


FORM OF ORDER SHEET

Court of _____

Case No. - 164/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/1/2023	<p>The appeal of Mr. Sher Khan presented today by Mr. Kabir Ullah Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____, Parcha Peshi is given to appellant/counsel.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. 165 of 2023

Mr. Sher Khan Ex-Chowkider GHS Baka Khel Sub Division Wazir
District Bannu.

..... Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Peshawar.
2. Director Elementary and Secondary Education Peshawar.
3. Assistant Director (Establishment) Directorate Elementary and Secondary Education Peshawar.
4. District Education Officer (Male) Bannu.

..... Respondents



VERSUS

- 1) District Police Officer Nowshera.
- 2) Regional Police Officer Mardan .
- 3) Inspector General of Police KPK, KPK Peshawar.

..... Respondents

INDEX

S.No.	Description of documents	Annexure	Pages
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8.	Copy of Departmental Appeal	D	19
9.	Copy of application	E	20
10.	Copy of application and office letter dated 05/11/2022	F&G	21-22
11.	Wakalat Nama		

Appellant
Through 
Kabir Ullah Khattak
&

Roeda Khan
Advocate, High Court,
Peshawar

(1)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.**

Appeal No. 165 of 2023

Mr. Sher Khan Ex-Chowkider GHS Baka Khel Sub
Division Wazir District Bannu.

..... Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Peshawar.
2. Director Elementary and Secondary Education Peshawar.
3. Assistant Director (Establishment) Directorate Elementary and Secondary Education Peshawar.
4. District Education Officer (Male) Bannu.

..... Respondents

**APPEAL UNDER SECTION 4 OF THE KPK
SERVICE TRIBUNAL ACT, 1974, AGAINST
THE IMPUGNED ORDER DATED
20/05/2022 WHEREBY MAJOR PENALTY
OF REMOVAL FROM SERVICE WAS
IMPOSED TO THE APPELLANT AGAINST
WHICH THE APPELLANT FILED
DEPARTMENTAL APPEAL ON 15.06.2022
WHICH HAS NOT BEEN DECIDED
WITHIN THE STATUTORY PERIOD IN 90
DAYS.**

Prayer:

By acceptance of this appeal the impugned order dated 20.05.2022 may please be set aside and the appellant may kindly be reinstated on his service along with all back benefits.

- 2 -

Respectfully Sheweth:

FACTS

The appellant respectfully submits as under:

- 1) That the appellant has been appointed as Chowkider with respondent Department on 2018.
- 2) That after appointment the appellant performed his duty regularly with full devotion and hard work and no complaint whatsoever has been made against the appellant. (Copy Attendance Register is annexed as A).
- 3) That on 19/05/2022 a surprise visit was conducted by respondent No. 03 at GHS Baka Khel, at about 12:15 AM during Matric Board Examination.
- 4) That after conducting of the said meeting the respondent No. 3 sent a letter to respondent No. 1 on 20.05.2022. Copy of letter 20/05/2022 is attached as Annexure-B).
- 5) That the appellant has been removed from service on 20/05/2022 by the respondent Department. (Copy of impugned order is attached as Annexure-C).
- 6) That the appellant submitted a Departmental Appeal on 15/06/2022 against the impugned order dated 20/05/2022. (Copy of Departmental Appeal is attached as Annexure-D).

7) That the appellant submitted an application to the respondent Department for the response of Departmental Appeal dated 15/06/2022 on 20/12/2022 but no response has been given by the respondent Department. (Copy of application is attached as Annexure-E).

8) That feeling aggrieved the appellant prepares the instant Service Appeal before this Hon' able Tribunal inter alia on the following grounds.

GROUND

A). That the impugned order dated 20/05/2022 comes under the definition of void order because it has been passed without fulfilling the codal formalities.

B) That no charge sheet, no statement of allegation and show cause notice has been issued/served to the appellant by the respondent Department.

C). That no publication has been made in two leading newspapers against the appellant and no regular and Departmental inquiry has been conducted against the appellant.

D). That no statement of witness has been recorded and no opportunity of cross examination has been provided to the appellant.

(4)
E) That the order has been passed by incompetent authority.

F) That there is no absentia on part of the appellant which has also been clarified from the application submitted by the principal GHS Baka khel Bannu to respondent No. 4. (Copy of application and office letter dated 05/11/2022 are attached as Annexure F & G).

G) That the penalty has come under the definition of harsh one.

H) That the appellant has a poor person and the only earning hand of the family there for he also entitled to reinstatement.

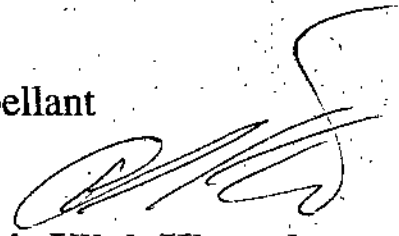
I) That no opportunity of personal hearing and defense has been provided to the appellant.

J) Any other grounds will be raised at the time of arguments with prior permission of this Hon' able Tribunal.


It is therefore most humbly prayed that on acceptance of this appeal the impugned order dated 20.05.2022 may please be set aside and the appellant may kindly be reinstated on his service with all back benefits.

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

Through Appellant



Kabir Ullah Khattak

 &

Roeda Khan

**Advocates, High Court,
Peshawar.**

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.**

Appeal No. _____ of 2023

Mr. Sher Khan Ex-Chowkider GHS Baka Khel Sub
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1. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Peshawar.
2. Director Elementary and Secondary Education Peshawar.
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4. District Education Officer (Male) Bannu.

..... Respondents

**APPLICATION FOR CONDONATION
OF DELAY (IF ANY).**

Respectfully Sheweth:

- 1) That the petitioner/appellant has filed the accompanied appeal today in which no date has yet been fixed.
- 2) That petitioner/appellant has a good prima facie case and is hopeful for its success and the grounds mentioned in appeal may be treated as integral part of this application.
- 3) That the appellant submitted a Departmental Appeal on 15/06/2022 against the impugned order dated 20/05/2022.
- 4) That the appellant submitted an application to the respondent Department for the response of Departmental Appeal dated 15/06/2022, on

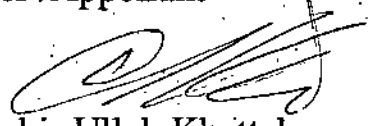
20/12/2022 but no response has been given by the respondent Department.

- 5) That the impugned order has been passed by incompetent authority as well as passed without fulfilling the codal formalities which comes under the definition of void order against which no limitation has been counted according to the Judgment passed by the Supreme Court.
- 6) That there are many Judgment of the superior court that cases should be decided on merit rather than on technicality and there are also so many Judgments of the Supreme Court that if the respondents have no case on merit limitation has not becomes a hurdle in way of justice.

It is, therefore, most humbly prayed that on acceptance of this application the delay if any may be condoned in the interest of justice.

Petitioner /Appellant

Through


Kabir Ullah Khattak


Roeda Khan

**Advocates, High Court
Peshawar**

(8)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.**

Appeal No. _____ of 2023

Mr. Sher Khan Ex-Chowkider GHS Baka Khel Sub
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2. Director Elementary and Secondary Education Peshawar.
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4. District Education Officer (Male) Bannu.

..... Respondents

ADDRESSES OF THE PARTIES

Appellant

Mr. Qamar Ali Ex Chowkider GHS Baka Khel Sub Division
Wazir District Bannu.

Respondents

- 1) Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Peshawar.
- 2) Director Elementary and Secondary Education Peshawar.
- 3) Assistant Director (Establishment) Directorate Elementary and Secondary Education Peshawar.
- 4) District Education Officer (Male) Bannu.

Appellant

Through


Kabir Ullah Khattak

&


Rooeda Khan

Advocates, High Court, Peshawar

(9)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.**

Appeal No. _____ of 2023

Mr. Sher Khan Ex-Chowkider GHS Baka Khel Sub
Division Wazir District Bannu.

..... Appellant

VERSUS

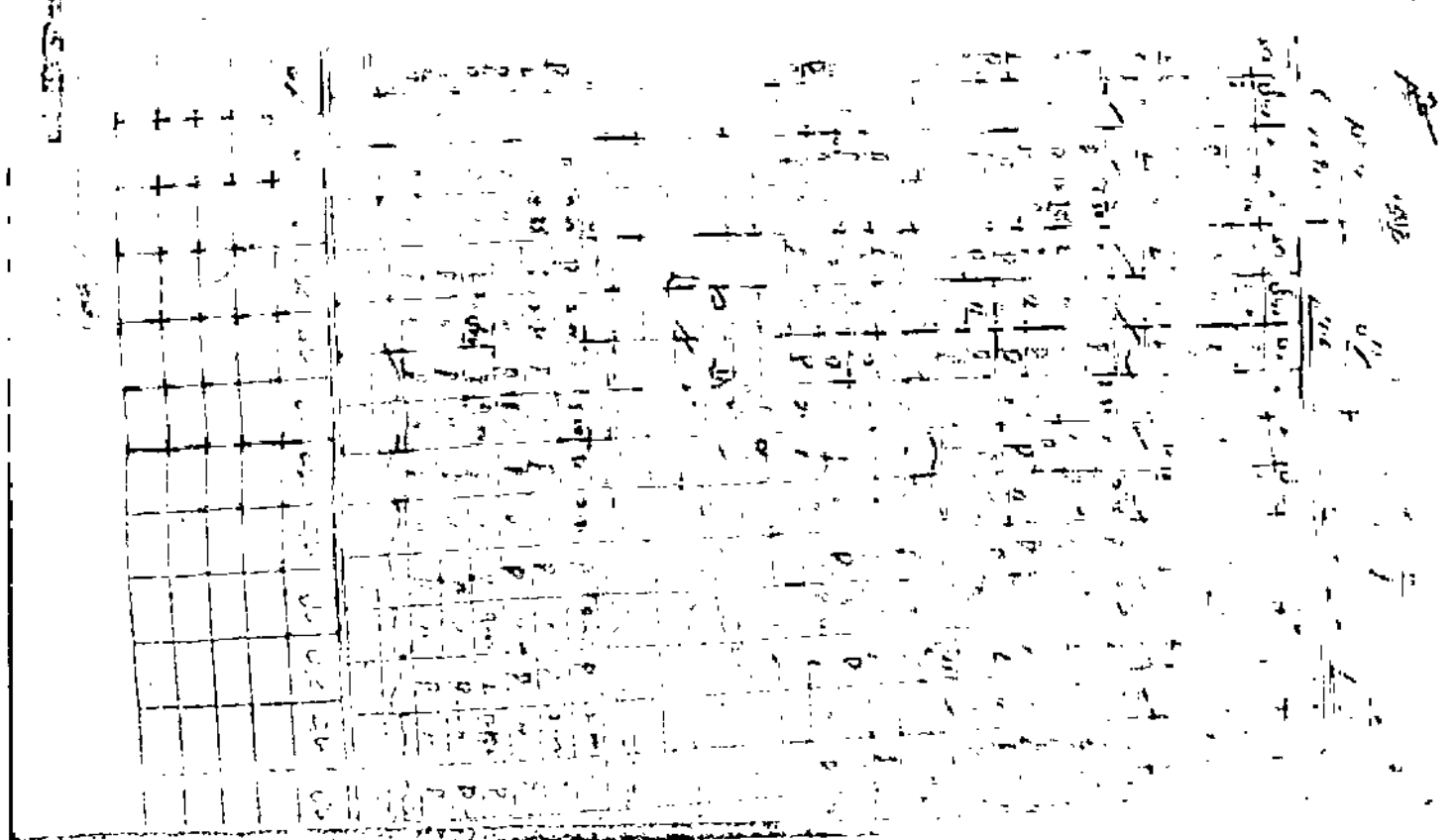
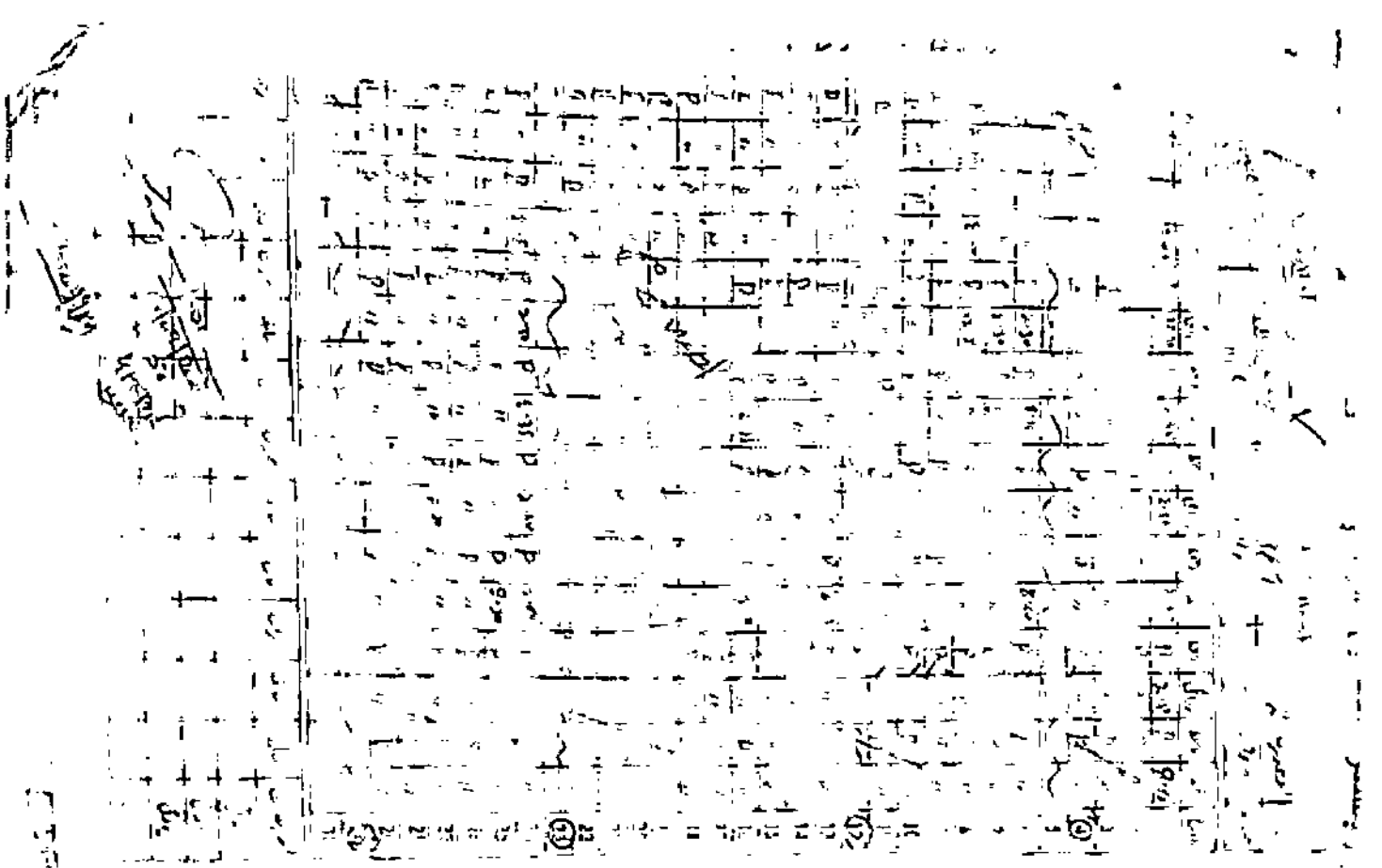
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..... Respondents

AFFIDAVIT

I, Mr. Qamar Ali Ex Chowkider GHS Baka Khel Sub
Division Wazir District Bannu do hereby solemnly affirm
and declare on oath that the content of the above application
are true and correct to the best of my knowledge and belief
and nothing has been kept secret and concealed from this
Hon'ble Tribunal.

شیر خان
DEPONENT



11 (10)

A

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رجسٹر معتمدین

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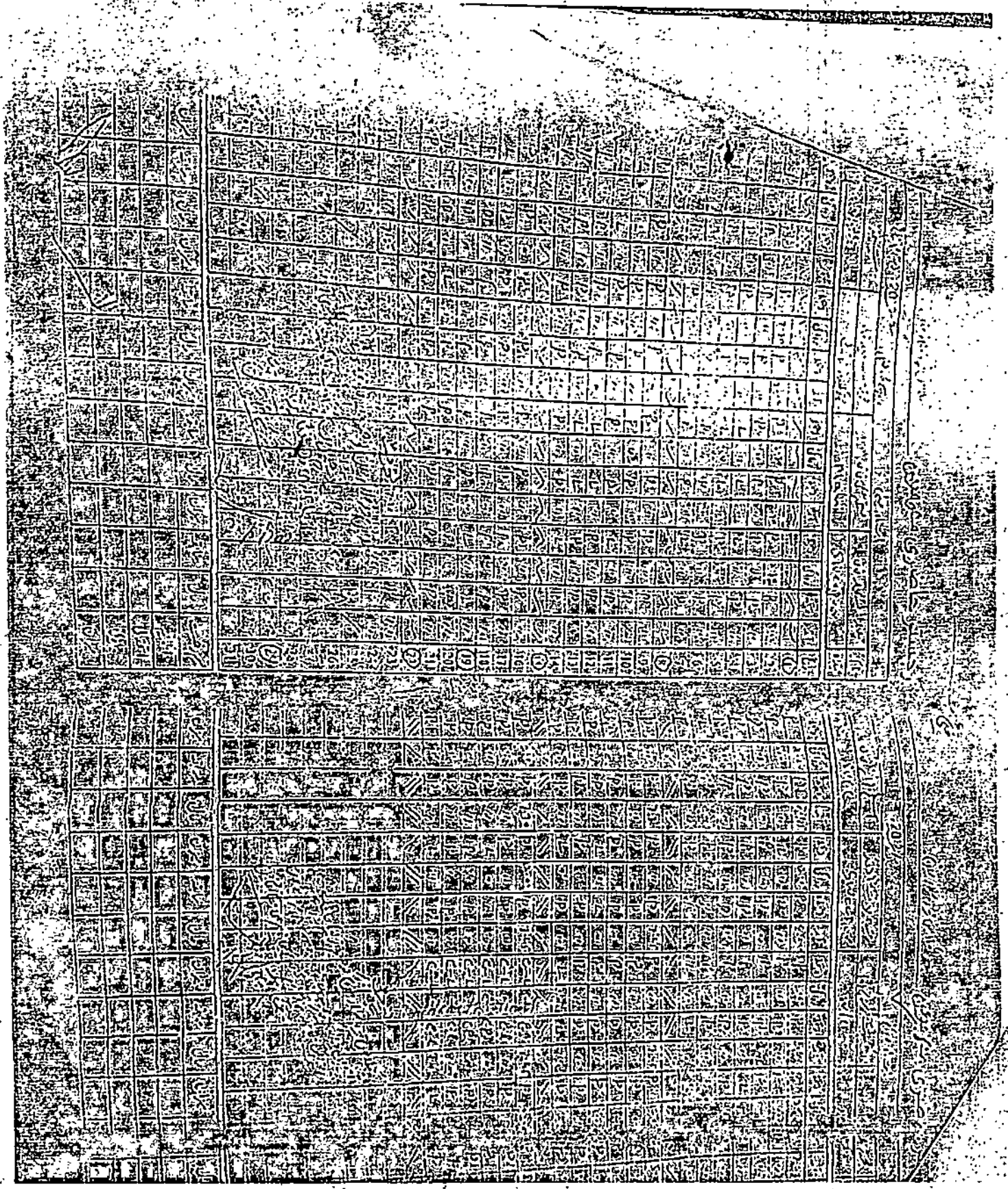
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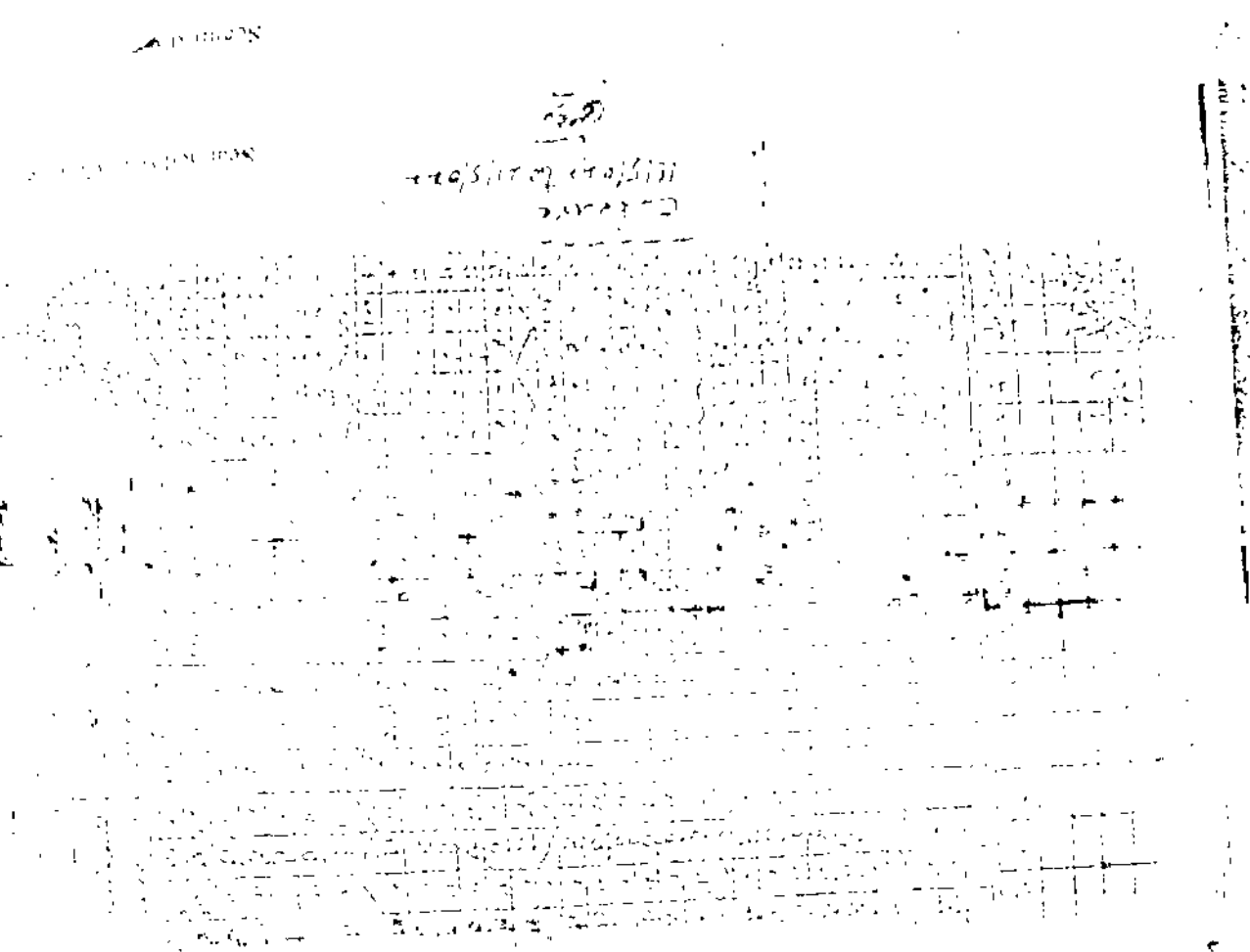
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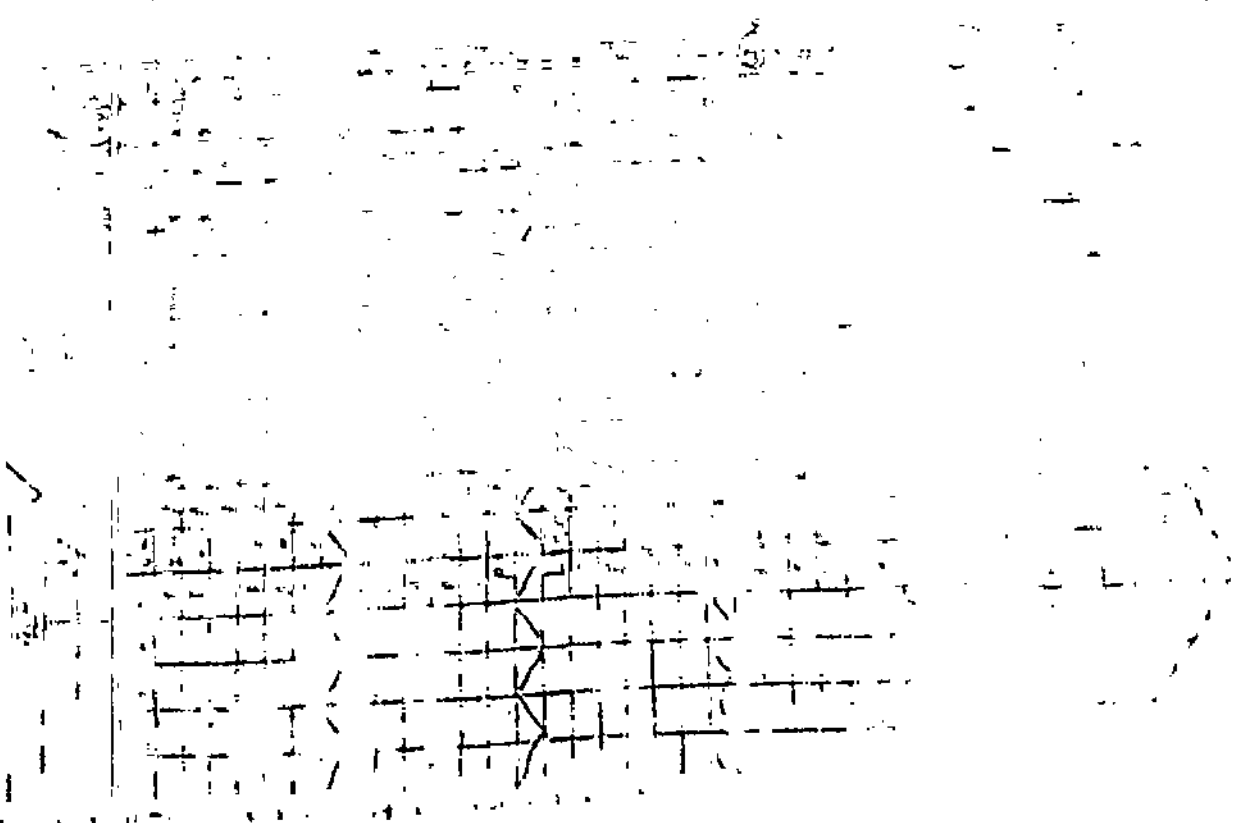
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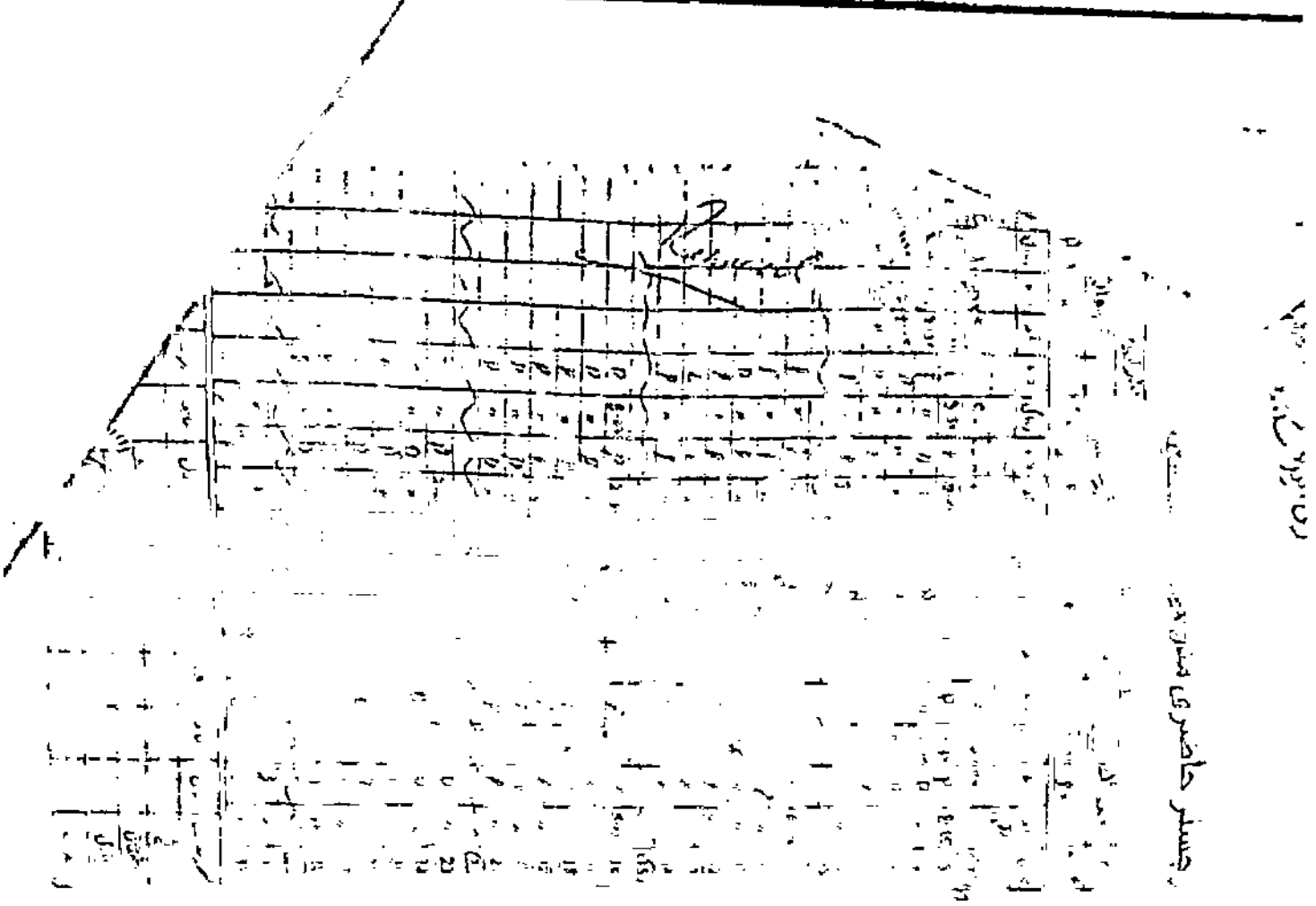
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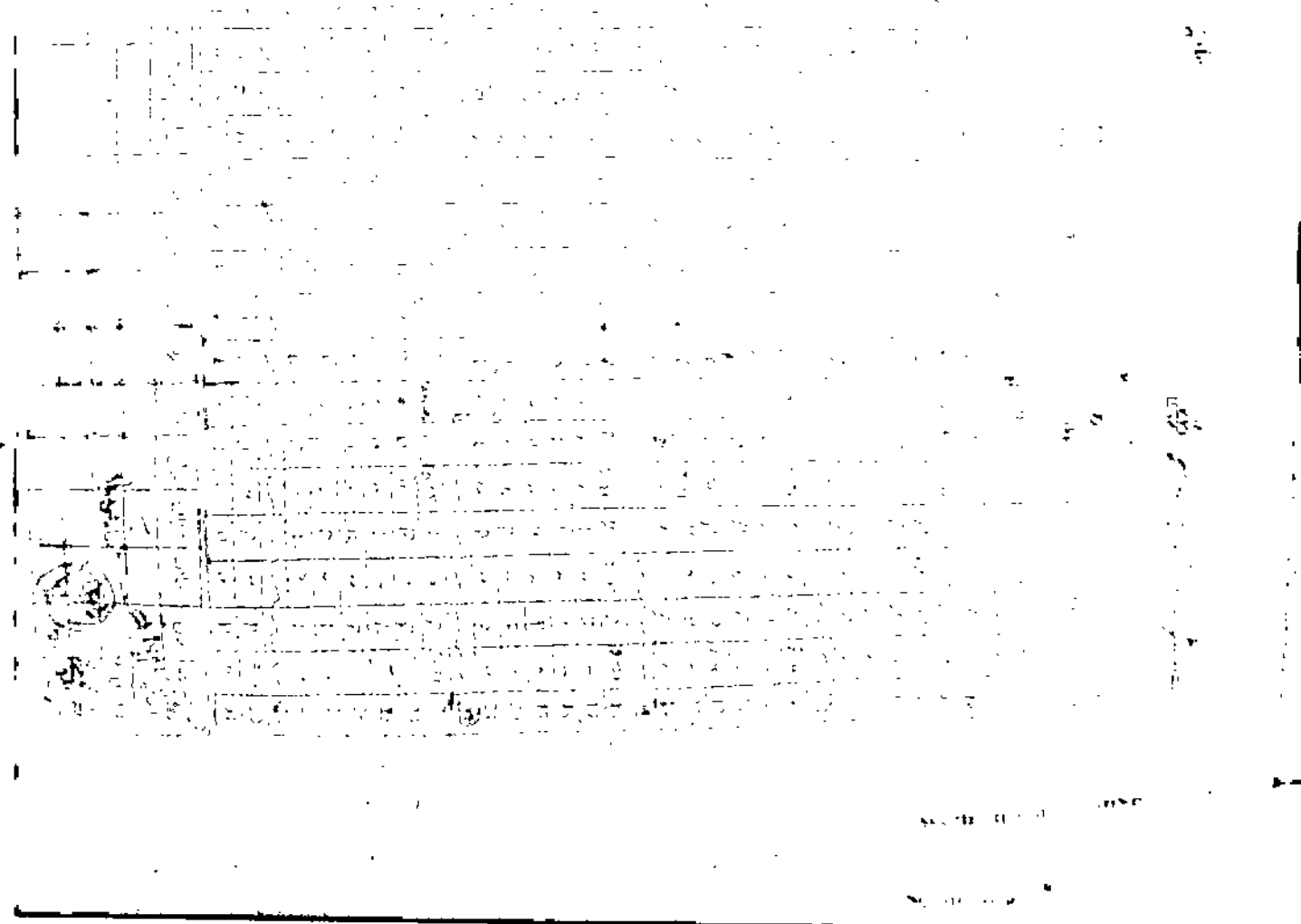
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(5)



Directorate of Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar



No: 5049

Dated: 20/5/092

To,

The Secretary,
Elementary & Secondary Education Department,
Khyber Pakhtunkhwa, Peshawar.

Subject: SURPRISE VISIT / DISCIPLINARY ACTION

Memo:

I am directed to refer to the subject cited above and to state that, during the course of a surprise visit to GHS Baka Khel, Sub-Division Wazir Danna, by the Worthy Director E&SE Khyber Pakhtunkhwa Peshawar, it was noted that the Principal was not present at the school, due to his engagement in inspection of SSC-Examination Halls, with school presenting a deserted look on following grounds:

- i. Loose Administration and Poor Academic Performance.
- ii. Teachers Absenteeism.
- ✓ iii. Absence of Class-IV's.
- iv. No students were found in school at 12.10 AM although the closing time was 12.30 PM.
- v. Two Class Rooms were found filled with old furniture which were supposed to be auctioned.
- vi. School was presenting poor look due to garbage and dirt.
- vii. Principal Office was looking like a horse-stable.
- viii. SGT was working as in-charge despite the availability of 6 SSTs.
- ix. Non-availability of Class-IVs Attendance Register.

I am further directed to request your good self to kindly conduct an inquiry into the above mentioned points for further necessary action, please.

11/20/5/2022
ASSISTANT DIRECTOR (ESTAB.)
DIRECTORATE OF E&SE KP PESHAWAR

Encl. No:

/Dated:

Copy forwarded for information:

1. Deputy Commissioner, Bannu.
2. District Education Officer, Bannu
3. PA to Director E&SE KP Peshawar
4. PA to Addl. Director E&SE KP Peshawar.
5. Office record.

sd
ASSISTANT DIRECTOR (ESTAB.)
DIRECTORATE OF E&SE KP PESHAWAR

"C" (18)

Directorate of Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar



No:

Dated:

NOTIFICATION

Consequent upon the surprise visit by the Competent Authority and finding therein, Mr. Sher Khan, Chowkidar, absent at the school, GHS Baka Khel Sub-Division Wazir Bannu, on 19-05-2022, and confirmed as permanent absent from his duty since his appointment by the In-charge of the school along-with all staff members, without any sanction of leave, is hereby removed from service with immediate effect.

[Handwritten signature and date: 20/5/22]

ASSISTANT DIRECTOR (ESTAB:)
DIRECTORATE OF E&SE KP PESHAWAR

Handst No:

5017-2-17

Dated:

20/5/22

Copy forwarded for information:

1. Deputy Commissioner, Bannu.
2. District Education Officer, Bannu
3. District Account Officer, Bannu.
4. PA to Director E&SE KP Peshawar
5. PA to A/dl: Director E&SE KP Peshawra.
6. Office record.

ASSISTANT DIRECTOR (ESTAB:)
DIRECTORATE OF E&SE KP PESHAWAR

۱۹ D^{۱۹} سیکریٹری اریجنڈری ایئر سیکلڈری انکو کیشن
خدمت جناب سیکریٹری اریجنڈری ایئر سیکلڈری انکو کیشن
KPK پشاور

دوبلا ٹیکسٹ ایل برائے عالی سرکل

- ۱۔ جناب عالی! یہ کہ ایئر لائن محکمہ تعلیم میں اپنی دیونی بطور چوکیدار خرمہ دوازہ سے سرانجام دے رہا ہے۔
- ۲۔ یہ کہ برور ان دیونی GHS بنگا خیل وزیر صلح بلوچ ایئر لائن کو غیر حاضری کی بنیاد پر نوکری سے مورفہ 2022 سے کو برخواست کیا گیا ہے۔
- ۳۔ یہ کہ ایئر لائن دیونی سے غیر حاضریں قویا اور باقاعدگی سے اپنی دیونی سرانجام دے رہا ہوتا۔
- ۴۔ لہذا استدعا ہے کہ ایئر لائن کو نوکری پر بحال کرنے کا حکم صادر فرمایا جائے۔

۱۵-6-022
ایئر لائن
تبعات
شرخاں

۶۴ (ص)
بخدمت جناب سیکرٹری ایجوکیشن خیبر پختونخوا پشاور

درخواست برآمد معلومات فراہم کرنے برائے ڈیپارٹمنٹل اپیل مورخہ 15/06/2022

جناب عالی: سائل حسب ذیل عرض رساں ہے۔

1. یہ کہ سائل کو محکمہ ایجوکیشن نے مورخہ 20/05/2022 کو نوکری سے برخواست کیا تھا۔

2. یہ کہ سائل نے نوکری بحالی کے لیے ڈیپارٹمنٹل اپیل مورخہ 15/06/2022 کو دائر کیا تھا جسکی معلومات مہیا کرنے کے لیے سائل نے اس سے پہلے بھی دو درخواستیں دی تھی لیکن تاحال اس درخواست پر کوئی عمل

درآمد نہ ہوا۔

لہذا استدعا کی جاتی ہے کہ منظور کی درخواست ہذا سائل کو ڈیپارٹمنٹل اپیل کی معلومات فراہم کرنے کا حکم صادر فرمائی جائے۔

مورخہ 20/12/2022

شیر خان
سائل: شیر خان

الحق (F)

انٹرنیٹ ایڈمیٹریشن ایجنسی کے سربراہ محترم کی طرف سے سونپا ہونے والا نوٹیفکیشن
Enst No 44 dated 25/11/2022

محترم سربراہ محترم کو ارسال کیا گیا ہے

محکمہ تعلیمات، گجرات، حکومت گجرات، جس میں S.D.O. سونپت
جناب عالی!

تعمیراتی مقررہ قواعد اور ضوابط کے مطابق، جس میں سونپت سائیکلو ٹیچنگ اسکول کے بارے میں مذکور ہے، اور اس کے ساتھ ہی اس کے بارے میں مذکور ہے۔

جناب عالی، جس وقت سے اس اسکول میں تعلیم شروع ہوئی ہے، اس وقت سے اس اسکول کے کرائے کی رقم وصول نہیں ہو رہی ہے۔

جناب عالی، جس وقت سے اس اسکول میں تعلیم شروع ہوئی ہے، اس وقت سے اس اسکول کے کرائے کی رقم وصول نہیں ہو رہی ہے۔

جناب عالی، جس وقت سے اس اسکول میں تعلیم شروع ہوئی ہے، اس وقت سے اس اسکول کے کرائے کی رقم وصول نہیں ہو رہی ہے۔

Enst No 494 dated 21/11/2022

Forwarded to Honorable Director of Education
for his kind consideration

11/11/2022
[Signature]

Office of the Principal GHS Baka Khel SDW Bannu DDO Code 6541 EMIS Code 63363

222

(1 G 4)

222

S.No	Name	F/Name	Design	BPS	DOB	Domicile	Personal No	CNIC	Contact No
1	Muhammad Saeed	Amir Qabool Khan	Chowkidar	03	1/01/1984	SDW/Bannu	175592	22201-1158790-9	0332-7909156
2	Aslam Nawaz	Mir Alam Khan	W/C	03	1/01/1987	SDW/Bannu	285816	22201-6509037-9	0335-8363427
3	Habib Rahman	Akbar Zaman	W/C	03	1/01/1965	SDW/Bannu	182009	22201-1-3989546-7	0333-9732404
4	Abdus Samad	Taraddad Khan	Sweeper	03	1/01/1979	SDW/Bannu	50379176	11101-6860762-7	0333-9743286
5	Qamar Ali Khan	Shah Wali Kha	Mali	03	1/01/1976	SDW/Bannu	50411683	22201-6389514-9	0333-9765265
6	Sher Khan	Ardall Khan	Chowkidar	03		SDW/Bannu			
7	Majeed Lillah	Raddad Khan	N/Qasid	03 SSC	28/02/1998	SDW/Bannu	50411546	11101-3365665-9	0332-7884187

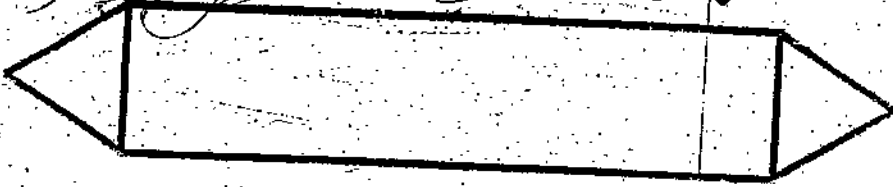
PRINCIPAL

GHS BAKA KHEL

SDW BANNU

DDO 6541 EMIS 63363

بجدالت جان کورس سروسٹریٹ



2023ء منجانب
بنام ایجوکیشن

سیرمان

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے بیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام **ز ساند** کیلئے لکھنا کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے ق تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق ذرا میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم بیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و بیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکور با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ ہوں گے سب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ بیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

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ماہ

المرقوم

واہ العبد

(Handwritten signatures and notes)