

BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR
SERVICE APPEAL NO. 1427/2022

Shoukat Mehmod S/O Abdul Manan CT GMS Ghulam Banda Kohat..... APPELLANT

V/S

District Education Officer Male Kohat & Other..... RESPONDENTS

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DISTRICT EDUCATION OFFICER
(MALE) KOHAT

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Parawise comments on behalf of Respondent No: 1 to 5

Respectfully Sheweth

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 the Hon'able Tribunal in the instant service appeal.
4. That the instant service appeal is against the relevant provisions of law.
5. That the appellant has not come to this Hon'able Tribunal with clean hands.
6. That the instant appeal is liable to be dismissed for mis-joinder & non-joinder of the necessary parties to the present appeal.
7. That the appellant is estopped by his own conduct to file the instant appeal.
8. That the instant service appeal is not maintainable in the present form & circumstances of the case.

FACTS

1. That Para No: 1 of the fact memorandum of the appeal pertains to record. However the appellant services are suspended w.e.f. 18.10.2021 till date (Copy of suspension order ,FIR, confirmation of FIR & DPO Kohat confirmation letters) are annexed as **Annexure A)**
2. That Para No: 2 pertain to record, however a proper criminal case was registered against the appellant by the Policy Department & wherein he has been directly charged with the specific criminal role of a criminal act which is against to the norm of state institutions & tarnished the image of the authority creating ill-will among the employees as well as general public.
3. That Para No: 3 pertain to record.

- 4. That Para No: 4 pertain to record.
- 5. That Para No: 5 pertain to record.
- 6. That Para No: 6 pertain to record, but the appellant himself admitted the criminal charges & also established the facts that being accused, he remained behind the bars. But it is to pertinent to mentioned here that the appellant till date have not produced any lawful justification before the answering department of his innocence.
- 7. That Para No: 7 pertain to record.
- 8. That Para No: 8 is correct and pertain to record.
- 9. That Para No: 9 is legal, however the appellant himself admitted that the criminal case is subjudice before the court that bars the authority for issuing and appropriate order.
- 10. That Para No: 10 is already explained vide Para No: 9 above as the order of suspension of the appellant is still intact with few observations.
- 11. That Para No: 11 is already explained in above leading Para. Hence need no comments.
- 12. That Para No: 12 is correct & pertains to record.
- 13. That Para No: 13 pertain to record.
- 14. That Para No: 14 pertain to record.
- 15. That Para No: 15 pertain to record. Rest of the Para regarding to the apply is incorrect. Application is duly replied vide DEO (M) Kohat letter No: 3534 dated 07.07.2022 (Copy annexed as annexure B) as he has already exercised locus standi. Hence on the score of tendering repetition of stereo type application with the same cause of action.
- 16. That Para No: 16 is legal.

GROUNDS:-

- a. Para (a) of the ground is incorrect, Respondent department has issued a proper order with independent mined & with lawful reason.
- b. Para (b) of the grounds is incorrect. Proper order of suspension was issued in accordance with law & duly intimated to the concerned quarters including appellant.
- c. Para(c) is incorrect. The order of the respondent is legal, lawful & in accordance with the law & mere mentioning section of law is bad in eye of law.
- d. Para(d) is incorrect already explained in Para (c).

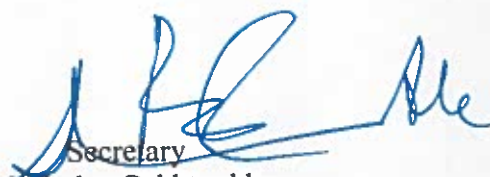
- e. Para (e) is incorrect. The appellant services were suspended, not removed. And after the decision of the criminal case the respondent department will issue another appropriate order.
- f. Para (f) is legal.
- g. Para (g) is irrelevant.
- h. Para (h) is irrelevant & not based on sound reasons.
- i. Para (i) is incorrect and already discussed above.
- j. Para (j) is incorrect and already discussed above. Hence need no comments.
- k. Para (k) is pertaining to record & incorrect to the extent that the respondent department issue appropriate order which is still in field.
- l. Para (l) is incorrect. After the Court decision the respondent department will review the Court order & will pass further order which is in accordance with the law.
- m. Para (m) is incorrect and not based on solid reason.
- n. Para (n) is incorrect as a proper legal order has been issued which need no indulgences.

PRAYER:-

It is therefore humbly prayed that the appeal in hand of the appellant is pre mature as the services of any accused official cannot be re-instated until & unless the contrary is not proved.


District Education Officer
(Male) Kohat
Respondent No: 1 & 2


Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar
Respondent No: 3


Secretary
Govt of Khyber Pakhtunkhwa
Elementary & secondary Education
Department Peshawar
Respondent No: 4 & 5

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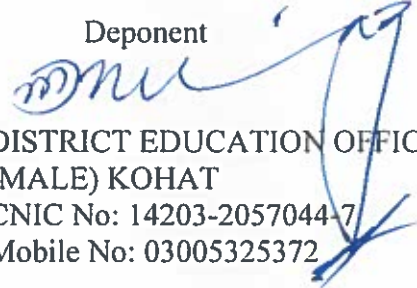
V/S

District Education Officer Male Kohat & Other..... RESPONDENTS

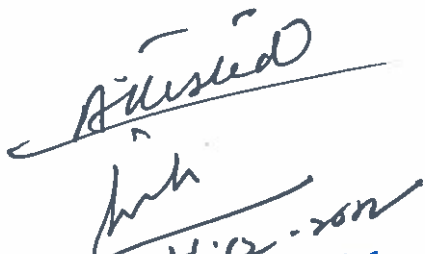
Affidavit

I, Muhammad Sheraz District Education Officer (Male) Kohat Tehsil Kohat do hereby solemnly affirm and declare on oath that the contents of the accompanying Parawise comments are true and correct to the best of my knowledge and belief and nothing has been concealed withheld from this Honourable court.

Deponent



DISTRICT EDUCATION OFFICER
(MALE) KOHAT
CNIC No: 14203-2057044-7
Mobile No: 03005325372


21.12.2022
Mian Subghat Ullah Shah
Senior Advocate
Notary Public High Court
Peshawar

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KOHAT.

5

SUSPENSION ORDER.

Consequent upon the approval of competent authority, the services of Mr. Shoukat Mahmood CT GMS Ghulam Banda Kohat is hereby suspended with effect from 18.10.2021 till the decision of Honorable Court, on account of FIR 563 dated 17.02.2021 chalked against him under section 506 B, 504-341-447-148-149, duly confirmed/ verified vide District Police Officer Kohat No 14358, dated 19.11.2021

Necessary entry to this effect should be made in his service book accordingly.



DISTRICT EDUCATION OFFICER,
(MALE) KOHAT.

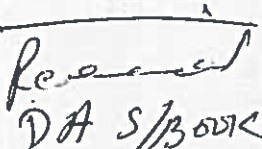
Endst: No 7210-13 /Suspension/Re-instatement /2021

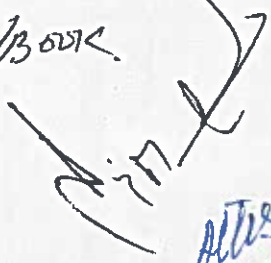
Dated Kohat the 08/12/2021

Copy of the above is forwarded to:-

- 1 District Monitoring Officer Kohat.
- 2 Accountant Middle Schools local office.
- 3 Service Book in charge of the local office.
- 4 Headmaster GMS Ghulam Banda Kohat w/r to his No 558, dated 20.10.2021.


DY: DIST: EDU: OFFICER,
(MALE) KOHAT.

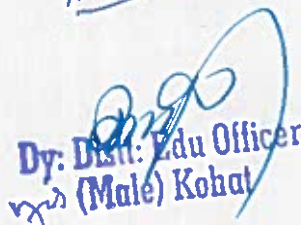

DA S/BOOK





Received Acctt. Middle School




Dy. Dist. Edu Officer
(Male) Kohat

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KOHAT.

No 6169 /Suspension/Police Case,

Dated Kohat the 23 / 10 /2021.

To

The District Police Officer,
Kohat.,

SUBJECT:-CONFIRMATION OF FIR/POLICE CUSTORY.

Memo:-

I am reported by the Headmaster GMS Ghulam Banda Kohat that Mr. Shokat Mahmood CT Teacher is in the Police custody as per FIR No 563, dated 17.10.2021(copy of FR is attached). You are therefore requested to confirm the same for further proceeding in the case.

Attested

23/10/21
DY: DISTRICT EDUCATION OFFICER,
(MALE) KOHAT.

23/10/21
Dy: Dist. Eda Officer
(Male) Kohat

File of the
21/10/21



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-9260116 Fax 9260125

No. 14358/GC

dated Kohat the 19-11 /2021.

To: The District Education Officer,
(Male) Kohat.

Subject: CONFIRMATION / VERIFICATION OF FIR.

Memo: -

Please refer to your office letter No. 6169/Suspension /Police Case,
dated 23.10.2021.

As per report of SDPO Gumbat, on the report of Adil Khan proper
case FIR No. 563, dated 17.10.2021 u/s 506B/504/341/444/148/149 PPC PS
Billitang Kohat has been registered. Report of Halqa Parwari alongwith photo of
disputed area are enclosed.

DISTRICT POLICE OFFICER,
KOHAT

[Signature]

Dy. Dist. Edu Officer
(Male) Kohat

ADEO (Ectab)

(10068)

Om
DEO (M) Kohat
22/11/21.



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
KOHAT

No. 3534 /

Dated Kohat the 02/07/2022

To

The Mr. Shoukat Mehmood CT BPS-15
GMS Ghulam Banda Kohat

Subject: - **REINSTATEMENT**

Memo:-

Reference to your application on the subject cited above it is to inform that you have been suspended vide this office order No. 7210-13 dated Kohat the 08/12/2021 and your suspension was till the finalization of the case in FIR No. 563 Dated. 17/10/2021 under 506-(B) /504/341/447/148/149-PPC Police Station Bilitang Kohat. The record reveals that you have been released on bail vide judicial magistrate-II district Kohat Dated. 22/10/2021.

Your case has not yet been finalized, therefore this office is unable to reinstate your services at this stage.

Hence you are informed accordingly.

9/1

Received by self.

02/7/22

DISTRICT EDUCATION OFFICER
(MALE) KOHAT

Attested

Dy. District Officer
(Male) Kohat

DEO (M) Kohat