بصورت ضرورت بدوران مقدمہ یا اپیل و نگرانی کسی دوسرے وکیل یا ایڈووکیٹ کو بجائے خود یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو، پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیرونی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ مجھے کل ساختہ پر داختمش ذات خود منظور و قبول ہوگا۔ لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے۔ مضمون وکالت نامہ سن لیا اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

مورخہ 30.03.2020

شاہ زمان ولد بگا ساکنہ انڈیاں لڑکھوٹ تحصیل ضلع منسہرہ سابقہ ٹیچر CT ٹیچر پارس

اپیلانٹ

Attested & Accepted

Abdul Saboor Khan & Malik Ashfaq Ahmed Jilani
Advocates High Court

(original copy)

**BEFORE THE HONOURABLE KPK SERVICE TRIBUNAL PESHAWAR
CAMP COURT ABBOTTABAD.**

Shah Zaman

Service Appeal No.3845-A/2020

.....APPELLANT.

VERSUS


1. Director Elementary & Secondary Education KPK Peshawar.
2. District Education Officer (Male) Mansehra.....RESPONDENTS.

PARAWISE COMMENTS / WRITTEN REPLY ON BEHALF OF RESPONDENTS

NO 1 & 2

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DISTRICT EDUCATION OFFICE
(MALE) MANSEHRA.

①

BEFORE THE HONOURABLE KPK SERVICE TRIBUNAL PESHAWAR
CAMP COURT ABBOTTABAD.

Service Appeal No.3845-A/2020

Shah Zaman.....APPELLANT.

VERSUS

1. Director Elementary & Secondary Education KPK Peshawar.
2. District Education Officer (Male) Mansehra.....RESPONDENTS.

PARAWISE COMMENTS / WRITTEN REPLY ON BEHALF OF RESPONDENTS

NO 1 & 2

PRELIMINARY OBJECTIONS:-

1. That the Appellant is not the "AGGRIEVED" person.
2. That the Appellant is estopped by his own conduct.
3. That the Appellant has not come to the Hon'ble Tribunal with clean hands.
4. That the Appellant has no cause of action/locus standi to file the instant appeal.
5. That instant Appeal is against the prevailing law and rules.
6. That the Appellant has concealed the material facts from this Hon'ble Tribunal, Hence not entitled for any relief and appeal is liable to be dismissed without any further proceeding.
7. That the appeal is groundless and based on malafide, ulterior motive, hence the same is liable to be dismissed.
8. The instant appeal is not maintainable in the present form and also in the present circumstances of the issue.
9. The instant appeal is time barred and liable to be dismissed.
10. That the demand of the appellant is against the law and facts hence the appellant is not entitled for any relief and appeal is liable to be dismissed on this score alone.
11. That the impugned order passed by the respondent Department according to rules and Law, hence appeal is liable to be dismissed.
12. That the appellant is deception / tempered / fakely prepared the record.
13. That the appellant didn't filed Secretary E&SE Department KPK Peshawar.
14. That the appeal is bad for misjoinder and non-joinder of necessary and proper parties.

FACTUAL OBJECTIONS:-

- 1) Para No. 1 is incorrect and misleading whereas the appellant was never appointed against the post of CT. whereas in the year 1996-98 different teacher in Education department were appointed. Later on many of the employees were terminate from the service because they were not appointed according prescribed manner. Whereas the petitioner stance is totally malafide and misleading as he had been never appointed as a CT in Education Department.
- 2) Para No.02 is correct to the extent that many employee were terminated from service vide Divisional Director Endst No. 2134-3528/AE-III/20/ Dated 13-2-1997. Whereas in the original termination order 16052-189/AE-III/20 Dated 7/7/1997 the original candidate at serial 98 is Rashid Hussain S/O Muhammad Farooq. Whereas the appellant Shah Zaman S/O Baga tempering his name at Serial 98 to be considered his as a sacked employee, as actually he was not a sacked employee. From the record it is clear that he has never been appointed

in education department neither remained on the strength of department. Whereas he fakely / fabricately prepared the whole record by scanning the signature of the competent Authority of then, and declared himself a sacked employee. (Copy of the Original termination order / tempered termination order annex as a annexure A and B)

- 3) Para No.03 is correct to the extent that the Govt of KPK inacted sacked employee 2012 to reinstated the terminated employee who having the civil post at that time. Whereas the appellant has never been appointed neither terminated: The appellant fabricated / tempered the whole record and mislead the department and submitted the same to the department for reinstatement in service as a sacked employee. Whereas the appellant and many other were re-appointed on 20/6/2019 vide Endst: No 10268-74 in compliance of the judgment Hon'ble Peshawar high court bench Abbottabad. (Copy of the Act 2012 and copy of the appointment order are annex as annexure C & D)
- 4) Para No.04 is correct to the extent that the petitioner performed his duty w.e.f from 20/6/2019 at GHS Paras to 9/11/2019.
- 5) Para No.5 is very surprising that the complaint had been received from the different resources that the appellant was not a sake employee, as he had been never appointed in the Education Department. To clarify the matter the respondent No 2 forwarded a letter vide Endst No. 10740 dated 26/6/2019 to Head Master GMS Bandi Kainth Mansehra for the verification of Record of the appellant. In the response of that letter vide diary No. 6752 dated 7/10/2019, the HM GMS Bandi kainth Remarks That" Mr. Shah Zaman S/O Baga that the documents of the said teacher are fabricated, some deceitful element are trying to submit the fake record of sake employee in your office, I am pleased to informed to that the said sake employee has not been appointment against the CT post as well as no record was found against the said in the school. Whereas the respondent No 2 issued shown Cause letter Vide Endst No16332 dated 07-10-2019 to clarify his position through written reply within the period of the 7 days. The reply of the showcause was received on 16/10/2019. In light of the reply of the shown the appellant has failed to satisfy the respondent. Nothing has been attached with reply of showcause notice it means that he had failed to Clearfield his position against the charges upon him. Whereas the respondent called the appellant for personal hearing vide Endst: No. 17400-04 dated 1/11/2019, appellant appear before the competent authority. Whereas questioneir was served to the appellant, he reply the questioneir accordingly. He totally failed to produce any evidence regarding his initial appointment and other service record. (Copy of the letter by the Respondent No 2, copy of the verification of record from Head Master, and copy of the showcause, copy of the reply of showcause, copy of the personal hearing, copy of the questioneir, copy of the detail of personal hearing report are annex as annexure E, F, G, H, I, J, & K).
- 6) Para No 6 is totally incorrect and misleading, whereas the respondent properly verified the record from the concerned school, proper procedure was adopted in this regard. After all the procedure the charges against the appellant had been proved, therefore the order issued vide Endst No. 17746-50 dated 09/11/2019 in r/o appellant is hereby withdrawn from the dated of issued of reappointment order (ab-initio withdrawn) with immediate effect. (Copy of the withdrawal order in annex as annexure L)

- 7) Para No 7 is correct to the extent that the appellant filed the departmental appeal which was the reject by the appellant authority vide endst No. 7950 dated 16/3/2020 (copy of the rejection letter is annex as annexure a M)
- 8) Para no 8 is incorrect, that appellant has no right to invoke the jurisdiction of this Hon'ble Tribunal, as the appellant is not aggrieved Person inter alia on the following Grounds:-

GROUND:-

- a) Para A is incorrect that he was not a sacked employee because his appointment order, termination order and other service record were fake and fabricated.
- b) Para B is correct to the extent that the reappointment order issued on the record provided by the appellant which was scrutinized by the committee.
- c) Para C is incorrect, hence denied.
- d) Para D is incorrect and misleading, whereas the appellant has provided the fabricated record before the Peshawar High Court Abbottabad Bench.
- e) Para E is incorrect and misleading the proper record was collected by the respondent and on the basis of said record, the major penalty was imposed on the appellant.
- f) Para F is totally incorrect and misleading, hence denied.
- g) Para G is incorrect that the appellant has provided the fake and fabricated record.
- h) Para H is totally incorrect and misleading, hence denied.
- i) Para I is incorrect and misleading, whereas the detail reply is already given in aforementioned para.
- j) Para J is totally incorrect and misleading, hence denied.
- k) Para K is incorrect, hence denied.
- l) Para L is totally misleading because the appellant has never been appointed neither terminated in the year 1996 to 1998.
- m) Para M is incorrect, hence denied.
- n) Para N is totally incorrect, hence denied.
- o) Para O is incorrect, whereas the appellant has been treated as per law and rules & act, wherein no question of violation of law, rules & policy. The Respondents also seek the permission of this Honorable Tribunal to adduce more grounds, proofs and Explanation at the time of arguments.

PRAYERS.

It is therefore, humbly prayed that on acceptance of the above submissions, the instant appeal may very graciously be dismissed in the favour of the answering Respondents in the interest of the Justice

Respondent


The Director,
E&SE Department
Khyber Pakhtunkhwa Peshawar.


THE DISTRICT EDUCATION OFFICER,
(MALE) MANSEHRA

AFFIDAVIT

I, Muhammad Toseef, Assistant to DEO(M) Mansehra hereby solemnly affirm and declare that the content of the reply of the comments in the above appeal No.3845-A/2020 Titled as Shah Zaman versus Govt: of Khyber Pakhtunkhwa and others are true to the best of my conviction and belief and I have concealed nothing.



ASSISTANT DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

(21)

(5) 7

A

OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION (S) HAZI DIV: A'ABAD

OFFICE ORDER NO. _____

ABSTRACT
(M.L.)

DATED _____/1947.

DISMISSAL.

On the perusal of relevant record the appointment of the following (Male) teachers have been found illegal, null and void and against the prescribed rules, therefore, their services, are hereby discontinued with, with immediate effect:-

S. No. Name and Father Name

1. Saif-Ur-Rehman S/O Abdul Azam.
2. Muteza Khan S/O Farid Khan R/O Abbottabad.
3. Ishfaq Ahmad S/O Mohd Amin, R/O Abbottabad.
4. Khan Afsar S/O Mir Afzal Khan R/O Abbottabad.
5. Raza Khan S/O Ghulam Sarwar R/O Haripur.
6. Muhammad Saleem S/O Muhammad Ashraf.
7. Sadeer Javed S/O Muhammad Bachir.
8. Muhammad Akhtar S/O Mir Afzal.
9. Abdul Khatib S/O Muhammad Ishaq.
10. Fakir Mahmood S/O Muhammad Younis.
11. Khan Gul S/O Gul Hassan R/O Abbottabad.
12. Arshad Khan S/O Saeed Ahmed R/O Mansohra.
13. Samid Khan S/O Muhammad Rafiqo Khan R/O Abbottabad.
14. Muhammad Rafique S/O Muhammad Khan.
15. Jansid Khan S/O Farid Khan R/O Abbottabad.
16. Farid Mahmood S/O Muhammad Afzal R/O Haripur.
17. Muhammad Javaid S/O Rustam Khan.
18. Saifur Iqbal S/O Noor Muhammad.
19. Mir Bahadar S/O Ghulam Qader.
20. Akhtar Nawaz S/O Ghulam Hyder R/O
21. Amir Fazal S/O Fazal-Ur-Rehman R/O Abbottabad.
22. Subasher Ahmed S/O Nazir Muhammad R/O Haripur.
23. Khalid Zaman S/O Sardar Zaman.
24. Iqbal Khan S/O Ilyas Khan.
25. Hameed Ali S/O Muhammad Zafar R/O Mansohra.
26. Rashid Khan S/O Sher Dil Khan R/O Abbottabad.
27. Shaukat Ali S/O Muhammad Yousaf.

M. N. Khan
Deputy Director of Education
Hazi Division, Abbottabad

6

26

- 100. Muhammad Khan S/O Khawaj Mohd.
- 101. Ahmad S/O Roshan Din.
- 102. Ghulam Jilani S/O Mohd Ayub.
- 103. Mohammad Javed S/O Mir Ahmad.
- 104. ~~Mohd: Nawaz S/O Mohd: Zaman.~~
- 105. ~~Mohd: Ali S/O Jamar Darez.~~
- 106. ~~Mohd: Farooq S/O Mohd: Farooq.~~
- 107. Zaffar Iqbal S/O Ghulam Sarwar.
- 108. Mohammad Yahya S/O Mohd: Aslam.
- 109. Gul Hamid Khan S/O Abidur Rehman.
- 110. Khalid Mahmood S/O Mohd: Yousef.
- 111. Mohd: Farooq S/O Mohd: Sajid.
- 112. Mohd: Javed S/O Mir Ahmed.
- 113. Kabear Ahmed S/O. bashir Ahmed.
- 114. Mohammad Saad S/O Mohd: Aslam.
- 115. Fida Ahmed S/O Misar Ahmed.
- 116. Mohammad Sajid S/O Sultan.
- 117. Abdul Qayum S/O Lal Khan.
- 118. Mohammad Tauheem S/O Umer Khatib.
- 119. Mohd: Saad Bhatti, GHS, Kot Nujibullah Hpr.
- 120. Mazhar Iqbal S/O Fazalur Rehman.
- 121. Mehboobur Rehman S/O Fazal Dad.
- 122. Mirdad Khan S/O Jehanzeb Khan.
- 123. Mohd: Rafique S/O Ali Asghar.
- 124. Faqir S/O Jaffer Khan.
- 125. At tique Rehman S/O Hoorur Rehman.
- 126. Mohd: Tufail S/O Alladed Mansahra.
- 127. Mohd: Shafique S/O Banaras.
- 128. Waris S/O Mehboobur Rehman.
- 129. Mohd: Azam Khan S/O Mohd: Aslam.
- 130. Gul Javed S/O Mansif Khan.
- 131. Attique Rehman S/O Abd ur Rashid.
- 132. Mohd: Abid S/O Saifur Khan.
- 133. Ejaz Ali S/O Jehanzeb Khan.
- 134. Nasserud Din S/O Nawab Din.
- 135. Zulfikar S/O Abdul Baber.
- 136. Anwar Gul S/O Alladed Mans.
- 137. Mohd: Javed S/O Rustom Khan.
- 138. Mohd: Nawaz S/O Ali Asghar.
- 139. Mohammad Naveed S/O DM, GMS, Salhad.

M. M. M.
 Subject to Approval of Director
 District Education Hazara
 (Mansoor Khan)

All the above mentioned teachers may please be relieved of their duties forthwith where ever they are working at this stage and compliances reported to this office.

(UMMER FAROOQ)
 DIVIL: DIRECTOR OF EDUCATION(S)
 HAZARA DIVISION ABBOTTABAD.

Order No. 16052-189/AE-III-B Dated 07/7 /1998.

Copy to:-
 1-5. The DEOs (M) Secy: A/Abad, Haripur, Mansohra, Battagram and Kohistan.
 6-138. All the Principals/Headmasters GHS/GMS/GMS in Hazara Division with the remarks that since present exact where about is not known the services of the above named teachers where ever they are working at this stage stand dispensed with and Head of Institutions/DEOs, concerned, will be personally responsible if any teacher is left over and allowed to continue in service. Complete particulars of above teachers may also please be furnished in the following form:-
 S.No. Name/Father's Name Present Ssk Qual: 1. 2. 3. 4. 5. 6. 7. 8. 9. 10.
 & Designation. School. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20.
 Date of Apptt: 21. 22. 23. 24. 25. 26. 27. 28. 29. 30.

Copy of Apptt order may also be furnished.

For/ Sd/-
 DIRECTOR OF EDUCATION
 HAZARA DIVISION A/ABAD.

JAVEL
 MUH
 503-42

LDAP

THE DEPUTY DIRECTOR OF EDUCATION (BY HAZ. DIV. ABBAB)

OFFICE ORDER NO. _____

DATED 07/07/1991

RESOLUTION:

On the perusal of relevant record the appointment of the following (Male) teachers have been found illegle, abinitio, void and against the prescribed rules; therefore, their services, are hereby dispensed with, with immediate effect:-

Name and Father Name

1. Saif-Ur-Rahman S/O Abdul Azam.
2. Murtaza Khan S/O Israil Khan R/O Abbotabad.
3. Ishaq Ahmed S/O Mohd Amin, R/O Abbottabad.
4. Khan Afsar S/O Mir Afzal Khan R/O Abbottabad.
5. Rizq Khan S/O Ghulam Sarwar R/O Haripur.
6. Muhammad Saleem S/O Muhammad Ashraf.
7. Gaiser Javed S/O Muhammad Bashir.
8. Muhammad Akhtar S/O Mir Afzal.
9. Abdul Khattib S/O Muhammad Ishaq.
10. Tahir Mahmood S/O Muhammad Yousif.
11. Khagga S/O Haider Hasan.
12. Anisul Khan S/O Saeed Ahmed R/O Manshera.
13. Haaid Khan S/O Muhammad Rafique Khan R/O Abbottabad.
14. Muhammad Rafique S/O Muhammad Khan.
15. Junaid Khan S/O Farid Khan R/O Abbottabad.
16. Tariq Mahmood S/O Muhammad Afzal R/O Haripur.
17. ~~Tarqad Khan S/O Haidilallah.~~
18. Zaffar Iqbal S/O Noor Muhammad.
19. Mr. Bahadar S/O Ghulam Qader.
20. Akhtar Nawaz S/O Ghulam Hyder R.
21. Amir Fazal S/O Fazal-Ur-Rehman R/O Abbottabad.
22. Mubasher Ahmed S/O Nazir Muhammad R/O Haripur.
23. Abdul Malik S/O Khan Gul.
24. Ismail Khan S/O Ilyas Khan.
25. Nawazish Ali S/O Muhammad Zoheer R/O Manshera.
26. Khushdil Khan S/O Sher Dil Khan R/O Abbottabad.
27. Shoukat Ali S/O Muhammad Yousif.

Contact on P/2.

REPLY ON P/2

- 28. * ~~...~~ S/O Saifur Khan
- 29. Zaroq Khan S/O Zor Khan R/O Abbottabad.
- 30. Mahmood-Ur-Rahman S/O Noor Hussain.
- 31. Shoukat Hussain S/O Jalal Shah.
- 32. Pida Ahmed Abbasi S/O Mushal R/O Abbottabad.
- 33. Muhammad Irshad S/O Muhammad Arshad R/O Abbottabad.
- 34. Hafoz-Ur-Rehman S/O Manzoor-Ur-Rehman.
- 35. Liaqat Mahmood S/O Ali Akbar R/O Haripur.
- 36. Sardar Ali S/O Ali Akbar R/O Abbottabad.
- 37. Atiqur-Rehman S/O Abdur-Rashid R/O Abbottabad.
- 38. Mazhar Ali S/O Khawaja R/O Manshera.
- 39. Janshed Khan S/O Younas Khan Abbottabad.
- 40. Iftikhar Ahmed S/O Fazalur Rehman.
- 41. Zahid Pervez S/O Dilawer Khan Haripur.
- 42. Totasham Ahmed S/O Shabir Ahmed Attd.
- 43. Ashfaq Ahmed S/O Taj Mohd Attd.
- 44. Ali Ahmed S/O Kosharwan.
- 45. Mohammad Shabir S/O Waris Haripur.
- 46. Jaseem Asghar S/O Ali Asghar Attd.
- 47. Anwarul Haq S/O Mohd: Ilyas.
- 48. Mohammad Javeed S/O Ajab Khan.
- 49. Moham mad Saraj S/O Noor Khan Manshera.
- 50. Khalid Mahmood S/O Khuda Baksh.
- 51. Rukhsar Ahmed S/O Mohd: Khurshid.
- 52. Khawar Khan S/O Farid Khan Attd.
- 53. Abdul Zameen S/O Rehim Shah Manshera.
- 54. Zahid Khan S/O Ajab Khan Attd.
- 55. Abadur Hussain S/O Khalilur Rehman Attd.
- 56. Wager Gul Khan S/O Khan Gul Attd.
- 57. Mohammad Saffar S/O Jehandad Khan Attd.
- 58. Hanir Ahmed S/O Meftoo Zullah Manshera.
- 59. Mohammad Hamayun S/O Mics Esen Manshera.
- 60. Amanullah S/O Qazi Ayaz Khan Attd.
- 61. Mohammad Arshad S/O Gulistan Khan Attd.
- 62. Atiqur Rehman S/O Abdulla Han.
- 63. Iftikhar S/O Alizaman.
- 64. Kashaf Khan S/O Hamayun Khan Attd.
- 65. Arif Lodhi S/O Ayub Lodhi Attd.
- 66. Javeed Ayaz S/O Mohd: Ayaz Khan Manshera.
- 67. Mohammad Ali Khan S/O Mohammad Anwar Khan Attd.
- 68. Gulshed Khan S/O Moham Manshera.
- 69. Qaiser Rehman S/O Abdul Rehman.
- 70. Hussain Shah S/O Ilyas Shah.
- 71. Adil Mir S/O Abdul Latif Mir.
- 72. Harool shah S/O Aisar Khan.
- 73. Amin Khan S/O Mohsan Khan.
- 74. Binymeen S/O Mohd: Ramzan.
- 75. Mazakat Hussain Shah S/O Amin Shah.
- 76. Mohammad Irshad S/O Shaha Attd.
- 77. Iftikhar Ahmed S/O Shabir Ahmed.
- 78. Abdur Rashid S/O Sultan Khan.
- 79. Ghulam Wejhat S/O Ghulam Rasool.
- 80. Noor Moham mad Shah S/O Rehman Shah Attd.

ATTESTED
CERTIFIED TRUE COPY

RAJIB-UL-HAQ
Assistant Registrar
Abbottabad

9

- 101. Khair S/O Khawaj Mohd
- 102. Saad S/O Hashim Din
- 103. Amirullah S/O Mohd Ayub
- 104. Ahmad Javed S/O Mir Ahmed
- 105. Khair Khan S/O Aslam Khan
- 106. Sid Khan S/O Amirud Khan
- 107. Sid Khan S/O Mohd Aslam
- 108. Khair S/O Mohd Farooq
- 109. Jaffer Iqbal S/O Ghulam Sarwar
- 110. Mohd Ad Yehya S/O Mohd Aslam
- 111. Gul Farid Khan S/O Abidur Rehman
- 112. Khalid Mohammad S/O Mohd Yousaf
- 113. Mohd Farooq S/O Mohd Sajid
- 114. Mohd Javed S/O Mir Ahmed
- 115. Kabeer Ahmad S/O Bashir Ahmed
- 116. Mohammad Saadat S/O Mohd Aslam
- 117. Fida Ahmad S/O Nisar Ahmed
- 118. Mohammad Sajid S/O Sultan
- 119. Abdul Gayum S/O Lal Khan
- 120. Mohammad Taslim S/O Umar Khatab
- 121. Mohd Saad S/O GHS, Kot No, Mullah Up
- 122. Mazhar Iqbal S/O Fazalur Rehman
- 123. Mehboobur Rehman S/O Fazal Dad
- 124. Mirdad Khan S/O Jehanad Khan
- 125. Mohd Rafique S/O Ali Asghar
- 126. Faqir S/O Jaffer Khan
- 127. Atiqur Rehman S/O Noorur Rehman
- 128. Mohd Farid S/O Allada Mansoor
- 129. Jaffer S/O Muhammad Qasim
- 130. Waris S/O Mehboobur Rehman
- 131. Mohd Azam Khan S/O Mohd Aslam
- 132. Gul Javed S/O Mansif Khan
- 133. Attiqur Rehman S/O Abdur Rashid
- 134. Mohd Asad S/O Saifur Khan
- 135. Rafiq Ali S/O Khair Saad
- 136. Maseerud Din S/O Nawab Din
- 137. Zulfikar S/O Abdul Baber
- 138. Anwar Gul S/O Alladad Msh
- 139. Mohd Javed S/O Rustom Khan
- 140. Mohd Nawaz S/O Ali Asghar
- 141. Mohammad Javed S/O DM, GMS, Salhad

ATTACHED
CERTIFIED TRUE COPY

RAJIB ALI KHAN
Advocate Supreme Court
Abbottabad

All the above mentioned teachers may please be relieved of their duties forthwith where ever they are working at this stage and conditions reported to this office.

(USEER FAROOQ)

DIVJL: DIRECTOR OF EDUCATION
HAZARA DIVISION ABBOTTABAD

Enstt No. 16052-189/ME-III-D Dated 07/7

Copy to:-

- 1-25 The DEOs (M) Secy: A/Abad, Haripur, Muzaffra, Battagram and Peshawar
- 6-138 All the Principals/Headmasters GMS/GHS/GMS in Hazara Division
- 1-299 the schools that since present exact where about is not known the services of the above named teachers where ever they are working at this stage stand dispensed with and Head of Institutions/DEOs, concerned, will be personally responsible if any teacher is not allowed to continue in services. Complete particulars of above teachers may also please be furnished in the following form:-

Name/Father's Name Present Sch GHS: D/O Int: D/O Apptt: ...
& Designation. School. Apptt: ... of Apptt: ...

Photo not attested
copy of Apptt order may
be furnished.

ADVISED BY TELEPHONE

C

(10)

**THE KHYBER PAKHTUNKHWA
SACKED EMPLOYEES (APPOINTMENT) ACT, 2012.**

(KHYBER PAKHTUNKHWA ACT NO. XVII OF 2012)

CONTENTS

PREAMBLE

SECTIONS

1. Short title, extent and commencement.
2. Definitions.
3. Appointment of sacked employees.
4. Age relaxation.
5. Sacked employees shall not be entitled to claim seniority and other back benefits.
6. Preference on the basis of age.
7. Procedure for appointment.
8. Removal of difficulties.
9. Act to override other laws.
10. Power to make rules.

**THE KHYBER PAKHTUNKHWA
SACKED EMPLOYEES (APPOINTMENT) ACT, 2012.**

(KHYBER PAKHTUNKHWA ACT NO. XVII OF 2012)

[first published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa (Extraordinary), dated the 20th September, 2012].

**AN
ACT**

to provide relief to those sacked employees in the Government service, who were dismissed, removed or terminated from service, by appointing them into the Government service.

WHEREAS it is expedient to provide relief to those sacked employees who were appointed on regular basis to a civil post in the Province of the Khyber Pakhtunkhwa and who possessed the prescribed qualification and experience required for the said post, during the period from 1st day of November 1993 to the 30th day of November, 1996 (both days inclusive) and were dismissed, removed, or terminated from service during the period from 1st day of November 1996 to 31st day of December 1998 on various grounds;

WHEREAS the Federal Government has also given relief to the sacked employees by enactment:

AND WHEREAS the Government of the Khyber Pakhtunkhwa has also decided to appoint these sacked employees on regular basis in the public interest;

It is hereby enacted as follows:

1. Short title, extent and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012.

(2) It shall apply to all those sacked employees, who were holding various civil posts during the period from 1st day of November, 1993 to 30th day of November, 1996 (both days inclusive).

(3) It shall come into force at once.

2. Definitions.--- In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them that is to say,-

- (a) "civil post" means a post created by the Finance Department of Government for the members of civil service of the Province;
- (b) "Department" means the Department and the Attached Department as defined in the Khyber Pakhtunkhwa Government Rules of Business, 1985, including the Divisional and District Offices working thereunder;
- (c) "Government" means the Government of the Khyber Pakhtunkhwa;
- (d) "Prescribed" means prescribed by rules;
- (e) "Province" means the Province of the Khyber Pakhtunkhwa;
- (f) "rules" means the rules made under this Act; and
- (g) "Sacked employee" means a person who was appointed on regular basis to a civil post in the Province of the Khyber Pakhtunkhwa and who possessed the prescribed qualification and experience for the said post at that time, during the period from 1st day of November 1993 to the 30th day of November, 1996 (both days inclusive) and was dismissed, removed, or terminated from service during the period from 1st day of November 1996 to 31st day of December 1998 on the ground of irregular appointments;

3. **Appointment of sacked employees.**--- Notwithstanding anything contained in any law or rule for the time being in force, on the commencement of this Act, all sacked employees subject to section 7, may be appointed in their respective cadre of their concerned Department, in which they occupied civil posts before their dismissal, removal and termination from service:

Provided that the sacked employees shall be appointed against thirty percent of the available vacancies in the said Department:

Provided further that the appointment of sacked employees shall be subject to the medical fitness and verification of their character antecedents to the satisfaction of the concerned competent authority.

4. **Age relaxation.**--- The period during which a sacked employee remained dismissed, removed or terminated from service, till the date of their appointment shall be deemed to have been automatically relaxed and there shall be no further relaxation under any rules for the time being in force.

5. **Sacked employees shall not be entitled to claim seniority and other back benefits.**--- A sacked employee appointed under section 3, shall not be entitled to any claim of seniority, promotion or other back benefits and his appointment shall be considered as fresh appointment.

6. **Preference on the basis of age.**--- On the occurrence of a vacancy in the respective cadre of the concerned Department of the sacked employee against the thirty percent available share, preference shall be given to the sacked employee who is older in age.

7. **Procedure for appointment.**---(1) A sacked employee, may file an application, to the concerned Department within a period of six months from the date of commencement of this Act, for his appointment in the said Department:

Provided that no application for appointment received after the due date shall be entertained.

(2) The concerned Department shall maintain a list of all such sacked employees whose applications are received under sub-section (1) in the respective cadres in chronological order.

(3) If any vacancy occurs against the thirty percent available share of the sacked employee in any Department, the senior in age from such sacked employee shall be considered by the concerned Departmental Selection Committee or the District Selection Committee, as the case may be, to be constituted in the prescribed manner, for appointment:

Provided that no willingness or response is received within a period of thirty days, the next senior sacked employee shall be considered for appointment.

(4) The Concerned Departmental Selection Committee or District Selection Committee, as the case may be, will determine the suitability or eligibility of the sacked employee.

(5) If no sacked employee is available against thirty percent vacancy reserved in respective cadre in a Department, then the post shall be filled through initial recruitment.

8. **Removal of difficulties.**--- If any difficulty arises in giving effect to any of the provisions of this Act, the Chief Minister Khyber Pakhtunkhwa may issue such order not inconsistent with the provision of this Act as may appear to him to be necessary for the purpose of removing the difficulty:

Provided that no such power shall be exercised after the expiry of one year from coming into force of this Act.

9. Act to override other laws.---Notwithstanding anything to the contrary contained in any other law or rules for the time being in force, the provisions of this Act shall have overriding effect and the provisions of any other law or rules to the extent of inconsistency to this Act, shall cease to have effect.

10. Power to make rules.--- Government may make rules for carrying out the purposes of this Act.



D

APPOINTMENT

In pursuance of Khyber Pakhtunkhwa Sacked Employees (Appointment) 2012 and Consolidate Judgment passed by Honorable Peshawar High Court Abbottabad Bench Abbottabad vide Dated 24-05-2016, 27-03-2016, 03-04-2018 & 07-03-2019 in W/P No 516-A/2013, 676-A/2015, 20-A/2014, 216-A/2015, 1155-A/2015, 702-A/2014, 115-A/2014, and orders of Honorable High Court in COC No.22-A/2016, COC No. 47-A/2016, COC No. 58-A/2016, COC No. 83-A/2016, COC 14/2019, and recommendation of the Departmental Selection Committee the appointment of the following candidates are hereby ordered against the vacant post of CERTIFIED TEACHER (CT) BPS-15 (Rs.16120-13330-56020) plus usual allowances as admissible under the rules, under the existing policy of the Provincial Government, on the terms and condition given below with effect from the date of their taking over charge:-

Table with 8 columns: S. #, Name, Father's Name, Date Of Birth, Domicile, Permanent Address, Place of posting, Remarks. It lists 10 candidates for appointment as Certified Teachers (CT) BPS-15.

TERMS & CONDITIONS.

- 1. NO TA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Their Appointment are subject are condition that, their certificates/document and domicile be verify from the concerned authority before releasing their salary in the light of Section 3 of the said ACT.
4. They will be governed by such rules & regulation enforce and as may be prescribed by the Government time to time for the category of the Government savant to which they belong.
5. Their appointment has been made in pursuance of Khyber Pakhtunkhwa, Sacked Employee (appointment) ACT 2012 Hence under Section 5 of the said ACT they shall not be entitled to any claim of the seniority, promotion and back benefits.
6. Their appointment has been made in pursuance of Khyber Pakhtunkhwa, Sacked Employee (appointment) ACT 2012. Hence Section 4 of the said ACT period during which they remained dismissed, removed or terminated from services, till the date of their appointment shall have been deemed automatically relaxed.
7. Their Appointment is subject to the condition that the certificates/documents must be verified from the concerned authorities by the DEO. Anyone found producing bogus Certificate will be reported to the law enforcing agencies for further action.
8. Their services are liable to termination on one month's prior notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
9. Their pay will not be drawn until and unless a certificate to the effect by DEO is issued that his certificates/degrees are verified from the concerned board/university.
10. The Principal / Headmaster School concern is directed to submit their Degrees /Certificates etc to this office for verification from Board /University/Institutions before any payment made to them.

Handwritten signature

11. They should join their post within 15 days of the issuance of this notification. In case of failure to join their post within 15 days of the issuance of this notification, his appointment will expire automatically and no subsequent appeal etc shall be entertained.
12. Health and Age Certificate should be produced from the Medical Superintendent King Abdullah Teaching Hospital Mansehra before taking over charge.
13. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
14. Their services shall be terminated at any time, in case his performance is found unsatisfactory during their probation period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
15. In case of having less qualification which ever is prescribed Academic BA for CT as well as classical certificate as profession the candidate must attain prescribed qualification for his post i.e. Academic & Professional within 3 years after issuance of this appointment order, failing which their appointment order shall stand terminated automatically, without any further notice.
16. Before handing over charge once again their documents must be checked by Head of institution and convey deficiencies in qualification to DEO office.
17. Before handing over charge they will sign an affidavit by stating that they will not claim seniority or back benefits/service and they will acquire required qualification within stipulated period of time, failing which they will have no objection on their removal.
18. The competent authority reserve to right to rectify the error / omission, if any noted /observed at any stage in instant order issued erroneously.
19. The candidates appointed against the school(s) falling in summer vacation shall be handed over the charge w.e.f 01-09-2019 on opening of school after summer vucation.
20. Their documents if found fake/bogus at any stage, their appointment order shall be withdrawn and legal action be-taken against him.

sd/-
DISTRICT EDUCATION OFFICER,
(MALE)MANSEHRA

Endst: No. 10268-74 CT/Sacked Apptt./2019/Dated Mansehra the 20/06/2019

Copy forwarded for information to the: -

1. Registrar Honorable Peshawar High Court Abbottabad Bench.
2. Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. PS to Secretary Khyber Pakhtunkhwa E&SE Department Peshawar.
4. District Accounts Officer Mansehra.
5. District Monitoring Officer Mansehra.
6. Budget & Account Officer Local Office.
7. Officials Concerned.
8. Office Order File


DY: DISTRICT EDUCATION OFFICER
(MALE)MANSEHRA

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
DISTRICT MANSEHRA

Phone # 0997-382271 Fax # 0997-382244
E-mail Address: edoedu_mansehra@yahoo.com
Facebook Page: www.facebook.com/DEO(M)MANSEHRA

No. 10740 /Litigation (M)/ Date 26/6/2019

17

To

The Head Master,
GMS Bandi Kainth Mansehra.

Subject: VERIFICATION OF RECORD IN R/O MR. SHAH ZAMAN S/O BAGA EX-CT GMS BANDI KAINTH MANSEHRA (UNDER SACKED ORD:2012).

Memo:

Reference to the subject cited above i am directed to inform you that Mr. Shah Zaman S/o Baga resident of village Balakot , who was appointed against CT post in BPS-07 vide Endst No.27560-71 dated 20-10-1996, and was terminated from 07-07-1996 vide Endst No.16052-189, you are directed to provide the following information as per school record.

1. Verify his service for the period w.e.f 20-10-1996 to 07-07-1996.
2. The appellat was appointed at GMS Bandi Kainth Mansehra.
3. All the record i.e Charge report, Attendance Register, Acquaintance role, log book, and other relevant record in r/o Mr. Shah Zaman may be verified and submit clear cut findings within 03 days time positively.

DY: DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

The District education officer

(Male) Muzshira

Subject: Appointment R/o shahjaman CT

F

It is stated in your kind honour that I am directed to inform you the appointment document

R/o Mr shahjaman CT Gms Bardi Kairith (muzshira)

fake some unscrupulous elements are trying to submit the fake record of sacked employee in your office.

I am pleased to inform you the said sacked employee R/o Mr shahjaman has not been appointed against CT post as well as no record found against the said teacher in the school

Thanks



ADVT (15)
[Handwritten signature]

Muhammad Tahir
Head master Gms
Bardi Kairith muzshira

0345 9611613



OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DISTRICT MANSEHRA

19

No 16332 /Lit/ Date 07/10/2019

To

The Head Master,
GHS Paras.

G

Subject: **SHOW CAUSE NOTICE.**

Memo;

Show cause notice in R/O Mr. Shah Zaman S/o Baga CT GHS Paras Mansehra is attached herewith with the direction to serve the same to the concerned teacher and return one copy to this office as token of receipt duly received by him.

DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DISTRICT MANSEHRA

No 16332 /lit/Date 07/10/2019

To

The Head Master,
GHS Paras.

Subject: **SHOW CAUSE NOTICE.**

Memo;

Show cause notice in R/O Mr. Shah Zaman S/o Baga CT GHS Paras Mansehra is attached herewith with the direction to serve the same to the concerned teacher and return one copy to this office as token of receipt duly received by him.

DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA





SHOWCAUSE NOTICE

I, Mr. Khan Muhammad District Education Officer (M) Mansehra, as competent authority under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve a show cause notice to Mr. Shah Zaman s/o Baga CT GHS Paras on account of producing fake /tempered documents for appointment in District Mansehra are as follows:

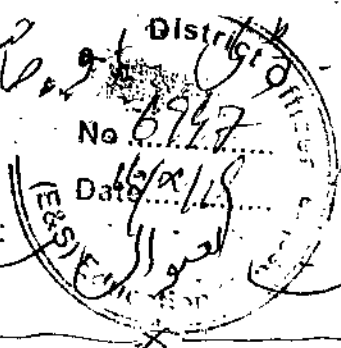
- i. Whereas Mr. Shah Zaman CT was reappointed and posted at GHS Paras District Mansehra under sacked Employee Act 2012 vide this office vide Endst No.10268/74 dated 20-06-2019, On the basis of documents provided by you as per direction of Honourable Peshawar High Court Abbottabad Bench vide his judgment dated 03-04-2018.
- ii. Whereas according to the Terms and Condition NO.20 of the appointment order is that "their documents if found fake/bogus at any stage, their appointment order shall be withdrawn and legal action be taken against him"
- iii. Whereas after issuing of appointment order the competent authority sent a letter to the Head Master GMS Bandi Kainth Mansehra for re-verification of record of Mr. Shah Zaman s/o Baga Ex- CT GMS Bandi Kainth vide letter No.10740 dated 26-06-2019.
- iv. After verification of your documents/service record, fake and fabricated documents have been found in your service record.
- v. Whereupon during the course of scrutiny of their documents/service record, it was pointed out that Mr. Shah Zaman tempered his name at serial No.98 in termination order vide Endst No.16052-189 dated 07-07-1996. It shows that you have committed misconduct /illegality thus violated E&D rule, 2011.
- vi. I am satisfied that you found guilty of misconduct, inefficiency and committed illegal act as specified in rule 3 of the said rules. Thus you have rendered yourself liable to be proceeded against under the said rules.

2. In exercise of the powers conferred by the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, the competent authority is hereby pleased to serve you with the show cause notice with the direction to submit your defense in writing within 07 (Seven) of the receipt of this notice as to why one of the major penalty of rule-4 of the said rules should not be imposed upon you.

3. In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defense to offer and an ex-parte decision will be taken against you.


COMPETENT AUTHORITY

Shah Zaman S/o Baga CT
GHS Paras.
District Mansehra



ضلع ماہیہ
H

محکمہ تعلیم ماہیہ
جناب عالی
AD (21)
15/11/19

درخواست
شوکار نوٹس طلبی

گزارش ہے کہ سائل 91996 میں حیثیت CT شیجر بھرتیا ہوا اور سائل کی تقرری گورنمنٹ ہڈل سکول بانڈھی کینہ میں کی گئی۔ تنخواہ جا چکی ہے سے قبل سائل کو حکومتی یا کیسی مدد کرنے سے طرف کر دیا گیا۔ سائل نے ٹی جی ٹورٹ میں مقدمہ کیا اور چار سال بعد دوبارہ بحالی کا حکم صادر فرمایا گیا۔

محکمہ تعلیم ماہیہ کے نڈر اور علم دوست ضلعی ایجوکیشن آفیسر نے سائل کی تقرری دوبارہ گورنمنٹ ہڈل سکول پارس یا لاکوٹ میں کی۔ سائل جون 2019ء تا حال اپنے منصب فراغت پر انجام دے رہے۔ سائل کو تاریخ 11 اکتوبر 2019ء شوکار نوٹس موصول ہوا ہے کہ سابقہ ریکارڈ نہیں ہے۔

سائل شوکار میں درج اعتراض پر پورا اترنے کیلئے سکول گیا لیکن گورنمنٹ بانڈھی کینہ سکول سے یہ جواب ملا کہ ہمارا ریکارڈ تباہ ہو چکا ہے جس باعث ہم آپ کو کوئی ریکارڈ نہیں مہیا کر سکتے۔

عرض یہ ہے کہ سائل پر محکمہ کو شک ہے کہ ایسا نام Tempered کیا ہے تو ٹھیکہ جسے ایک عام آدمی متعلقہ روزگار شخص کی دفتر تک کہاں رسائی ہے میں نے کوئی ردو بدل نہیں کیا۔

چونکہ محکمہ تعلیم ماہیہ نے میرے تمام کاغذات کی جانچ پڑتال کے بعد تقرری کر کے خوب بروی فرمائی ہے میں اندر اکثر تمام عمر دعا گو ہیں۔

جناب سے استدعا ہے کہ جانچ پڑتال کے بعد میری مدد سے برقرار رکھی جائے۔ سائل تمام عمر دعا گو رہنے لگا۔

شاہ زمان CT گورنمنٹ ہڈل سکول پارس
العاض
فون: 03497911080
14-11-19

REGISTERED / ACKNOWLEDGEMENT

**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
DISTRICT MANSEHRA**

Phone # 0997-382271 Fax # 0997-382244
E-mail Address: edoedu_mansehra@yahoo.com
Facebook Page: www.facebook.com/DEOMANSEHRA

No. 17600-04 F.No. Lit/Showcause Final/reply/S/Employee Dated 01/10/2019

To,

1. Mr. Shah Zaman CT GHS Paras.
2. Mr. Abdul Malik CT GMS Seri Manoor.
3. Mr. Khani Zaman PET GMS Seri Manoor.
4. Mr. Ghulam Rasool PET GMS Devli.
5. Mr. Syed Muhammad Zaffar Shah PST GPS Baila Paras.

Subject: **PERSONAL HEARING.**

Memo:

It is to inform you that competent authority has directed you that, you may be attend the office of undersigned within three (03) days after issuance of this letter regarding your personal hearing before the competent authority.

you are therefore directed to attend this office in the stipulated period otherwise ex-parte proceeding shall be initiated against you under E & D Rule 2011.


DY: DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

Mr
to Mr.
of earlier

سوال نمبر ۹۸: کیا آپ کے پاس ان تمام سکولز کا اتحاد جو درجہ چھماں پر آئیے لیول آپ نے دلوٹی کا جواب دیا ہے۔

خبر حیرتیں موجود ہیں

24

سوال نمبر ۹: آپ کا وہ پہلی گفتاری کا حراز آفسیر کون تھا اور آپ کی اس وقت تعلیم کتنی تھی؟

فضل الرحمان صاحب ڈائریکٹر اور عبدالرحیم صاحب ڈسٹرکٹ ایجوکیشن آفیسر میری تعلیم F.A تھی

سوال نمبر ۱۰: آپ اپنے دفاع میں کوئی valid ثبوت یا کوئی ٹیسٹ جواب دینا چاہتے ہیں۔ خود نے سلیجسٹ

نور نمبر ۱۰: Temperance دنیوی سے کہہ سکتی ہے اور تقریباً تمام آرڈر اسٹریٹجک ہیں۔ لسنڈا

تمام یعنی 51 آرڈر سرگورنر مائٹر حکم صادر کیا جائے

شخصی کارڈ نمبر 3-1340740-13501

رابطہ نمبر 0349-7911080

4-11-19

موجودہ پتہ: لسنڈیا لٹر کوٹ ڈاک خانہ کالج دوراہا تحصیل و ضلع مانسہرہ۔ معرفت ماسٹر اللہ موہاں ریٹائرنگ سٹاب جاگن روڈ کالج دوراہا۔

X

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA

FINAL REPORT OF PERSONAL HEARING DATED 04-11-2019 & 07-11-2019 IN R/O MR. SHAH ZAMAN CT GHS PARAS, MR ABDUL MALIK CT GMS SERI MANOOR, MR KHANI ZAMAN PET GMS SERI MANOOR, MR GHULAM RASOOL PET GMS DEVL, & MR. SYED MUHAMMAD ZAFFAR SHAH GPS BAILA PARAS MANSEHRA.

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In the response of letter No.17400-04.F.No.Lit/showcause/ dated 01-11-2019, the following members were nominated for personal hearing under the chairmanship of District Education Officer (Male) Mansehra.

The following officer/official attends the meeting of personal Hearing are as under:-

1. Khan Muhammad DEO (M) Mansehra.....Chairman.
2. Syed sultan shah B&AO local office Mansehra.....Member.
3. Waheed Khan ADEO (Estab) local office.....Member.
4. ADEO (Litigation) local office Mansehra.....Member.

The letter was issued to the five candidates for personal Hearing only Four candidates attend the office for Personal Hearing on 04-11-2019 & 07-11-2019 i.e Mr. Shah Zaman CT GHS Paras, Mr. Abdul Malik CT GHS Seri Manoor, Mr. Khani Zaman PET GMS Seri Manoor & Mr, Syed Muhammad Zaffar shah GPS Baila Paras Mansehra.

1. MR. SHAH ZAMAN CT GHS PARAS:-

Mr. Shah Zaman CT attended the personal hearing before the competent authority, whereas different questions were asked regarding the previous service record. He stated that he was appointed as a CT GMS Bandi Kainth Mansehra in the year 1996. He failed to provide any cogent reason before the committee, by failing to provide the supporting documents in his favour. As the Competent authority sent a letter vide No.10740 dated 26-06-2019 GMS Bandi Kainth for verification of service record of Mr. Shah Zaman. In compliance of the office letter No.10740 dated 26-06-2019, As per report of the Head Master GMS Bandi Kainth vide dated 07-10-2019 Mr. Shah Zaman was never ever been appointed as Certified Teacher at GMS Bandi Kainth Mansehra vide Endst No.27560-71 dated 20-10-1996 at GMS Bandi Kainth, whereas the appointment documents in r/o Mr Shah Zaman CT are fake, some unscrupulous elements are trying to submit the fake record of sacked employee in your office. His First appointment order, charge report and arrival report is not found on the school record which shows that he is never remained on the strength of the said school as per report of the Head Master. Acquaintance role, attendance register, log book and appointment order file were checked but no record in r/o above named teacher found. Whereas the committee asked the question about submission of documents to DEO (M) Mansehra, he accepted that my documents is submitted by my friends. Whereas the committee asked the question about tempering /forgery in Termination order at serial No.98 vide Endst 16052-169 dated 07-07-1996, his answer was that he doesn't know about that.

He totally failed to produce any evidence regarding his initial appointment and other service record.

2. MR. ABDUL MALIK CT GMS SERI MANOOR.

Mr. Abdul Malik CT attended the personal hearing before the competent authority, whereas different questions were asked regarding the previous service record. He stated that he was appointed as a CT GMS Hilkot Mansehra in the year 1996. He failed to provide any cogent reason before the committee, by failing to provide the supporting documents in his favour. As the Competent authority sent a letter vide No.10703 dated 25-06-2019 GMS Hilkot for verification of service record of Mr. Abdul Malik. In compliance of the office letter No.10703 dated 25-06-2019, As per report of the Head Master GMS Hilkot vide dated 18-07-2019 Mr. Abdul Malik was never ever been appointed as Certified Teacher at GMS Hilkot Mansehra vide Endst No.27560-71 dated 20-10-1996 at GMS Hilkot, His First appointment order, charge report and arrival report is not found on the school record which show that he is never remained on the strength of the said school as per report of the Head Master Acquaintance role, attendance register, log book and appointment order file were checked but no record in r/o above

teacher found. Whereas the committee asked the question about submission of documents in DEO (M) Mansehra, he accepted that my documents are submitted by my Brother. When the committee asked the question about tempering /forgery in Termination order at serial No.23 vide Endst No.2-189 dated 07-07-1996, his answer was that he doesn't know about that.

He totally failed to produce any evidence regarding his initial appointment and other service record.

MR. KHANI ZAMAN PET GMS SERI MANOOR.

Mr. Khani Zaman PET attended the personal hearing before the competent authority, whereas different questions were asked regarding the previous service record. He stated that he was appointed as a PET GMS Narrah Mansehra in the year 1996. He failed to provide any cogent reason before the committee, by failing to provide the supporting documents in his favour. As the Competent authority sent a letter vide No.10696 dated 25-06-2019 GMS Narrah for verification of service record of Mr. Khani Zaman. In compliance of the office letter No.15984 dated 27-09-2019, As per report of the Head Master GMS Narrah vide dated 09-10-2019 Mr. Khani Zaman PET was never ever been appointed Physical Education Teacher at GMS Narrah Mansehra vide Endst No.7068-76 dated 24-04-1996 at GMS Narrah. His First appointment order, charge report and arrival report is not found on the school record which show that he is never remained on the strength of the said school as per report of the Head Master. Acquaintance role, attendance register, log book and appointment order file were checked but no record in r/o above named teacher found. Whereas Mr Abdul salam was working against PET Post under Endst No.17340-35 by the Divisional Director of Education Hazara Division Abbottabad dated 17-07-1996. According to school record PET Post was vacant before the arrival of Mr. Abdul Salam Whereas the committee asked the question about submission of documents in DEO (M) Mansehra, he accepted that he himself submitted that documents.. Whereas the committee asked the question about tempering /forgery in Termination order at serial No.547 vide Endst 2134-3528 dated 13-02-1997, his answer was that he doesn't know about that.

He totally failed to produce any evidence regarding his initial appointment and other service record.

4. MR. SYED MUHAMMAD ZAFFAR SHAH PST GPS BAILA PARAS..

Mr. Syed Muhammad Zaffar Shah PST attend the proceeding of personal hearing in presence of DEO, DDEO, Supdt, Budget & Account Officer ,ADEO Litigation Local office Mansehra , He was asked to clarify the position of facked documents produced by him , he failed to produce any reply and remained complete silent in the hearing,

Whereas the Competent authority sent a letter vide No.10691-95 dated 25-06-2019 to SDEO Balakot for verification of service record of Mr Syed Muhammad Zaffar Shah. In compliance of the office letter No.10691-95 dated 25-06-2019, As per report of the SDEO Balakot vide dated 11-07-2019 Mr. Syed Muhammad Zaffar Shah was never ever been appointed PST at GMPS Tangri Mansehra vide Endst No.124-30 dated 01-01-1996 at GMPS Tangri, His First appointment order, charge report and arrival report is not found on the school record which show that he is never remained on the strength of the said school as per report of the SDEO Balakot Acquaintance role, attendance register, log book and appointment order file were checked but no record in r/o above named teacher found. That the said school is working as GPS Tangri instead of GMPS Tangri since 1932, whereas the appointment order of Mr. Syed Muhammad Zaffar Shah is revealed that he was appointed at GMPS Tangri which is totally wrong and incorrect.

He totally failed to produce any evidence regarding his initial appointment and other service record.

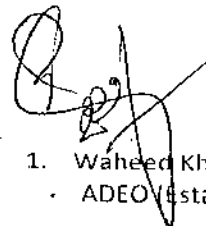
5. MR. GHULAM RASOOL PET GMS DEVLJ.

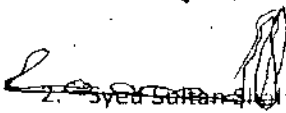
Mr. Ghulam Rasool PET not attends the proceeding of personal hearing before the inquiry committee, As the Competent authority sent a letter vide No.10697 dated 25-06-2019 GHS Jabbori for verification of service record of Mr Ghulam Rasool. In compliance of the office letter No 10697 dated 25-06-2019, As per report of the Head Master GHS Jabbori vide dated 05-08-2019 Mr. Ghulam Rasool PET was never ever been appointed Physical Education Teacher at GHS Jabbori Mansehra vide Endst


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9464-70 dated 20-08-1996 at GHS Jabbori ,His First appointment order, charge report and report is not found on the school record which show that he is never remained on the strength of the school as per report of the Head Master Acquaintance, role, attendance register, log book and appointment order file were checked but no record in r/o above named teacher found. Mr. Ghulam Rasool PET tempering /forgery in Termination order at serial No.551 vide Endst 2134-3528 dated 13-03-1997.

Whereas the office concerned sent a letters in different dates vide letter No.16411-15 dated 01-10-2019 and letter No.17400-04 dated 01-11-2019, but the official did not attend the meeting of personal hearing before competent authority/Inquiry committee, Hence his case is decided Ex-parte.


1. Waheed Khan
ADEO (Establishment)


2. Syed Sultanullah
Budget & Account Officer
Local office Mansehra.


3. ADEO (Litigation)
Local office Mansehra


Countersigned
District Education Officer
(Male) Mansehra

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA

Phone # 0997-382271

Fax # 0997-382244

E-mail Address: gdoedu.mansehra@yahoonline.com

NOTIFICATION

Mr. Shah Zaman S/O Bagga CT GHS Paras Mansehra. WHEREAS Mr. Shah Zaman CT GHS Paras Circle Mansehra was proceeded against under Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011 on account of fake and fabricated documents have been found in service record and tempering in documents was proved.

- i. Whereas Mr. Shah Zaman CT was reappointed and posted at GHS Paras District Mansehra under sacked Employee Act 2012 vide this office vide Endst No. 10268-74 dated 20-06-2019. On the basis of documents provided by you as per direction of Honourable Peshawar High Court Abbottabad Bench vide his judgment dated 03-04-2018.
- ii. Whereas according to the Terms and Condition NO.20 of the appointment order is that "their documents if found fake/bogus at any stage, their appointment order shall be withdrawn and legal action be taken against him."
- iii. Whereas after issuing of appointment order the competent authority sent a letter to the Head Master GMS Bandi Kainth Mansehra for verification of record of Mr. Shah Zaman CT GMS Bandi Kainth vide letter No.10740 dated 26-06-2019 & letter No.15986 dated 27-09-2019.
- iv. After verification of your documents/service record, fake and fabricated documents have been found in your service record.
- v. Whereupon the initial inquiry conducted by the officer on 06-08-2019, the said committee submitted report to this office on 12-08-2019, with the remarks that Mr. Shah Zaman CT tempered/forged his name at serial No.98 in Termination order vide Endst 16087-131 dated 07-07-1996 and no record was found in school record the case is fake, so the appointment order may be withdrawn. It shows that you have committed misconduct /illegality thus violated E&D rule, 2011.
- vi. Whereas, as per report of the Head Master GMS Bandi Kainth vide dated 06-10-2019 with the remarks that "Mr. Shah Zaman CT has never ever been appointed vide Endst No.27500-71 dated 20-10-1996 at GMS Bandi Kainth, whereas the appointment documents in r/o Mr. Shah Zaman CT are Fake, some unscrupulous elements are trying to submit the fake record of sacked employee in your office, His First appointment order, charge report arrival report, acquaintance role, attendance register, log book and appointment order file were checked no such record was found of the said person in our school for the period 1996-1997.
- vii. Whereas as per report dated 06-10-2019, a showcause notice was issued to concerned vide this office No. 16332 dated 07-10-2019, and received reply of showcause on 16-10-2019.
- viii. Whereas, he was called for personal on 01-11-2019, while attending the office of undersigned on 04-11-2019 and heard.
- ix. Whereas the competent authority District Education Officer (M) E&SE Mansehra after having considered the charges and evidence on record, perusal of reply of show cause notice & Personal hearing, is of the view that the charges against the accused Teacher have been proved. Therefore the appointment order vide Endst No.10268-74 dated 20-06-2019 in r/o Mr. Shah Zaman CT GHS Paras Mansehra is hereby **WITHDRAWN** from the date of issue of re-appointment order (Ab-initio Withdrawn) with immediate effect.

Sd/-
DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

Endst: No. 17746-50/F.No.Final Showcause/Appointt: 2019 (M)//Dated 09/11/2019
Copy forwarded for information to the:

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. District Monitoring Officer (IMU) Mansehra.
3. District Account Officer Mansehra.
4. Head Master GHS Paras.
5. Mr. Shah Zaman s/o Bagga Residence of village Lundian Labarkot P.O College Dahnaya Teh. Mansehra District Mansehra.
6. Office File.

BY: DISTRICT EDUCATION OFFICER (M)
(MALE) MANSEHRA

M



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



No. 4117 /F. No. Appeals CT District
Manshra.
Dated Peshawar the 10-12-2019.

8070
10/12/19

The District Education Officer (M)
Manshra.

APPEAL FOR RE-INSTANTMENT AGAINST IMPUGNED NOTIFICATION
ENDST:17686-92 DATED 07.11.2019 ISSUED BY DEO (M) MANSHEIRA
WHEN APPOINTMENT ORDER OF APPEALLANT WAS WITHDRAWN
FROM THE DATE OF APPOINTMENT.

Memor-

I am directed to refer to the subject noted above and to enclose herewith a copy of appeal in respect of the following teachers District Manshra, and to state to submit detail reports/comments to this office within a week time.

1. Mr. Shah Zaman Ex: CT GHS Paras Balakot.
2. Mr. Abdul Malik Ex: CT GMS Serimano.
3. Mr. Ejaz Ahmad Ex;CT GMS Batang.

Amir
10/12/2019

Assistant Director (Estab :)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar.

Endst: No. _____

10/12/2019

Copy forwarded to the:-

1. P.A to Director Elementary and Secondary Education local office.

Assistant Director (Estab :)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar.