

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESAWAR

SERVICE APPEAL NO. 1110/2022

Khyber Pakhtunkhwa
Service Tribunal

Mr. Huzaifa S/O Tajamal Khan Ex-Chowkidar, R/O Ghari Dhodiwal District Kohat.....Appellant


Case No. 3072
Dated 20-1-2023

VERSUS

Government of KPK, Through Secretary (E&SE) Department, Khyber
Pakhtunkhwa, Peshawar & Others..... Respondents

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District Education Officer
(Female) Kohat

BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No: 1110/2022

Mr. Huzaiifa S/O Tajamal Khan Ex-Chowkidar, RO Ghari Dhodiwal District KohatAppellant.

VERSUS

Government of KPK, Through Secretary (E&SE) Department, Khyber Pakhtunkhwa , Peshawar & others... Respondents

JOINT PARAWISE COMMENTS ON & FOR BEHALF OF RESPONDENTS No:1-3.

Respectfully Sheweth:-

The Respondents No.1-4submit as under:-

Preliminary Objections.

1. *That the Appellant has got no cause of action/locus standi.*
2. *That the instant Service Appeal is badly time barred.*
3. *That the Appellant has concealed material facts from this Honorable Tribunal in the instant service appeal.*
4. *That the instant Service Appeal is based on mala-fide intentions.*
5. *That the Appellant has not come to this Honorable Tribunal with clean hands.*
6. *That the instant Service Appeal is against the prevailing law & rules.*
7. *That the instant Appeal is based on mala fide intentions just to put extra pressure on the Respondents for gaining illegal service benefits.*
8. *That the instant Service Appeal is not maintainable in its present form.*
9. *That the instant Service Appeal is bad for mis-joinder & non-joinder of the necessary parties.*
10. *That the instant Service Appeal is barred by law and limitation.*

11. That the Appellant is not competent to file the instant appeal against the Respondents.

ON FACTS.

1. No comments pertain to record. (Reply must be detailed and to the point).
2. No comments pertain to record. (Reply must be précis and to the point).
3. Incorrect, the appellant attempt criminal/proxy assault, involved in immoral activities that is wall chalking posing different picture of Male/Female organ in female institution, quipping fleering on female students even on teachers, misbehave with female staff. The Principal being the Head of institution several time warned him to mend his attitude vide order book No. 12 date 28/06/2021, order book No.13 dated 03/09/2021, whereas the community of locality also complained and show tremendous resentment over his vulgar attitude. He was supposed to be polite and gentle but instead he turned deaf ears to the Principal warning and pointed the gun on female staff and students along with class-iv of the school. Owing to his own attitude disciplinary proceeding had been initiated and inquiry has been carried out through inquiry committee findings of the inquiry/charge sheet , statement of allegation and final show cause notice be also annexure are attached as **Annexure (A)**. The appellant admitted the allegations leveled against him copy attached as **Annexure (B)**. He was served upon show cause notice vide this office No.6950-53 dated 10/12/2021 copy attached as **Annexure (C)**. He was given opportunity for personal hearing but he flatly pay no attention and no response. The undersigned being the competent authority after having considered the charges, evidence on the record and agreed with recommendation of inquiry officer and removed him from service. Copy attached as **Annexure (D)**.
4. Incorrect as explain vide Para No.3 above.
5. Incorrect the appellant was deliberately willfully absent from duty w.e.f 10/11/2021 copy of attendance register of school is attached as

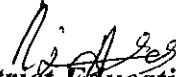
Annexure (E). Therefore retrospective order issued in the interest of public service.

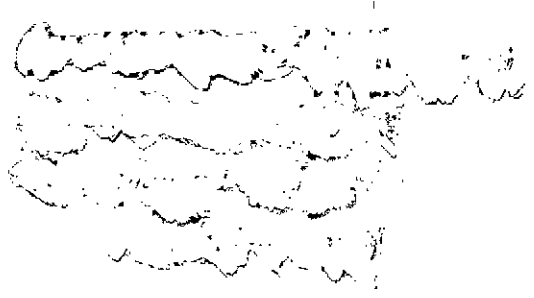
6. Agreed to the extent that the appellate authority consider the appellant appeal null and void having no justification. The appellant has no cause of locus standi to file instant appeal before this Honorable tribunal.


ON GROUNDS.

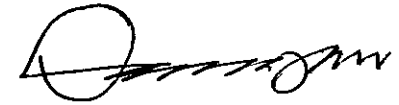
- A. The appellant has been treated in strictly in accordance with rules & regulations and according to his own misconduct.
- B. incorrect the appellant had been deliberately absent from duty w.e.f 10/11/2021.
- C. Incorrect, the Director (E&SE) being a appellate authority rejected the appeal of appellant but endorsement made thereon, just to communicate the decision to all concerned was made by second one officer deem it fit which does not signify the illegality.
- D. Incorrect, as explained vide Para No.3 fact above.
- E. Incorrect, as explained vide Para No.3 fact above, the appellant himself ignored paramount responsibilities to be responded the showcase notice served upon him and present before the competent authority for personal hearing but he failed to do so.
- F. Incorrect, it was own misconduct of appellant, the respondent department cannot have any malfide against any one.
- G. Incorrect hence dined.

In view of the above made submissions, it is most humbly requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant Service Appeal in favor of the Respondents in the interest of justice.


District Education Officer
(Female) Kohat
(Respondent No: 4)




SECRETARY
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No: 1)


DIRECTOR
E&SE Department Khyber
Pakhtunkhwa, Peshawar
(Respondent No: ~~2~~3)

BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No: 1110 of 2022

Mr. Huzaifa S/O Tajamal Khan Ex-Chowkidar, RO Ghari Dhodiwal District KohatAppellant

VERSUS

Secretary (E&SE) Department, Khyber Pakhtunkhwa & others... Respondents

AFFIDAVIT

I, Muhammad Rashid Khan Assistant Programmer BPS-17 office of the District Education Officer (Female) Kohat, do hereby solemnly affirm & declare on oath that the contents of the instant parawise Comments are true & correct to the best of my knowledge & belief.

Rashid

Deponent

ATTESTED

Attest
Notary
19-1-22

6) اذکار و انگوائری آفسر علی قادر، Syedpatti دفتر
DEO زمانہ کوٹھ

بجانب :- دفتر ڈسٹرکٹ ایجوکیشن آفسر زمانہ کوٹھ

عنوان :- انگوائری رپورٹ

بجانب چھٹی نمبر 5485 حوالہ 22-10-2021

میں جمع اپنے کسی عہدہ پر ECHSS کے ایک کوٹھ
بلسہ انگوائری رپورٹ ذریعہ چیک کر کے حوالہ 28-10-2021
کی تمام بیانات اور حقائق کی روشنی میں رپورٹ پیش
کی جاتی ہے۔

1) تمام الزامات جو کہ موصوف پر لگائے گئے تھے
صحیح ثابت ہوئے۔

2) تمام الزامات کی تصدیق موصوف نے خود ہی
کی۔

3) تمام سٹاف عہدہ پر اور پرنسپل کے بیانات
موصوف کے خلاف دیئے گئے۔

میں دہود انگوائری آفسر اور تمام ٹر انگوائری
عہدہ پر ان کی رائے بہ طور کسی ذریعہ چیک کر کے
انگریزی میں
22-10-2021

7

EEHSS عزا کے خلاف EAD دواڑ کے مطابق
قانونی کارروائی کی جائے چونکہ مندرجہ جو کہہ اور
سکولز کلنگ ایسڈ ٹاسور کی حیثیت رکھتا ہے
اس پر پریسٹریا دفعہ لپی ملز سے
پر خواست کیا جائے۔

رپورٹ عرض ہے

عولف 04/11/2021

غلام قادر

Ghulam Qadir
Superintendent (SP-17)
Dist. Educ. Office (F) Kohat

Stamp: District Education Office, Kohat

DBO

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)
KOHAT

8

To,

Mr. Huzaifa
Chowkidar GGHSS No.1 Kohat

Subject: SHOW CAUSE NOTICE.

I, Mrs. Rizwana Liaqat, as competent authority, under the Khyber Pakhtunkhwa Government Servants Efficiency and discipline Ruls, 2011, do hereby serve you Show Cause Notice, Mr. Huzaifa Chowkidar GGHSS No.1 city Kohat.

(1) That consequent upon the completion of enquiry conducted against you by the Inquiry committee consisting of the following officer/official:-

- | | | | |
|-----|---------------|-------------------|----------|
| (a) | Ghulam Qadir | O/O DEO (F) Kohat | Chairman |
| (b) | Musharaf Khan | -do- | Member |
| (c) | Mehmood Khan | -do- | Member |

The Inquiry committee for which you were given opportunity of personal hearing.

(d) On going through the findings and recommendations of the inquiry report, the material on record and other connected papers including your defense before the inquiry committee.

I am satisfied that you have committed the following acts/omissions specified in rules 3 of the ibid rules.

- (a) **Guilty of Misconduct**
(b) **Wall chalking.**

- (2) As a result therefore, I as competent authority, have tentatively decided to impose upon you the penalty of REMOVAL FROM SERVICE as specified under rule 4 (b) (iii) of the said rules.
- (3) You are, therefore required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
- (4) If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in, and in that case an ex-parte action shall be taken against you.
- (5) A copy of the findings of the inquiry officer committee is enclosed.

Rizwana Liaqat
DISTRICT EDUCATION OFFICER
(FEMALE) KOHAT

No. 6950-53 /PF Huzaifa
Copy for information to the :-

Dated Kohat the 10/12 /2021.

1. The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Principal GGHSS No.1 Kohat.
3. Personal File.

Rizwana Liaqat
DISTRICT EDUCATION OFFICER
(FEMALE) KOHAT

Samin
Chowkidar
GGHSS No.1 Kohat



(FEMALE) KOHAT

9

No. 6140 /06/Vol-II/General File / 2021/ Estab; Primary /DEO F Kohat

Dated: 16/11/2021

To

The Mr. Huzaifa Chowkidar
GGHSS No. 1 Kohat

SUBJECT: CHARGE SHEET/ STATEMENT OF ALLEGATION.

Memo:

I am to refer to the subject noted above and to ask you that the following allegations have been charged against you:

- a) Misconduct: mostly you are found misbehavers with female staff/ student of GGHSS No. 1 Kohat
- b) Wall chalking: immoral/ miswrite & wall chalking on the boundary wall in school premises.
- c) Parent/ Community: lodged complaints against you, the parent of students regarding your immoral activities in school premises.
- d) You have declared for undesirable activities in school by the immediate authority.

In view of the above, you are directed to explain your position and submit written reply in your defense, if any, within 7 days of the receipt of this notice or within 15 days of issuance of this letter. In case you failed to submit reply of this notice, it will be presumed that you have no defence and in that case ex-parte action will be taken against you under E&D Rules 2011.

It any also be intimated whether you desire to be heard in person or not

[Signature]
District Education Officer
(Female) Kohat

No. 6141-44 File No.06/Vol-II/ General File/ 2021/ Estab; Primary /DEO F Kohat
Dated: 14/11/2021

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

1. Director, Elementary & Secondary Education, Department, Khyber Pakhtunkhwa, Peshawar
2. Deputy Commissioner, Kohat
3. Inquiry committee concerned
4. Principal GGHSS NO. 1 Kohat

[Signature]
District Education Officer
(Female) Kohat

[Handwritten notes]
Date: 16/11/2021
Time: 10:30 AM

(10)

Principal G.H.S No. 1 Kohat -
Reply of Questionair n/r of Huzairga
Chamander G.H.S No. 1 Kohat.

Yes, Huzairga is serving as Chamberdar
in his school.

He is serving in his school w.e.f 26/2/21
Yes, he is involved in immoral activities
like wall chalking, misbehavior with school
staff and students.

- Yes, there are complaints of community as
student parents against him.

- He is not suitable to work in girls
school.

Muzammar
PRINCIPAL
G.H.S No. 1
Kohat

Principal
G.H.S No. 1
Kohat

28/6/2021
Principal
G.O.S. No. 1
KORAI

শ্রী/শ্রীমতী
নাম সত্য

স্বাক্ষরিত
স্বাক্ষরিত

১৯/৬/২০২১

১৯/৬/২০২১

১৯/৬/২০২১

১৯/৬/২০২১

১৯/৬/২০২১

১৯/৬/২০২১

১৯/৬/২০২১

১৯/৬/২০২১

[Handwritten signature]

[Faded handwritten text, likely a letter or report, containing several lines of script.]

[Handwritten text at the bottom of the page, including a circled number '12' and a signature.]

PRINCIPAL
G.G.H.S.S. NO. 1
KOPHAL

3/12/21
[Signature]

1. [Faint handwritten text]

2. [Faint handwritten text]

3. [Faint handwritten text]

4. [Faint handwritten text]

5. [Faint handwritten text]

6. [Faint handwritten text]

7. [Faint handwritten text]

8. [Faint handwritten text]

9. [Faint handwritten text]

14

OFFICE OF THE PRINCIPAL GGHSS NO.1 KOHAT

No. 11/11

Dated 04.10.2021

To,

The District Education Officer (f)
Kohat

Subject: **REQUEST FOR TRANSFER OF HUZAIFA CHOWKIDAR
GGHSS NO.1 KOHAT"**

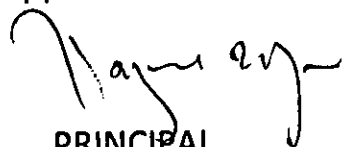
R/Madam:

It is stated with respect that chowkidar of the above mentioned name is unprofessional. Community complaints are common against him on daily basis.

He is indulge in undesirable activities. He is not suitable to work in girl schools.

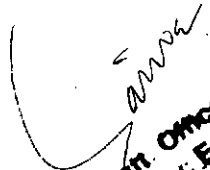
You are therefore, requested to transfer him somewhere else in good faith of girls students.

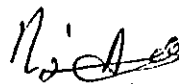
Your support in this connection will be highly appreciated.


PRINCIPAL
GGHSS NO.1 KOHAT

PRINCIPAL
G.G.H.S.S No. 1
Kohat

DA
put up for
further m/a.


Asst. Unit Officer (ED)
E/o: Secy. Edu.
KOHAT


5/10/2021

سوال نامہ برائے عقیل جو نیئر کلرک گورنمنٹ گرلز ہائیر سیکنڈری سکول نمبر 1 کوہاٹ

عنوان: بسلسلہ انکوائری بحوالہ پرنسپل مراسلہ نمبر 1141

مورخہ: 04-10-2021

عقیل احمد (جو نیئر کلرک)

سوال نمبر 1: آپ کا نام اور عہدہ

سوال نمبر 2: آپ کب سے سکول ہذا میں سرورس کر

رہے ہیں۔

28-07-2021 سے

سوال 3: کیا یہ درست ہے کہ سکول کے

چوکیدار حذیفہ پر اخلاقی سرگرمیوں

مثلاً وال چانگ سکول سٹاف اور

سکول کی بچیوں کے ساتھ جارحانہ اور

دھمکی آفیسر رویہ میں ملوث ہے۔

جی ہاں یہ بالکل سچ ہے

سوال 4: کیا یہ درست ہے کہ حذیفہ چوکیدار

کے خلاف بیرونی شکایات ہیں۔

جی ہاں یہ سب درست ہیں۔

سوال 5: آپ مزید کچھ کہنا چاہتے ہیں۔

السلام علیکم!

کے بعد عرض ہے کہ میں عقیل احمد (جو نیئر کلرک) اور جو بھی باتیں کہیں گئی ہیں یہ سب سچ ہیں ان میں کوئی بھی بات جھوٹ نہیں لکھی

گئی۔ میری ٹرانسفر کو تقریباً 3 ماہ ہونے کو ہیں لیکن ہر آئے روز حذیفہ چوکیدار پر مختلف قسم کی (Complaints) ہوتی ہیں کبھی والدین

کی طرف سے اور کبھی Teachers کی طرف سے اور کبھی Students کی طرف سے اور آئے روز تھانے سے پولیس بھی آتی ہے

اور حذیفہ کو لے جانے کی بات کرتی ہے کہ اس پر کوئی (Complaints) ہیں لیکن بتاتے نہیں۔

اور حذیفہ نے جو وال چانگ سکول کی دیواروں پر حذیفہ چوکیدار نے کی ہیں وہ سکول کی دیواروں پر بطور ثبوت موجود ہیں جو کہ

آپ دیکھ سکتے ہیں۔

آپ صاحبان سے التماس ہے کہ اس کاروائی پر جلد از جلد عمل درآمد کیا جائے۔

Asst. Unit Officer
Fls. Secy. Edu
Kohat

Agreed

آپ کا تعبدار: عقیل احمد (جو نیئر کلرک)

28-10-2021

**OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) KOHAT.**

OFFICE ORDER.

A Committee consisting of the following Officers / Officials is hereby framed to conduct fact finding inquiry against the Mr. Huzaifa Chowkidar GGHS No.1 Kohat, regarding undesirable activities / Community Complaints and immoral wall chalking.

Enquiry Report will be submitted within a week to the undersigned.

Committee Members:-

- | | | | |
|----|----------------------|----------------------------|----------|
| 1. | Ghulam Qadir | Supdt: Local Office | Chairman |
| 2. | Musharaf Khan | S/Clerk Kohat local office | Members |
| 3. | Mehmood | J/Clerk Kohat local office | Members |

[Signature]
DIST. EDU. OFFICER,
(FEMALE) KOHAT

Endst: No 5485 / Class IV File, Dated Kohat the 22 / 10 /2021

Copy of the above is forwarded the:-

- 1-3. All official concerned

[Signature]
Asstt. Dist. Officer
File Secy. Edu.
KOHAT

[Signature]
DIST. EDU. OFFICER,
(F) Kohat

o/c

Name M. Huzni

Amexura (B)

17

Chow Kidat

جواب نمبر 1

O.A-27/21-2022

جواب نمبر 2

es
I am sorry

جواب نمبر 3

Yes but I am sorry


جواب نمبر 4

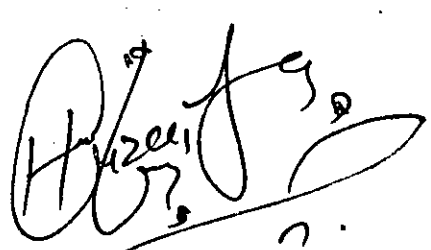
یہا اپنی صفائی میں آتی تھی نہیں

میں صفائیوں لیکن جو کچھ اس میں فری
اس کے لئے معافی چاہتا ہوں۔
تار بعد کو تالی نہیں ہوتی۔

I Recyt you also sorry-

Thank for also you


M. Huzni, Uthman
Secy. Edar
KOWAT





**OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) KOHAT**



No. 6140 /06/Vol-I/General File / 2021/ Estab; Primary /DEO F Kohat
Dated: 16/11/2021

To
The Mr. Huzaifa Chowkidar
GGHSS No. 1 Kohat

SUBJECT: CHARGE SHEET/ STATEMENT OF ALLEGATION.

Memo:

I am to refer to the subject noted above and to ask you that the following allegations have been charged against you:

- Misconduct: mostly you are found misbehavers with female staff/ student of GGHSS No. 1 Kohat
- Wall chalking: immoral/ miswrite & wall chalking on the boundary wall in school premises.
- Parent/ Community: lodged complaints against you, the parent of students regarding your immoral activities in school premises.
- You have declared for undesirable activities in school by the immediate authority.

In view of the above, you are directed to explain your position and submit written reply in your defense, if any, within 7 days of the receipt of this notice or within 15 days of issuance of this letter. In case you failed to submit reply of this notice, it will be presumed that you have no defence and in that case ex-parte action will be taken against you under E&D Rules 2011.

It any also be intimated whether you desire to be heard in person or not

Handwritten note:
Dist. Dir. UMC, Kohat
No. Secy. Estab. Kohat

Handwritten signature:
District Education Officer
(Female) Kohat

No. 6141-44 File No.06/Vol-I/ General File/ 2021/ Estab; Primary /DEO F Kohat
Dated: 16/11/2021

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

- Director, Elementary & Secondary Education, Department, Khyber Pakhtunkhwa, Peshawar
- Deputy Commissioner, Kohat
- Inquiry committee concerned
- Principal GGHSS NO. 1 Kohat

Handwritten signature:
District Education Officer
(Female) Kohat

Annexure "C"

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)
KOHAT

19

To,

Mr. Huzaifa
Chowkidar GGHSS No.1 Kohat

Subject: SHOW CAUSE NOTICE.

I, Mrs. Rizwana Liaqat, as competent authority, under the Khyber Pakhtunkhwa Government Servants Efficiency and discipline Ruls, 2011, do hereby serve you Show Cause Notice, Mr. Huzaifa Chowkidar GGHSS No.1 city Kohat.

(1) That consequent upon the completion of enquiry conducted against you by the Inquiry committee consisting of the following officer/official:-

- | | | | |
|-----|---------------|-------------------|----------|
| (a) | Ghulam Qadir | O/O DEO (F) Kohat | Chairman |
| (b) | Musharaf Khan | -do- | Member |
| (c) | Mehmood Khan | -do- | Member |

The Inquiry committee for which you were given opportunity of personal hearing.

(d) On going through the findings and recommendations of the inquiry report, the material on record and other connected papers including your defense before the inquiry committee.

I am satisfied that you have committed the following acts/omissions specified in rules 3 of the ibid rules.

- (a) **Guilty of Misconduct**
(b) **Wall chalking.**

- (2) As a result therefore, I as competent authority, have tentatively decided to impose upon you the penalty of REMOVAL FROM SERVICE as specified under rule 4 (b) (iii) of the said rules.
- (3) You are, therefore required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
- (4) If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in, and in that case an ex-parte action shall be taken against you.
- (5) A copy of the findings of the inquiry officer committee is enclosed.

[Signature]
DISTRICT EDUCATION OFFICER
(FEMALE) KOHAT

Dated Kohat the 10/12 /2021.

No. 6950-53 /PF Huzaifa
Copy for information to the :-

1. The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Principal GGHSS No.1 Kohat.
3. Personal File.

Asstt. Dist. Officer
P.O. Secy: Edu.
KOHAT

[Signature]
DISTRICT EDUCATION OFFICER
(FEMALE) KOHAT



OFFICE OF THE DISTRICT
(FEMALE) KOHAT

No. 6140 /06/Vol-I/General File / 2021/ Estab;Primary /DEO F Kohat
Dated: 16/11/2021

To

The Mr. Huzaifa Chowkidar
GGHSS No. 1 Kohat

SUBJECT: CHARGE SHEET/ STATEMENT OF ALLEGATION.

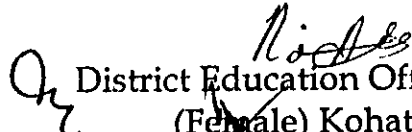
Memo:

I am to refer to the subject noted above and to ask you that the following allegations have been charged against you:

- Misconduct: mostly you are found misbehavers with female staff/ student of GGHSS No. 1 Kohat
- Wall chalking: immoral/ miswrite & wall chalking on the boundary wall in school premises.
- Parent/ Community: lodged complaints against you, the parent of students regarding your immoral activities in school premises.
- You have declared for undesirable activities in school by the immediate authority.

In view of the above, you are directed to explain your position and submit written reply in your defense, if any, within 7 days of the receipt of this notice or within 15 days of issuance of this letter. In case you failed to submit reply of this notice, it will be presumed that you have no defence and in that case ex-parte action will be taken against you under E&D Rules 2011.

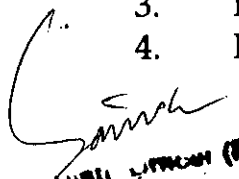
It any also be intimated whether you desire to be heard in person or not

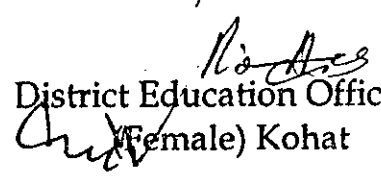

District Education Officer
(Female) Kohat

No. 6141-44 File No.06/Vol-II/ General File/ 2021/ Estab; Primary /DEO F Kohat
Dated: 14/11/2021

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

- Director, Elementary & Secondary Education, Department, Khyber Pakhtunkhwa, Peshawar
- Deputy Commissioner, Kohat
- Inquiry committee concerned
- Principal GGHSS NO. 1 Kohat


Asst. Dist. Officer (Female)
Kohat


District Education Officer
(Female) Kohat

Annexure - D

21

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)
KOHAT

NOTIFICATION:

WHEREAS, Huzifa S/O Tajmal Khan resident of Ghari Dhodiwal Kohat city Appointed as Chowkidar at GGHSS No.1 Kohat vide DEO (F) Kohat Endst No.1883-90 dated 26/02/2021.

WHEREAS, the Principal unanimously recommended that Mr. Huzafa Chowkidar GGHSS No.1 City, Kohat has committed immoral activities in school premises, and should be penalized as per E&D Rules 2011.

WHEREAS, Huzifa , (Chowkidar), GGHSS No.1 City, Kohat, was proceeded against under the Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011, for the charge of using proxy.

WHEREAS, Huzifa , (Chowkidar), GGHSS No.1 City, Kohat, As per apptt: order terms and conditions he was appointed for one year probation period.(Condition No.9)

WHEREAS, Inquiry committee was constituted vide this office No.5485/Class-IV/I/file dated 22/10/2021,

WHEREAS the Enquiry committee categorically recommended the penalty of "Removal from Service" for accused chowkidar.

WHEREAS, Charge Sheet/Statement of allegation was issued vide this office No.6140/06/vol-1/General File/2021/Estab: Primary/DEO (F) Kohat dated 16/11/2021 was also served upon the accused chowkidar but he failed to submit either written reply or presenting himself for personal hearing.

WHEREAS the Competent Authority District Education Officer (Female) Kohat after having considered the charges and evidence on record and agreed with the recommendation of enquiry officer. as well as the condition No.8 of apptt: order the undersigned found your performance unsatisfactory during the probation period.

THEREFORE, in exercise of the powers conferred under section 14 of Khyber Pakhtunkhwa Govt Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (District Education Officer Female Kohat) is pleased to impose major penalty of "Removal from Service" under the Rule 4(b)(iii) upon Huzafa , Chowkidar GGHSS No.1 City, Kohat with effect from 01/12/2021.

N. A. S.
DISTRICT EDUCATION OFFICER
(FEMALE) KOHAT

Endst: 7287-94 Date 30/12/2021

Copy forwarded to the:-

- I. Director, E&SE, Peshawar
- II. Deputy Commissioner Kohat.
- III. District Monitoring Officer Kohat.
- IV. Principal GGHSS No.1 City Kohat.
- V. District Accounts Officer Kohat.
- VI. Official Concerned
- VII. Personal File

[Signature]
Dist. Socy. Ent.
KOHAT

[Signature]

[Signature]

To
The Director,
Elementary and Secondary Education,
Peshawar

Subject: Departmental Appeal against the impugned office order bearing No.7287-94 dated 30.12.2021 whereby the major penalty of removal from service was imposed upon the appellant.

Respectfully Sheweth;
With profound respect the undersigned/ appellant submits as under:

- 1) That the appellant was appointed as chowkidar (BPS-3) at GGHSS No.1 Kohat vide appointment order No.DE (F) Kohat Ends: No.1883-90 dated 26.02.2021 and served the department almost one year with unblemished record.
- 2) That the appellant was served with a show case wherein allegation of immoral activities in school premises were leveled against him.
- 3) That an inquiry was conducted vide office No.5485/ class-IV/file dated 22.10.2021 whereas the inquiry committee recommended major penalty of removal from service.
- 4) That in the light of recommendation major penalty from removal from service was imposed vide order dated 30.12.2021.
- 5) Thus, the appellant being aggrieved from the impugned order dated 30.12.2021 file the instant departmental appeal for redressal of his grievances.

Adm

GROUNDS:

629
25-1-2022

Firstly, it is stated that the impugned order dated 30.12.2021 and the inquiry report submitted by the inquiry officer are against the law, facts and material available on record and no meaningful opportunity of personal hearing was afforded to the appellant and the whole process of disciplinary proceedings against the appellant was conducted in a mechanical manner without adhering to the principles of natural justice.

Secondly, it is further clarified that the impugned order and report of Inquiry Officer are based on misreading and non-reading of evidence

Sami
Distt. Officer (D)
Secy. Edu
KOHAT

produced by the parties during course of regular inquiry where crucial evidence on record, was neglected that lead to this impugned summary of inquiry.

That the appellant has been discriminated in awarding punishment and adopted pick and choose policy and also the abuse of process of law, which has been conferred upon the inquiry officer.

That the appellant is a sole source of his family whereas the appellant was appointed on the deceased sons quota and having no other family member to support his ailing father.

Undersigned being innocent vehemently denies the vague, non-specific and unsubstantiated allegations as contained in the show cause/regular inquiry and the impugned order, therefore, it is, humbly submitted that the impugned order dated 30.12.2021 may graciously be set aside and the appellant be reinstated in service.

Any other relief though not specifically asked for may also be granted.

Appellant-in-Person

Muhammad Uzair
Chowkidar
GGHSS No.1 Kohat
Cell: 0333-9619448
CNIC 14301-0523048-3

Dated: 24.01.2022

ASST. LHS Officer
Secy. Edu.
KOHAT

24



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.
No. 12 / F.No. 271/A-20/C-IV/Kohat Vol-8
Phone: 091-9225344
Dated Peshawar the 28/1/2022
Email: ddadmn.es@gmail.com

To
The District Education Officer
(Female) Kohat

Subject: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED OFFICE ORDER BEARING NO.7287-94 DATED 30.12.2021 WHEREBY THE MAJOR PENALTY OF REMOVAL FROM SERVICE WAS

Memo:
I am directed to refer to the subject noted above and to enclose herewith an appeal alongwith its enclosure in r/o Mr. Huzifa S/O Tajmal Khan Ex-Chowkidar GGHS No.1 Kohat .

You are therefore ask to submit detailed report/comments at an early date.

[Signature]
28/1/22

Assistant Director (Admn)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

[Signature]
28/1/2022

Endst; No. _____

Copy forwarded to the: -

- 1. Applicant Concerned.
- 2. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 3. Master File.

[Handwritten initials]

[Handwritten initials]

[Handwritten signature]

[Large handwritten mark]

[Handwritten initials]

Assistant Director (Admn)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

E:\Admn\Irshad Ali\Class IV\Report Comments\UZAA\IFA REPORT COMMENT.doc

[Handwritten signature]
Secy. Em.
Kohat

~~Inquiry Officer are based on misreading and non-reading of evidence~~

25

**OFFICE OF THE DISTRICT EDUCATION OFFICER-
(FEMALE) KOHAT**



No 3571 /F.No 07/Vol-I/Complaints Class IV/ 2020-2021/ /DEO (F) Kohat

Dated: 27/04/2022

To

The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa Peshawar.

Subject: **DEPARTMENTAL APPEAL AGAISNT THE IMPUGNED OFFICE ORDER
BEARING NO.7287-94 DATED 30/12/2021 WHERBY THE MAJOR PENALTY
OF REMOVAL FROM SERVICE WAS IM POSED UPON THE APPELANT.**

Memo:

Reference your good office letter No. 12/F.No.271/A-20/C-IV/Kohat dated Peshawar 28/01/2022 on the subject cited above.

Mr. Huzifa S/O Tajmal Khan resident of Ghari Dhokdiwal Kohat City appointed as Chowkidar at GGHSS No.1 Kohat under Deceased Quota vide this office appointment order No.1883-90 dated 26/02/2021, her mother was working in this department as PST at GGPS Sangher No.1 city died on 09/01/2005 during the service.

In the month of June, 2021, the principal GGHSS issued order book to Mr. Huzifa Chowkidar for non using of Gun during the duty, before the order book he already hands up to female staff, student and other class-IV servants in the premises of school. (Order book copy Attached).

Second Order Book issued on 03/09/2021 regarding following observations.

1. Wall chalking: the accused chowkidar was involved in immoral / miswrite & wall chalking on the boundary wall and other places in school premises.
2. Misconduct : Mostly the accused chowkidar was found in misbehave with female staff/ Student of GGHSS No.1 & 3 Kohat city.
3. Parent/ Community lodged the complaints against the accused, regarding the immoral activities in school premises.
4. During the duty period the accused chowkidar was not interested in the services, he involved immoral / criminal activities.
5. The accused chowkidar was quipping / fleering on female students during the opening / break / closing time.
Complaint against the accused chowkidar from community side. (Order book copy Attached).
7. In short some words may not be mentioned in written morally about the accused chowkidar.

Secy. Ed.
Kohat

7. Letter regarding the accused chowkidar received from the principal to the under signed under Endst: No.1141 dated 04/10/2021, the undersigned verbally discussed for transfer to male side with DEO (M) Kohat but he refused.

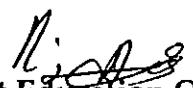
This office a constituted Inquiry committee under Endst:No. 5485/Class-IV Dated 22/10/2021 to dugout the facts.(Copy attached).

Inquiry Report received on 04/11/2021 along with statements of Staff members / Principal GGHS No.1 Kohat against the accused chowkidar. In the inquiry report all the observations was proved against him and recommended for major penalty " Removal from Service " under section 14 of Khyber Pakhtunkhwa Govt: servants (Efficiency & Discipline) Rules 2011,under rules 4(b)(iii).

The undersigned issued charge sheet / statement of allegation to the accused chowkidar under Endst: No. 6140/F.No.06/Vol-I/General file/2021/Estab:Primary /DEO F Kohat dated 16/11/2021 and send under Registry No.1076 but no reply received to this office (Copy Attahed)

Show Cause Notice issued under Endst: No. 6950-53 /PF Huzaifa dated Kohat the 10/12/2021 with limited time but no reply received. (Copy Attahed)

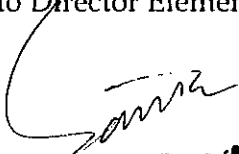
On 30/12/2021 speaking order / Notification regarding " Removal from Service " Removal from Service " under Endst:No. 7287-94 dated 30/12/2021 to accused chowkidar (copy attached for ready reference).

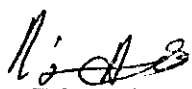

District Education Officer
(Female) Kohat

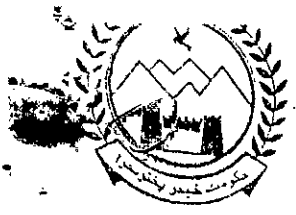
Endst No as above.

Copy of the above is forwarded to the:-

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


ASST. DIST. OFFICER
File: Secy. Edn
KOHAT


District Education Officer
(Female) Kohat



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION (27)
KHYBER PAKHTUNKHWA PESHAWAR.

No 7152 /F.No.271/A-20/C-IV/Kohat Vol-8

Dated Peshawar the 31/5 /2022

Phone: 091-9225344

Email: ddadmn.ese@gmail.com

To

The District Education Officer (Female)
(Male) Kohat.

Subject:

DEPARTMENTAL APPEAL AGAINST THE IMPUGNED OFFICE ORDER BEARING NO. 7287-94 DATED 30.12.2021 WHEREBY THE MAJOR PENALTY OF REMOVAL FROM SERVE WAS IMPOSED UPON THE APPELANT

Memo:

I am directed to refer to your letter No ³⁵⁷¹ ~~354~~ dated 22/04/2022 on the subject cited above and to ask you that the appeal in r/o Huzifa Chowkidar GGHS No.1 City Kohat has been examined/analyzed by this office Hence inform the appellent concerned that his appeal has been rejected by the appellate authority.

[Handwritten Signature]
30/5/22

Assistant Director (Admn)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

[Handwritten Signature]
30/5/2022

Endst; No. _____

Copy forwarded to the: -

1. Huzifa Chowkidar GGHS No.1 City Kohat.
2. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Master File.

[Handwritten Signature]

Assistant Director (Admn)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

[Handwritten Signature]
DA

[Handwritten Signature]

[Handwritten Signature]
13/06

[Handwritten Signature]
Asst. Dir. Edu. & Secy. Edu.
KONA

Annexure (E) - Teacher's Attendance Register

For the Month of NOV 2021

Name: <u>Aqeel Ahmad</u>		Designation: <u>Chalk BPS</u>				Designation: <u>Chalk BPS</u>				Designation: <u>Chalk BPS</u>				Designation: <u>Chalk BPS</u>			
Date	Arr.	Sig.	Dep.	Sig.	Arr.	Sig.	Dep.	Sig.	Arr.	Sig.	Dep.	Sig.	Arr.	Sig.	Dep.	Sig.	
1	8:00	A	2:00	A	7:30	P	2:00	P	7:00	P	2:00	P	7:30	P	2:00	P	
2	8:00	A	2:00	A	7:00	P	2:00	P	7:30	P	2:00	P	7:00	P	2:00	P	
3	8:00	A	2:00	A	7:00	P	2:00	P	7:30	P	2:00	P	7:00	P	2:00	P	
4	8:00	A	2:00	A	7:00	P	2:00	P	7:00	P	2:00	P	7:00	P	2:00	P	
5	8:00	A	2:00	A	7:00	P	2:00	P	Absence				7:00	P	2:00	P	
6	8:00	A	2:00	A	7:00	P	2:00	P	8:00	P	2:00	P	7:00	P	2:00	P	
7	SUNDAY																
8	8:00	A	2:00	A	7:00	P	2:00	P	8:00	P	2:00	P	7:00	P	2:00	P	
9	8:00	A	2:00	A	7:00	P	2:00	P	Absence				7:00	P	2:00	P	
10	8:00	A	2:00	A	C-Leave				8:00	P	2:00	P	7:00	P	2:00	P	
11	8:00	A	2:00	A	"	"	"	"	8:00	P			7:00	P	2:00	P	
12	8:00	A	2:00	A	"	"	"	"	Retained from Duty				7:00	P	12:00	P	
13	8:00	A	2:00	A	"	"	"	"	10-11-2021				7:00	P	2:00	P	
14	SUNDAY																
15	8:00	A	2:00	A	7:00	P	2:00	P					7:00	P	2:00	P	
16	8:00	A	2:00	A	7:00	P	2:00	P					7:00	P	2:00	P	
17	8:00	A	2:00	A	7:00	P	2:00	P					7:00	P	2:00	P	
18	8:00	A	2:00	A	7:00	P	2:00	P					7:00	P	2:00	P	
19	8:00	A	2:00	A	7:00	P	12:00	P					7:00	P	12:00	P	
20	8:00	A	2:00	A	7:00	P	2:00	P					C-Leave				
21	SUNDAY																
22	8:00	A	2:00	A	7:00	P	2:00	P					7:00	P	2:00	P	
23	8:00	A	2:00	A	7:00	P	2:00	P					7:00	P	2:00	P	
24	8:00	A	2:00	A	7:00	P	2:00	P					7:00	P	2:00	P	
25	8:00	A	2:00	A	7:00	P	2:00	P					7:00	P	2:00	P	
26	8:00	A	2:00	A	7:00	P	12:00	P					7:00	P	12:00	P	
27	8:00	A	2:00	A	7:00	P	2:00	P					7:00	P	2:00	P	
28	SUNDAY																
29	8:00	A	2:00	A	7:00	P	2:00	P					7:00	P	2:00	P	
30	8:00	A	2:00	A	7:00	P	2:00	P					7:00	P	2:00	P	
31																	

STATEMENT OF LEAVES TAKEN

This Month	Sick				Casual				Priv.				Total			
	Sick	Casual	Priv.	Total	Sick	Casual	Priv.	Total	Sick	Casual	Priv.	Total	Sick	Casual	Priv.	Total
		00	03	03		04	00	04			02			07	07	08
Prv. Month																
Total																

RIZWAN PAPER PRODUCTS, BAZAR, LAHORE.

Signature
Headmistress / Headmaster