

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

**Service Appeal No. 5790/2020**

Date of Institution ... 17.06.2020

Date of Decision ... 10.02.2021

Muhammad Khalid S/O Saadullah Khan  
Senior School Teacher, Government Shaheed, Bahram Ahmad  
Khan, Higher Secondary School, Serai Naurung, Lakki Marwat.

... (Appellant)

**VERSUS**

Principal, Government Shaheed Bahram Ahmad Khan, Higher  
Secondary School, Serai Naurung, Lakki Marwat and three other  
respondents.

... (Respondents)

MR. ARBAB SAIF-UL-KAMAL,  
Advocate

-----

---

For appellant.

MR. KABIRULLAH KHATTAK,  
Additional Advocate General

---

For respondents.

**MUHAMMAD JAMAL KHAN**  
**MIAN MUHAMMAD**

---

**MEMBER (Judicial)**

---

**MEMBER (Executive)**

**JUDGEMENT:**

**MUHAMMAD JAMAL KHAN, MEMBER:-** By asseverating,  
appellant has called in question the actions and inactions of the  
respondents regarding stoppage of monthly salaries since 16.01.2020  
and prayed for its disbursement till the whole sum of salaries are  
released.

2. That on induction into service in BPS-16 as SET he is now  
holding BPS-17 as SST made efficacious from 24.05.1995, in  
consequence of attendance in the Court of Civil Judge-II Lakki Marwat,  
he moved leave application on 10.12.2018 to Respondent No. 1 i.e the

principal of the Government Shaheed Behram Ahmad Khan, Higher Secondary School, Serai Naurung, Lakki Marwat, besides having exigency at home which was accorded nod nevertheless, it was obliterated by using fluid marking him absent in the attendance register of school. It was in the month of February 2019 that an amount of Rs. 3693/- was deducted from his monthly salary by the Principal of Government Shaheed Behram Ahmad Khan, Higher Secondary School Serai Naurung, Lakki Marwat, who was not legally authorized to do so. Subsequently, respondent no. 1 relieved him from his duty on 12.03.2019 without the force of any legal sanction, directing him to be careful in future in a warning emanating from his office even though he was verbally directed to perform duties in the aforesaid school vide letter dated 26.03.2019. The promotion of appellant to BPS-17 on regular basis was due for which he was directed to submit PERs vide letter dated 07.09.2019 passed by District Education Officer (Male) Lakki Marwat, who stands as respondent no. 2. Appellant was served with a show-cause notice with allegation of auction of old demolished building material pertaining to the year 2016 vide the referred to notice dated 13.09.2019, appellant asserted that the punitive proceedings were the obvious result of the events occurring in the past as a result of which he was relieved from the school, the notice was replied on 17.09.2019. Respondent no. 1 did not stop and he later on made deduction from the monthly salaries of October and November 2019 tantamounting to Rs. 8000/- for each month and the accumulated amount thus came to the tune of Rs. 16000/- without any reason and justification. During this whole period, appellant was able to serve the department while attending to his duties. He was issued with a second show-cause notice on 13.11.2019 which was outrightly denied. It was on 03.12.2019 that the aforesaid principal deducted an amount of Rs. 13327/- for no obvious reasons, allegedly for remaining absent from school. An application was moved to Respondent No. 3 i.e the Director of Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar, for getting what has been deducted but to no avail. Appellant was relieved from duty by respondent no. 1 who was not invested with the powers to make any order of such efficacy as it was rudimentary on his part to have conveyed that information to the notice of the District

Education Officer (Male) Lakki Marwat and in the meanwhile the drawl of his monthly salary was stopped holding it to be efficacious from 16.01.2020. Appellant moved application to respondent no. 1 for the purpose of allowing him to perform his duties in the school however, his entreaties resulted in failure despite having been directed verbally to render his duties in the school vide his application dated 22.01.2020. No inquiry was made for the purpose of ascertainment of the real facts. A representation was moved on 10.03.2020 for the release of monthly salaries but without any action hence, the present service appeal.

3. Respondents were summoned, in compliance thereof they attended the Tribunal through their legally authorized representative unequivocally demurring the assertions through the submission of reply/comments, calling in question the vires of appeal on a number of legal and factual grounds, inter-alia, approaching the Tribunal without any clean hands, mala-fide intention, exaggeration and miss statement, no locus standi and cause of action.

4. We have heard arguments of the learned counsel and gone through the record on file with their valuable assistance.

5. The main arguments of the learned counsel representing appellant circumambulated regarding the legality and domain of the authority preposterously withholding the salaries of appellant which remained unpaid for a considerable period of time, having no legal sanction behind it. In a robust plea put forth the learned counsel submitted that the incompetent authority cannot stop salary of the appellant which is sin-qua-non and a return for the services rendered to the public at large, whether salaries of a civil servant can be withheld without any legal, obvious and plausible reasons he posed the question? He further submitted that an incompetent authority has relieved appellant from duties which order is not legally sustainable.

6. In contradistinction the learned Additional Advocate General appeared on behalf of respondents submitted that the appeal is not maintainable as no original or appellate order finally calumniating into awarding of penalty, has been impugned herein, and he placed reliance on **2006 SCMR 1630** delineating the mode and manner of filing of

appeal before the Services Tribunal. He also placed reliance on **Appeal No. 19/2011 Captioned Abdul Waheed Versus Education Department decided on 15.12.2017.**

7. It is an admitted fact on the surface of record that the salaries of appellant have been stopped by the respondents and in this regard no order in writing has been passed by the competent authority expressly delineating the real reasons behind the action being the sole criterion and by communicating it in writing to the civil servant against whom punitive proceedings have been initiated. Salary of a civil servant cannot be stopped even during the persistence of suspension period. The authority holding sway over the civil servant has no power to subject him to a treatment divesting him from receiving emoluments for corresponding duties as reciprocated, therefore, such an order passed by the authority having plenary powers in the matter whether was prompted by desire or instinct is palpably avaricious thus patently and latently arbitrary, whimsical and derogatory directly against the prevalent law and totally bereft of the legal norms and contrary to the principles of natural justice. The record on file candidly provides that the order whereby appellant has been relieved from duties by the Principal of GSBK HSS Serai Naurung who is not a competent authority to make an order of the like nature as envisaged in the pregnant observation made by the learned counsel representing appellant therefore, no two opinions can be formed to the premise agitated at the bar by the learned counsel representing appellant.

8. As regard the absence of appellant and consequent deduction from the salary for the correspondence period, the record on file speaks volume of the facts that appellant has rendered his duties and he has been marked present for the subject period which is evident from the extracts of the relevant register being placed on record. It was respondent No. 1 who rather prevented appellant for rendering of duties despite having been entreated for the purpose at appropriate period of time, the record on file reveals that appellant has not been treated with fairness and without any iota of mala-fide or ill will. The whole episode unfold battered treatment of the appellant on the part of respondents, therefore, we hold that the very order whatever may be its nature,

foreclosing the payment of salary is not legally sustainable and has to be set at naught. While parting with the findings just made above we are conscious of the facts that if there was any lapses or default on the part of appellant which tantamounted to misconduct, the authority under whose aegis, he acted was having plenary powers of initiating disciplinary proceedings against him strictly in accordance with law rather than resorting to an action not in conformity with the prevalent norms.

9. As regard the dictum, as laid down in 2006 SCMR 1630 being relied upon by the learned Additional Advocate General that appeal to the Services Tribunal is permissible only when final order whether original or appellate is passed, there can be no two opinions with regard to the point of law laid down by the Hon'ble Supreme Court of Pakistan and as enunciated in Section-4 of the Khyber Pakhtunkhwa Services Tribunal Act, 1974. However, when the authorities at the helm of affairs do not pass any order and virtually withhold salary of a civil servant what options are left to him in the circumstances, he has to make recourse to the Services Tribunal as the payment of salary to a civil servant for corresponding rendition of duties comes within the terms and conditions of service and thus conferring jurisdiction to the Services Tribunal. The facts as contained in the referred to esteemed dictum were that the departmental authorities were not issuing any posting order despite appointment of petitioners as PTC Teachers whereas the facts involved in the instant case pertains to stoppage of salary which are quite discernable.

10. In the judgement passed in Appeal No. 19/2011 Captioned Mr. Abdul Waheed SET Versus Executive District Officer, Elementary and Education, Abbottabad, and four other respondents decided on 15.12.2017, the issues involved were making of prayer for allowing three advance increments on getting higher qualification besides the question with regard to allowing of increments for untrained period to the entire teaching community, the appeal was ultimately dismissed due to non-availability of final order whether original or appellate whereas in the instant appeal the question pertains to stoppage of

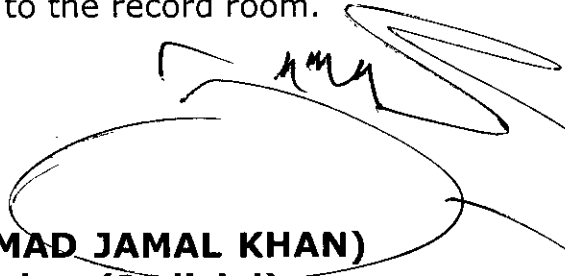
salary which are quite distinctly at variance, therefore, cannot be pressed into service.

11. Resultantly, the service appeal is allowed and the order of stoppage of monthly salaries since 16.01.2020 is set at naught directing the respondents to release the salaries of appellant forth with. Parties are left to bear their own costs. File be consigned to the record room.

**ANNOUNCED**  
**10.02.2021**

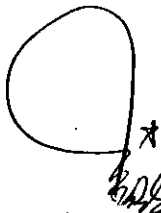
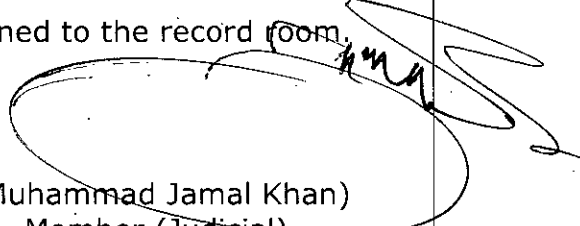
A handwritten signature in black ink, consisting of a large loop followed by a horizontal line and a diagonal stroke. A small asterisk is written above the signature.

**(MIAN MUHAMMAD)**  
**MEMBER (Executive)**

A handwritten signature in black ink, consisting of a large loop followed by a horizontal line and a diagonal stroke. A small asterisk is written above the signature.

**(MUHAMMAD JAMAL KHAN)**  
**Member (Judicial)**

Service Appeal No. 5790/2020

S.No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	10.02.2021	<p><u>Present.</u></p> <p>Mr. Arbab Saif-ul-Kamal, Advocate ... For appellant.</p> <p>Mr. Kabirullah Khattak, Additional Advocate General ... For respondents.</p> <p>Vide our detailed judgement of today, the service appeal is allowed and the order of stoppage of monthly salaries since 16.01.2020 is set at naught directing the respondents to release the salaries of appellant forth with. Parties are left to bear their own costs. File be consigned to the record room.</p> <p><u>ANNOUNCED</u> 10.02.2021</p> <p> (Mian Muhammad) Member (Executive)</p> <p> (Muhammad Jamal Khan) Member (Judicial)</p>

04.01.2021

Appellant with counsel and Addl. AG alongwith Kashif Munir, AD and Afsar Ali Khan, Principal for the respondents present.

Representative of respondents No. 1 & 2 yet again requests for adjournment to submit the reply/comments. This time the pretext for adjournment is vetting of the comments.

The record shows that similar requests were made on 10.09.2020, 06.10.2020 and 01.12.2020. On 10.09.2020, the appellant submitted an application for release of his current monthly salary. Notice of the application was also issued to the respondents but to no avail. Stance of the representative is that the appellant is not performing his duty.

In the circumstances, it is considered appropriate to require the personal appearance of respondents No. 1 & 2 alongwith the reply/comments. They may provide any other record relevant for the purpose of appeal in hand. The respondents No. 3 & 4 shall also provide the reply/comments on next date of hearing, but as last chance.

Adjourned to 22.01.2021 before S.B.

  
Chairman

22.01.2021

Appellant with counsel present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Midrar Ullah D.E.O (respondent No.2) and Farid Ullah Principal (respondent No.1) present.

Respondents No.1 & 2 furnished reply. Respondents No.3 & 4 failed to furnish reply/comments. Case is posted to D.B for rejoinder, if any, and arguments for 10.02.2021.

  
(Rozina Rehman)  
Member (J)



M. Khalid

06.10.2020

Appellant in person and Afsar Ali Khan, SST for respondent No. 1 alongwith Addl. AG for the respondents present.

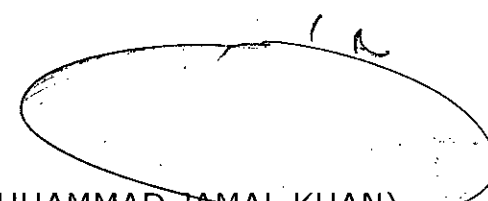
Learned AAG seeks time to contact the respondents No. 2 to 4. Adjourned to 01.12.2020 on which date the requisite reply/comments shall positively be submitted.

  
Chairman

01.12.2020

Appellant in person alongwith his counsel present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Afsar Ali, SST, on behalf of respondents No. 1 & 2 are also present.

Written reply on behalf of respondents not submitted. Representative of respondents no. 1 & 2 seek further time for submission of written reply/comments. None present on behalf of respondents No. 3 & 4. The learned Additional Advocate General is directed to ensure presence of representative of respondents No. 3 & 4 and submit reply on the next date. Adjourned to 04.01.2021 on which date file to come up for written reply/comments before S.B.

  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

10.09.2020

Appellant in person and Kashif Munir Litigation Officer alongwith Addl. AG for the respondents present. Mr. Faridullah (respondent No. 1) also present in person.

Respondent No. 1 states that notice for today's appearance was received late, therefore, he requests for time to furnish reply/comments. Adjourned to 06.10.2020 on which date the requisite reply shall be provided without fail.

The appellant has submitted an application for release of his current monthly salary. Notice of the application be also given to the respondents for the date

06.10.2020

*fixed to 06.10.2020*  
Learned AAG said that the appellant is currently unemployed. He is requested to contact the respondents and submit the requisite documents for the release of salary. The matter is adjourned to 06.10.2020.

Chairman

*Notices  
Ranched around  
representative.*

*re-printed on  
fresh page.*

|

17.07.2020

Counsel for the appellant present. Preliminary arguments heard and case file perused. The appellant is serving as SST BPS-17. That for the month of Feb, 2019 deduction of payment of Rs. 3693/- was made from monthly salary by Respondent No.1 (Principal Govt: Shaheed Bahram Ahmad Khan, Higher Secondary School, Serai Naurang, Lakki Marwat) who was not legally authorized and competent to do so. That respondent No.1 made subsequent deduction from monthly salaries of the appellant for the month of October/November 2019 of Rs. 8000/- each; totaling 16000/- without any reason and justification. The appellant had duly submitted leave application on 10.12.2018 but even then he was marked absent in Attendance Register. Finally the appellant was again relieved from duty by respondent No.1 and his monthly salary was also stopped w.e.f 16.01.2020 despite the fact that he was not competent to transfer/relieve the appellant from the school/station of duty. Respondent No.1 on the basis of his personal grudges, issued him Show Cause Notice to which he was not legally Competent Authority. He preferred departmental appeal on 10.03.2020 which was not responded within the statutory period of ninety days, hence, the present service appeal on 17.06.2020. Learned counsel for the appellant further contended that the appellant has not been treated according to law and rules.

Points urged need consideration. Service appeal is admitted subject to all legal objections. Appellant is directed to deposit security and process fee within 10 days, thereafter notices be issued to the respondents for submission of written reply/comments. To come up for arguments on 10.09.2020 before S.B.

Appellant Deposited  
Security & Process Fee

*[Handwritten signature]*  
17/7/20

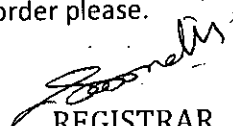
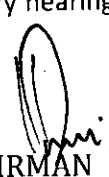
*[Handwritten signature]*  
(MIAN MUHAMMAD)  
MEMBER (E)

Form-A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 5790 /2020

1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/06/2020	<p>The appeal of Mr. Muhammad Khaled presented today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>17/07/2020</u>.</p> <p> CHAIRMAN</p>

**BEFORE KPK, SERVICE TRIBUNAL, PESHAWAR**

S.A No. **5790** /2020

Muhammad Khalid S/O Saadullah Khan  
Senior School Teacher, Government  
Shaheed, Bahram Ahmad Khan  
Higher Secondary School,  
Serai Naurung, Lakki Marwat. . . . . Appellant

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. **5075**

Dated **17/6/2020**

**VERSUS**

1. Principal, Government Shaheed Bahram Ahmad Khan, Higher Secondary School, Serai Naurung, Lakki Marwat
2. District Education Officer (M), Lakki Marwat.
3. Director of Education, Directorate of Elementary & Secondary Education, KP, Peshawar.
4. Secretary, Government of KP, Elementary & Secondary Education / Department, Peshawar. . . . . Respondents

**Filed to-day**  
*17/6/2020*  
**Registrar**

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974**  
**AGAINST STOPPAGE OF MONTHLY SALARIES**  
**SINCE 16-01-2020 TILL ITS REALIZATION.**

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**Respectfully Sheweth;**

1. That appellant was initially appointed as SET B-16 now SST B-17 on 24-05-1995.

principal of the Government Shaheed Behram Ahmad Khan, Higher Secondary School, Serai Naurung, Lakki Marwat, besides having exigency at home which was accorded nod nevertheless, it was obliterated by using fluid marking him absent in the attendance register of school. It was in the month of February 2019 that an amount of Rs. 3693/- was deducted from his monthly salary by the Principal of Government Shaheed Behram Ahmad Khan, Higher Secondary School Serai Naurung, Lakki Marwat, who was not legally authorized to do so. Subsequently, respondent no. 1 relieved him from his duty on 12.03.2019 without the force of any legal sanction, directing him to be careful in future in a warning emanating from his office even though he was verbally directed to perform duties in the aforesaid school vide letter dated 26.03.2019. The promotion of appellant to BPS-17 on regular basis was due for which he was directed to submit PERs vide letter dated 07.09.2019 passed by District Education Officer (Male) Lakki Marwat, who stands as respondent no. 2. Appellant was served with a show-cause notice with allegation of auction of old demolished building material pertaining to the year 2016 vide the referred to notice dated 13.09.2019, appellant asserted that the punitive proceedings were the obvious result of the events occurring in the past as a result of which he was relieved from the school, the notice was replied on 17.09.2019. Respondent no. 1 did not stop and he later on made deduction from the monthly salaries of October and November 2019 tantamounting to Rs. 8000/- for each month and the accumulated amount thus came to the tune of Rs. 16000/- without any reason and justification. During this whole period, appellant was able to serve the department while attending to his duties. He was issued with a second show-cause notice on 13.11.2019 which was outrightly denied. It was on 03.12.2019 that the aforesaid principal deducted an amount of Rs. 13327/- for no obvious reasons, allegedly for remaining absent from school. An application was moved to Respondent No. 3 i.e the Director of Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar, for getting what has been deducted but to no avail. Appellant was relieved from duty by respondent no. 1 who was not invested with the powers to make any order of such efficacy as it was rudimentary on his part to have conveyed that information to the notice of the District

Education Officer (Male) Lakki Marwat and in the meanwhile the drawl of his monthly salary was stopped holding it to be efficacious from 16.01.2020. Appellant moved application to respondent no. 1 for the purpose of allowing him to perform his duties in the school however, his entreaties resulted in failure despite having been directed verbally to render his duties in the school vide his application dated 22.01.2020. No inquiry was made for the purpose of ascertainment of the real facts. A representation was moved on 10.03.2020 for the release of monthly salaries but without any action hence, the present service appeal.

3. Respondents were summoned, in compliance thereof they attended the Tribunal through their legally authorized representative unequivocally demurring the assertions through the submission of reply/comments, calling in question the vires of appeal on a number of legal and factual grounds, inter-alia, approaching the Tribunal without any clean hands, mala-fide intention, exaggeration and miss statement, no locus standi and cause of action.

4. We have heard arguments of the learned counsel and gone through the record on file with their valuable assistance.

5. The main arguments of the learned counsel representing appellant circumambulated regarding the legality and domain of the authority preposterously withholding the salaries of appellant which remained unpaid for a considerable period of time, having no legal sanction behind it. In a robust plea put forth the learned counsel submitted that the incompetent authority cannot stop salary of the appellant which is sin-qua-non and a return for the services rendered to the public at large, whether salaries of a civil servant can be withheld without any legal, obvious and plausible reasons he posed the question? He further submitted that an incompetent authority has relieved appellant from duties which order is not legally sustainable.

6. In contradistinction the learned Additional Advocate General appeared on behalf of respondents submitted that the appeal is not maintainable as no original or appellate order finally calumniating into awarding of penalty, has been impugned herein, and he placed reliance on **2006 SCMR 1630** delineating the mode and manner of filing of

appeal before the Services Tribunal. He also placed reliance on **Appeal No. 19/2011 Captioned Abdul Waheed Versus Education Department decided on 15.12.2017.**

7. It is an admitted fact on the surface of record that the salaries of appellant have been stopped by the respondents and in this regard no order in writing has been passed by the competent authority expressly delineating the real reasons behind the action being the sole criterion and by communicating it in writing to the civil servant against whom punitive proceedings have been initiated. Salary of a civil servant cannot be stopped even during the persistence of suspension period. The authority holding sway over the civil servant has no power to subject him to a treatment divesting him from receiving emoluments for corresponding duties as reciprocated, therefore, such an order passed by the authority having plenary powers in the matter whether was prompted by desire or instinct is palpably avaricious thus patently and latently arbitrary, whimsical and derogatory directly against the prevalent law and totally bereft of the legal norms and contrary to the principles of natural justice. The record on file candidly provides that the order whereby appellant has been relieved from duties by the Principal of GSBK HSS Serai Naurung who is not a competent authority to make an order of the like nature as envisaged in the pregnant observation made by the learned counsel representing appellant therefore, no two opinions can be formed to the premise agitated at the bar by the learned counsel representing appellant.

8. As regard the absence of appellant and consequent deduction from the salary for the correspondence period, the record on file speaks volume of the facts that appellant has rendered his duties and he has been marked present for the subject period which is evident from the extracts of the relevant register being placed on record. It was respondent No. 1 who rather prevented appellant for rendering of duties despite having been entreated for the purpose at appropriate period of time, the record on file reveals that appellant has not been treated with fairness and without any iota of mala-fide or ill will. The whole episode unfold battered treatment of the appellant on the part of respondents, therefore, we hold that the very order whatever may be its nature,



foreclosing the payment of salary is not legally sustainable and has to be set at naught. While parting with the findings just made above we are conscious of the facts that if there was any lapses or default on the part of appellant which tantamounted to misconduct, the authority under whose aegis, he acted was having plenary powers of initiating disciplinary proceedings against him strictly in accordance with law rather than resorting to an action not in conformity with the prevalent norms.

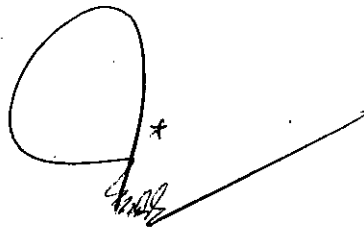
9. As regard the dictum, as laid down in 2006 SCMR 1630 being relied upon by the learned Additional Advocate General that appeal to the Services Tribunal is permissible only when final order whether original or appellate is passed, there can be no two opinions with regard to the point of law laid down by the Hon'ble Supreme Court of Pakistan and as enunciated in Section-4 of the Khyber Pakhtunkhwa Services Tribunal Act, 1974. However, when the authorities at the helm of affairs do not pass any order and virtually withhold salary of a civil servant what options are left to him in the circumstances, he has to make recourse to the Services Tribunal as the payment of salary to a civil servant for corresponding rendition of duties comes within the terms and conditions of service and thus conferring jurisdiction to the Services Tribunal. The facts as contained in the referred to esteemed dictum were that the departmental authorities were not issuing any posting order despite appointment of petitioners as PTC Teachers whereas the facts involved in the instant case pertains to stoppage of salary which are quite discernable.

10. In the judgement passed in Appeal No. 19/2011 Captioned Mr. Abdul Waheed SET Versus Executive District Officer, Elementary and Education, Abbottabad, and four other respondents decided on 15.12.2017, the issues involved were making of prayer for allowing three advance increments on getting higher qualification besides the question with regard to allowing of increments for untrained period to the entire teaching community, the appeal was ultimately dismissed due to non-availability of final order whether original or appellate whereas in the instant appeal the question pertains to stoppage of

salary which are quite distinctly at variance, therefore, cannot be pressed into service.

11. Resultantly, the service appeal is allowed and the order of stoppage of monthly salaries since 16.01.2020 is set at naught directing the respondents to release the salaries of appellant forth with. Parties are left to bear their own costs. File be consigned to the record room.

**ANNOUNCED**  
**10.02.2021**



**(MIAN MUHAMMAD)**  
**MEMBER (Executive)**

  
  
  
**(MUHAMMAD JAMAL KHAN)**  
**Member (Judicial)**

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

S.A No. **5790** / 2020

Muhammad Khalid

versus

Principal & Others

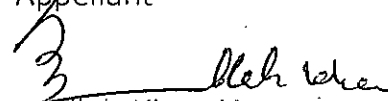
**I N D E X**

S. No	Documents	Annex	P. No.
1.	Memo of Appeal		1-4
2.	Letter of AG in case of absence, 13-10-15	"A"	5
3.	Application for leave / allowed, 10-12-18	"B"	6
4.	Cutting of attendance dated 10-12-2018	"C"	7
5.	Deduction form salary dated 2/19	"D"	8
6.	Relieve from duty dated 12-03-2019	"E"	9
7.	Application for restoration, 12-03-2019	"F"	10
8.	Letter of warning dated 26-03-2019	"G"	11
9.	Submission of PERs for promotion, 7-9-19	"H"	12
10.	SCN dated 13-09-2019	"I"	13
11.	Reply to SCN dated 17-09-2019	"J"	14
12.	Further deduction from salary	"K"	15-18
13.	2 <sup>nd</sup> SCN dated 13-11-2019	"L"	19
14.	Reply to SCN dated 18-11-2019	"M"	20
15.	Four days recovery dated 03-12-2019	"N"	21-22
16.	Application for reimbursement, 6-01-2020	"O"	23-24
17.	2 <sup>nd</sup> relieving order dated 16-01-2020	"P"	25
18.	Restoration in duty dated 22-01-2020	"Q"	26
19.	Release of pay etc. dated 10-03-2020	"R"	27

Dated: 15-06-2020

Through

Appellant

  
Saadullah Khan Marwat  
Advocate.  
21-A Nasir Mansion,  
Shoba Bazaar, Peshawar  
Ph: 0300-5872676

**BEFORE KPK, SERVICE TRIBUNAL, PESHAWAR**

S.A No. **5790**/2020

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. **5075**

Dated **17/6/2020**

Muhammad Khalid S/O Saadullah Khan

Senior School Teacher, Government

Shaheed, Bahram Ahmad Khan

Higher Secondary School,

Serai Naurung, Lakki Marwat. . . . . Appellant

**VERSUS**

1. Principal, Government Shaheed Bahram  
Ahamd Khan, Higher Secondary School,  
Serai Naurung, Lakki Marwat
2. District Education Officer (M),  
Lakki Marwat.
3. Director of Education, Directorate of  
Elementary & Secondary Education, KP,  
Peshawar.
4. Secretary, Government of KP,  
Elementary & Secondary Education  
Department, Peshawar. . . . . Respondents

**Filed to-day**  
*17/6/2020*  
**Registrar**

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974**  
**AGAINST STOPPAGE OF MONTHLY SALARIES**  
**SINCE 16-01-2020 TILL ITS REALIZATION.**

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**Respectfully Sheweth:**

1. That appellant was initially appointed as SET B-16 now SST B-17 on 24-05-1995.

2. That on 10-12-2018, appellant (attended the court of Civil Judge No. 02 at Lakki Marwat regarding Civil Suit and) submitted application for leave to R. No. 01 having some urgent work at home which was allowed, yet later on the same was fluid and marked him absent in Attendance Register of the school. (Copies of application & leave from A.R as annex "A", "B" & "C")
3. That for the month of Feb, 2019, deduction of payment of Rs. 3,693/- was made from monthly salary by R. No. 01 who was not legally authorized to do so. (Copy as Annex "D")
4. That on 12-03-2019, appellant was relieved of duties by R. No. 01 for no legal reason but with malafide, so the matter was brought into the notice of R. No. 02 who warned appellant to be careful in future, yet verbally directed to perform duties in the said school vide letter dated 26-03-2019. (Copies as Annex "E", "F" & "G" )
5. That appellant was due for promotion to B-17 on regular basis and directed to submit PERs vide letter dated 07-09-2019 by R. No. 02. (Copy as Annex "H")
6. That on 13-09-2019, appellant was served with Show Cause Notice regarding allegation of auction of old Demolition Building Material of the year 2017, yet it was lam excuses of R. No. 01 regarding previous transaction by relieving him from the school. The said notice was replied there and then on 17-09-2019. (Copy as annex "I" & "J")
7. That R. No. 01 made subsequent deduction from monthly salaries for the month of October / November, 2019 of Rs. 8,000/- each, total 16,000/- by him without any reason and justification, yet appellant was not absent from duties on the said date. (Copy as annex "K")
8. That on 13-11-2019, appellant was issued subsequent Show Cause Notice which was replied and denied the allegations. (Copies as annex "L" & "M")

9. That on 03-12-2019, R. No. 01 further made deduction of four (04) days absence from school amounting to Rs. 13,327/- for no reason. (Copies as annex "N")
10. That on 06-01-2020, appellant submitted application to R. No. 03 for re-imburement of the deducting amount but in vain. (Copy as annex "O")
11. That appellant was again relieved from duty by R. No. 01 who was not competent to do so but he was under the law required to inform R. No. 02 to do so. His monthly salary was also stopped w.e.f. 16-01-2020. (Copy as annex "P")
12. That on 22-01-2020, appellant submitted application before R. No. 01 to allow him in the school for duty but in vain, yet verbally directed to perform duties in the school. He will inquire into the matter but no enquiry was made till date. (Copy as Annex "Q")
13. That on 10-03-2020, appellant submitted representation for release of monthly salaries but without any favorable action. (Copy as annex "R")

Hence this appeal, inter alia, on the following grounds:-

**GROUND S:**

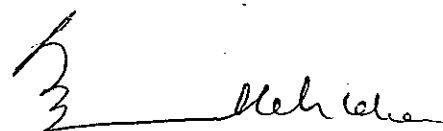
- a. That since the year 1995, appellant performed and is performing his official duties to the best of his ability in numerous schools.
- b. That on 10-12-2018, appellant submitted application for leave which was allowed but later on, the same was cut down and marked him absent in the Attendance Register of the School.
- c. That R. No. 01 also made various recoveries from the monthly salaries of appellant for no legal reason but due to his ill will.
- d. That R. No. 01 leveled frivolous allegations against appellant from time to time which has no concern with the facts.
- e. That appellant was relieved from school time and again for no plausible reason for which R. No. 01 was not competent but R. No. 02.

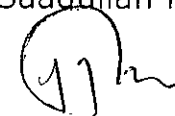
- f. That no enquiry into the false allegation was ever made but harass appellant by stopping his monthly since 16-01-2020 till date.
- g. That deduction and stoppage of monthly salaries of appellant was not made by R. No. 01 as per the mandate of letter dated 13-10-2015, so are illegal.
- h. That the aforesaid illegal and unwarranted action of R. No. 01 was based on malafide. He was not competent to do so but was legally bound to bring the matter into the knowledge of competent authority for doing so.

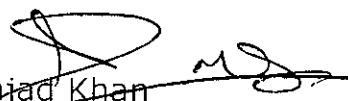
It is, therefore, most humbly prayed that on acceptance of the appeal, recovery of Rs. 34,999/- or as the case may be, of the deducted amount from the monthly salaries be remitted. Monthly salaries withheld since 16-01-2020 and onward be also paid to appellant, with such other relief as may be deemed proper and just in circumstances of the case.

  
Appellant

Through

  
Saadullah Khan Marwat

  
Arbab Saif-ul-Kamal

  
Amjad Khan  
Advocates.

Dated 15-06-2020

A 5

33-30-15

A 5



Office of the  
**Accountant General**  
Khyber Pakhtunkhwa, Fort Road, Peshawar.  
Ph.# 091-9211250-3

Dated: 13.10.2015

No. PR3/AG/2015-16/ 1504-07

To  
The Deputy Commissioner,  
Peshawar.

Subject: SALARIES DEDUCTION FROM UNAUTHORIZED ABSENT  
TEACHERS

Memo:

I am directed to refer to your letter No. 20559-63DO/DC(P) dated 17.08.2015 on the subject noted above and to state that in light of the honorable Chief Justice of Supreme Court of Islamabad as well as Peshawar High Court Peshawar, general orders that salaries stoppage of the Government Servants should be avoided unless otherwise covered by rules / specific orders. Those officials who remained absent from Government duties without prior approval of their immediate bosses. In such type cases the authorized officers may decide his absentia as leave without pay after proper proceeding under E & D rules 1973.

It is therefore, once again requested that all Departments may kindly be directed towards Government rules / instructions and Court decisions. In case the salary stoppage of a Government Servant is considered essential by an authority, in such a situation proper office order and computer source be furnished to this office for remedial action.

With regards

ACCOUNTS OFFICER

Copy to the:

1. Secretary to Govt. of Khyber Pakhtunkhwa, El & Se Education, Khyber Pakhtunkhwa
2. Director Elementary and Secondary Education, Khyber Pakhtunkhwa.
3. District Education Officer (M) Peshawar.

ACCOUNTS OFFICER

13/10/15

Handwritten signature and initials



B 6

B 6

بخدمت جناب پرنسپل صاحب گورنمنٹ شہید بہرام احمد خان ہائیر سیکنڈری سکول سرائے نورنگ (ضلع لکی مروت)

عنوان: درخواست دربارہ رخصتِ اتفاقیہ

جناب عالی!

گزارش کی جاتی ہے کہ بندہ گھر پر کچھ ضروری کام کے سلسلے میں مصروف ہے جس کی وجہ سے اپنے فرائض منصبی انجام دینے

سے قاصر ہے۔

لہذا آپ صاحبان سے التماس ہے کہ بندہ کو آج مورخہ... 2018/12/10ء کی رخصتِ اتفاقیہ عنایت فرما کر مشکور فرمائیں۔

بڑی کرم نوازی ہوگی۔

مورخہ... 2018/12/10ء

العارض

نام و عہدہ: محمد ضامن آس

دستخط: محمد ضامن آس

گورنمنٹ شہید بہرام احمد خان ہائیر سیکنڈری سکول سرائے نورنگ

بوساطت: محمد ضامن آس

Remarks of the Principal:

Signature of the Principal:

GSBAK HSS Serai Naurang

Parents

C 7

C 7 (1)

10/12/2018

S.S.T

G-SBAK HSS SERAI NAURANG مدرس رضی مدین

بابت ماہ دسمبر 2018

عبد الحمید			محمد صادق خان			برصان اللہ			محمد خالد خان			روز
SST (G)			SST B/c			SST B/e			SST M/P			
آد	دستخط	رواگی	آد	دستخط	رواگی	آد	دستخط	رواگی	آد	دستخط	رواگی	
												1
												2
												3
												4
												5
												6
											on duty	7
												8
												9
											ABSENT	10
												11
												12
												13
												14
												15
												16
												17
												18
												19
												20
												21
												22
												23
												24
												25
												26
												27
												28
												29
												30
												31
بیزان	سابقہ	مال	بیزان	سابقہ	مال	بیزان	سابقہ	مال	بیزان	سابقہ	مال	
	03		03			02			08			

Account  
3

3      8

8 0-2-17

Dist. Govt. NWFP-Provincial  
District Accounts Office Lakki  
Monthly Salary Statement (February-2019)



Personal Information of Mr MUHAMMAD KHALID d/w/s of SAADULLAH KHAN  
 Personnel Number: 00293099      CNIC: 1110114329885      NTN:  
 Date of Birth: 01.09.1965      Entry into Govt. Service: 10.05.1995      Length of Service: 23 Years 09 Months 020 Days

Employment Category: Active Permanent  
 Designation: SENIOR ENGLISH TEACHER  
 DDO Code: LK6029-PRINCIPAL GHSS S/NAURANG  
 Payroll Section: 001      GPF Section: 001  
 GPF A/C No:      Interest Applied: Yes  
 Vendor Number: -  
 Pay and Allowances:      Pay scale: BPS For - 2017

80003053-DISTRICT GOVERNMENT KHYBE

Cash Center:      GPF Balance: 37,890.00-  
*February 19*

Pay Scale Type: Civil      BPS: 17      Pay Stage: 16

Wage type		Amount	Wage type		Amount
0001	Basic Pay	67,170.00	1000	House Rent Allowance	4,433.00
1210	Convey Allowance 2005	5,000.00	1560	Science Teaching Allowan	200.00
1947	Medical Allow 15% (16-22)	2,958.00	2148	15% Adhoc Relief All-2013	1,460.00
2199	Adhoc Relief Allow @10%	1,022.00	2211	Adhoc Relief All 2016 10%	5,246.00
2224	Adhoc Relief All 2017 10%	6,717.00	2247	Adhoc Relief All 2018 10%	6,717.00

Deductions - General

Wage type		Amount	Wage type		Amount
3017	GPF Subscription - Rs4270	-4,270.00	3501	Benevolent Fund	-800.00
3609	Income Tax	-100.00	3914	Education (ROP)	-3,693.00
3990	Emp.Edu. Fund KPK	-250.00	4004	R. Benefits & Death Comp:	-900.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
6505	GPF Loan Principal Instal	150,000.00	-5,000.00	125,000.00

Deductions - Income Tax  
 Payable: 2,000.00      Recovered till FEB-2019: 800.00      Exempted: 800.00      Recoverable: 400.00

Gross Pay (Rs.): 100,923.00      Deductions: (Rs.): -15,013.00      Net Pay: (Rs.): 85,910.00

Payee Name: MUHAMMAD KHALID

Account Number: 2561-5

Bank Details: NATIONAL BANK OF PAKISTAN, 230964 NBP SERAI NAURANG NBP SERAI NAURANG, LAKKI  
 MARWAT

Leaves:      Opening Balance:      Availed:      Earned:      Balance:

Permanent Address: LAKKI

City: LAKKI

Temp. Address:

City:

Domicile: NW - Khyber Pakhtunkhwa

Email: muhammadkhalidsng@gmail.com

Housing Status: No Official

*APM*



F 10

12-3-2019 (1)

بھضور جناب ڈسٹرکٹ ایجوکیشن آفیسر صاحب (مردانہ) لکی مروت

عنوان: درخواست برائے بجالی فرائض منصبی سکول ہذا میں

جناب عالی!

گزارش ہے کہ آج مورخہ 12 مارچ، 2019ء کو جب میں سکول ڈیوٹی دینے پہنچا تو حاضری رجسٹر میں میرے نام کے خانے میں (Relieving from Duty) لکھا ہوا تھا۔ حالانکہ میں باقاعدگی سے سکول آتا ہوں اور وقت پر سکول سے جاتا ہوں اور ابھی تک میں کسی قسم کی کوتاہی نہیں کی ہے۔

چونکہ پرنسپل صاحب نے مجھے سکول سے فارغ کیا ہے اس لئے آپ صاحبان سے التماس ہے کہ مجھے دوبارہ اپنے سکول میں کام پر جانے کے احکامات صادر فرمائیں۔

عین نوازش ہوگی

العارض

مورخہ: 12 مارچ، 2019

محمد خالد خان (ایس ایس ٹی)

گورنمنٹ شہید بہرام احمد خان ہائر سکول لکی مروت





G 21  
Office of The District Education Officer  
Male Lakki Marwat

Ph: (0969)538291, (0969)709234, Fax: (0969)538292, email: emislakki@yahoo.com  
www.facebook.com/deomale Lakki, www.twitter.com/deo\_m\_lakki

No: 6136 dated: 26 / 03 / 2019

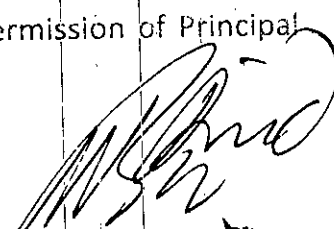
To

Mr Khalid Khan SST (BPS-17)  
GSBAK HSS Serai Naurang

Subject: Warning

Memo,

Following repentance over problematic and rude behaviour and reconciliation with Principal of Govt Shahad Behram Ahmad Khan Higher Secondary School Serai Naurang, you Mr Khalid Khan SST (BPS-17) are hereby warned to be careful in future and avoid leaving the school without prior permission of Principal or indulging in violation of rules and regulations of the school.

  
District Education Officer  
(Male) Lakki Marwat

14



H 12

7-9-19

OFFICE OF THE DSITRICT EDUCATION OFFICER (MALE) LAKKI MARWAT

No. 105401

Dated. 07/09/2019

To

1. Muhammad Khalid SST GSBKHS Serai Naurang.
2. Saif Ur Rehman SST GMS Chandu Khel.
3. Akbar Zaman SST GHS Nar Muzaffar.
4. Ihsan Ullah SST GMS goverka Saeed khel.
5. Sharif ullah Khan ASDEO (M) o/o SDEO (M) Lakki.
6. Muhammad Ayub SST GMS Ghazi Khel.

Subject: SUBMISION OF PERS OF BS-16 MALE SST FOR PROMOTION TO BS-17(HEADMASTER)

Memo:


As per directions of the High-ups, you are directed to submit your PERs up to 31-12-2018 complete in all respect. The same are urgently required regarding Regular promotion to the post of Headmaster within 3 days positively. *otherwise you will be responsible for all the ~~con~~ consequences.*

  
DISTRICT EDUCATION OFFICER  
(MALE) LAKKI MARWAT

Endst; No. \_\_\_\_\_

Dated \_\_\_\_\_/2019

Copy for information the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

  
DISTRICT EDUCATION OFFICER  
(MALE) LAKKI MARWAT



Office of the Principal GSBK HSS Serai Naurang Lakki MarwatNo 1027  
To

Dated 13/09/2019

Muhammad Khalid (SST)  
GSBAK HSS Serai Naurang  
Lakki MarwatSubject: Show Cause

Memo;

You Mr. M. Khalid SST, GSBK HSS Serai Naurang is Govt Teacher, being a Govt Teacher you have put a trial on dated 27/11/2018 during duty hours, against Secretary E & Sec Education department, Director (E & Sec Edu Deptt), District Education officer (M) (E & Sec Edu Deptt) Lakki Marwat and Principal GSBK HSS S/Naurang on behalf of Mumtaz and Brothers as a bidder in the auction of the old demolished building material 2017, which is against the govt/public servant rules.

2. You get a status quo from the honourable Court, Session Judge-II on 01/07/2019 to pressurize the school administration and putting hindrance in the repairing work of rooms for the students. Thus you disturbed the school routine and school administration.

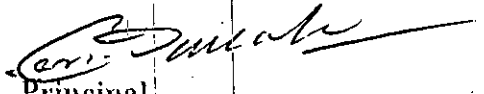
3. The auction held in 2017, when ex-Principal Mr. Sibteullah Khan was principal of this school and has totally managed the auction procedure. The undersigned has took over the charge at 07/11/2018, after one year after the promotion of the Ex-Principal, so why you have not reviewed/ demanded the auction material from Ex-Principal?

4. You have claimed for depositing Rs. 20,86,700/- individually on behalf of Mumtaz and Brothers as a Bidder. But there participated many bidders in the auction of the old building material, and they all have deposited the auctioned material amount respectively. Thus prove a documentary proof for yours as well as others bidders deposited amount.

5. Dated 05/09/2019 you have left the school without the proper permission of the principal and appeared in the court. You are continuously interfering and disturbing the school teaching and administrative affairs and habitually come to class and waste the precious time of the students which is quite alarming.

You are, therefore, directed to explain the above S.No 01 to 05 statements and satisfy the undersigned within three days, in case of your failure in the explaining and showing a suitable cause for the above statements a disciplinary action will be taken against you.

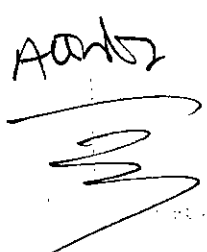
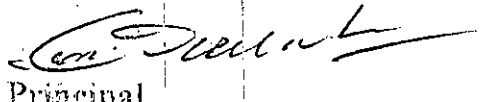
Dated 13/09/2019


Principal  
GSBAK HSS Serai Naurang  
Lakki MarwatNo 1028-34

Dated 13/09/2019

Copy to

1. Secretary E & Sec Education, Khyber Pakhtunkhwa, Peshawar.
2. Director E & Sec Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (M) E & Sec Education, Lakki Marwat.
4. District Monitoring Officer Lakki Marwat.
5. Session Judge-II, Session Court Lakki Marwat.
6. District Attorney General, Lakki Marwat.
7. Office file.



  
Principal  
GSBAK HSS Serai Naurang  
Lakki Marwat



19-4-71 جناب جناب برائیل صاحب 155 SBAK سہ ماہی نوڈل

جناب عالی! حواب شمار نوڈل نمائندگی میں (SST) نوڈل ہے

1- ہم مذکورہ نوڈل کے پیمانہ پیشگی سے سے نوڈل میں نوڈل نوڈل  
مطابق ماہیک بن چکا ہے۔ جو نوڈل نوڈل نوڈل اور DEO  
نوڈل نوڈل نوڈل نوڈل نوڈل نوڈل نوڈل نوڈل

2- ہم مذکورہ سامان نوڈل سے آپ نوڈل بن چکے ہیں جس سے نوڈل  
نوڈل نوڈل نوڈل نوڈل نوڈل نوڈل نوڈل نوڈل

3- ہم نوڈل نوڈل نوڈل نوڈل نوڈل نوڈل نوڈل نوڈل

4- ہم نوڈل نوڈل نوڈل نوڈل نوڈل نوڈل نوڈل نوڈل

مورم 17/5/71

نوڈل نوڈل نوڈل نوڈل نوڈل نوڈل نوڈل نوڈل


K 15

K 15

0-10-10

087/18

Dist. Govt. NWFP-Provincial  
District Accounts Office Lakki  
Monthly Salary Statement (October-2019)



**Personal Information of Mr MUHAMMAD KHALID d/w/s of SAADULLAH KHAN**

Personnel Number: 00293099 CNIC: 1110114329885 NTN:  
Date of Birth: 01.09.1965 Entry into Govt. Service: 10.05.1995 Length of Service: 24 Years 05 Months 023 Days

**Employment Category: Active Temporary**

Designation: SECONDARY SCHOOL TEACHER 80003053-DISTRICT GOVERNMENT KHYBE  
DDO Code: LK6029-PRINCIPAL GHSS S/NAURANG  
Payroll Section: 001 GPF Section: 001 Cash Center:  
GPF A/C No: Interest Applied: Yes **GPF Balance:** 522,920.00-  
Vendor Number: -  
**Pay and Allowances:** Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 17 Pay Stage: 16

Wage type		Amount	Wage type		Amount
0001	Basic Pay	67,170.00	1000	House Rent Allowance	4,433.00
1210	Convey Allowance 2005	5,000.00	1560	Science Teaching Allowan	200.00
1947	Medical Allow 15% (16-22)	2,958.00	2148	15% Adhoc Relief All-2013	1,460.00
2199	Adhoc Relief Allow @10%	1,022.00	2211	Adhoc Relief All 2016 10%	4,246.00 ✓
2224	Adhoc Relief All 2017 10%	6,717.00	2247	Adhoc Relief All 2018 10%	6,717.00
2265	Adhoc Relief All 2019 05%	3,358.00			0.00

**Deductions - General**

Wage type		Amount	Wage type		Amount
3017	GPF Subscription	-4,270.00	3501	Benevolent Fund	-800.00
3609	Income Tax	-2,263.00	3914	Education (ROP)	-8,000.00
3990	Emp.Edu. Fund KPK	-250.00	4004	R. Benefits & Death Comp:	-900.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance
6505	GPF Loan Principal Instal	150,000.00	-5,000.00	90,000.00

**Deductions - Income Tax**

Payable: 33,937.50 Recovered till OCT-2019: 7,354.00 Exempted: 8483.74 Recoverable: 18,099.76

Gross Pay (Rs.): 103,281.00 Deductions: (Rs.): -21,483.00 Net Pay: (Rs.): 81,798.00

Payee Name: MUHAMMAD KHALID

Account Number: 2561-5

Bank Details: NATIONAL BANK OF PAKISTAN, 230964 NBP SERAI NAURANG NBP SERAI NAURANG, LAKKI MARWAT

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: LAKKI

City: LAKKI

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: muhammadkhalidsng@gmail.com

16

16

0-11-19



Dist. Govt. NWFP-Provincial  
District Accounts Office Lakki  
Monthly Salary Statement (November-2019)

Personnel Information of Mr MUHAMMAD KHALID d/w/s of SAADULLAH KHAN  
Personnel Number: 00293099 CNIC: 1110114329885 NTN:  
Date of Birth: 01.09.1965 Entry into Govt. Service: 10.05.1995 Length of Service: 24 Years 06 Months 022 Days

Employment Category: Active Temporary  
Designation: SECONDARY SCHOOL TEACHER 80003053-DISTRICT GOVERNMENT KHYBE  
DDO Code: LK6029-PRINCIPAL GHSS S/NAURANG  
Payroll Section: 001 GPF Section: 001 Cash Center:  
GPF A/C No: Interest Applied: Yes GPF Balance: 513,650.00-  
Vendor Number: -  
Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 17 Pay Stage: 16

Wage type	Amount	Wage type	Amount
0001 Basic Pay	67,170.00	1000 House Rent Allowance	4,433.00
1210 Convey Allowance 2005	5,000.00	1560 Science Teaching Allowan	200.00
1947 Medical Allow 15% (16-22)	2,958.00	2148 15% Adhoc Relief All-2013	1,460.00
2199 Adhoc Relief Allow @10%	1,022.00	2211 Adhoc Relief All 2016 10%	4,246.00
2224 Adhoc Relief All 2017 10%	6,717.00	2247 Adhoc Relief All 2018 10%	6,717.00
2265 Adhoc Relief All 2019 05%	3,358.00		0.00

Deductions - General

Wage type	Amount	Wage type	Amount
3017 GPF Subscription	-4,270.00	3501 Benevolent Fund	-800.00
3609 Income Tax	-2,263.00	3914 Education (ROP)	-8,000.00
3990 Emp. Edu. Fund KPK	-250.00	4004 R. Benefits & Death Comp:	-900.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
6505	GPF Loan Principal Instal	150,000.00	-5,000.00	85,000.00

Deductions - Income Tax

Payable: 33,937.45 Recovered till NOV-2019: 9,617.00 Exempted: 8483.72 Recoverable: 15,836.73

Gross Pay (Rs.): 103,281.00 Deductions: (Rs.): -21,483.00 Net Pay: (Rs.): 81,798.00

Payee Name: MUHAMMAD KHALID  
Account Number: 2561-5  
Bank Details: NATIONAL BANK OF PAKISTAN, 230964 NBP SERAI NAURANG NBP SERAI NAURANG, LAKKI MARWAT

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: LAKKI  
City: LAKKI Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official  
Temp. Address: City: Email: muhammadkhalidsng@gmail.com

*Handwritten signature*

17

4-10-19

**Office of the Principal GSBK HSS Serai Naurang Lakki Marwat**

No 1073

Dated 04/10/2019

To District Account Officer  
Lakki Marwat

Subject: One Day Salary Deduction

Memo;

Reference to Mr. Muhammad Khalid SST absentee from the school dated 05/09/2019; without the prior permission of the undersigned, one day salary deduction is suggested and forwarded for onward action.

*[Handwritten Signature]*  
4-10-19

Principal

GSBAK HSS Serai Naurang

Lakki Marwat



*[Handwritten Signature]*

التاريخ 2019

رقم	اسم	ملاحظات	تاريخ	وقت	ملاحظات	رقم
1						1
2						2
3						3
4						4
5						5
6						6
7						7
8						8
9						9
10						10
11						11
12						12
13						13
14						14
15						15
16						16
17						17
18						18
19						19
20						20
21						21
22						22
23						23
24						24
25						25
26						26
27						27
28						28
29						29
30						30
31						31
32						32
33						33
34						34
35						35
36						36
37						37
38						38
39						39
40						40
41						41
42						42
43						43
44						44
45						45
46						46
47						47
48						48
49						49
50						50
51						51
52						52
53						53
54						54
55						55
56						56
57						57
58						58
59						59
60						60
61						61
62						62
63						63
64						64
65						65
66						66
67						67
68						68
69						69
70						70
71						71
72						72
73						73
74						74
75						75
76						76
77						77
78						78
79						79
80						80
81						81
82						82
83						83
84						84
85						85
86						86
87						87
88						88
89						89
90						90
91						91
92						92
93						93
94						94
95						95
96						96
97						97
98						98
99						99
100						100

Handwritten signature or initials at the bottom of the page.

L 19

L 19

13-11-19

Office of the Principal GSBK HSS Serai Naurang Lakki Marwat

No 1095


Dated 13/11/2019

To  
Mr. Muhammad Khalid (SST)  
GSBAK HSS Serai Naurang (Lakki)

Subject: 2<sup>nd</sup> Show cause  
Memo;

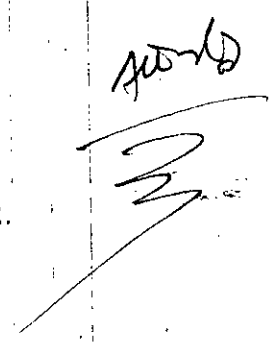
You have been exceed the maximum no of casual leave in the month of October 2019, which are against the rules and policy of the department and erased the absentee at 23/10/2018 in teachers attendance register, showing that you are violating the rules and regulations of the department continuously. You have availed casual leave on dates 05,18,21,24 & 30/10/2019 in which 05/10/2019 and 24/10/2019 are allowed and 18, 21, 23, 30/10/2019 your casual leaves has not allowed by the undersigned in the record.

In this regard, you are directed to explain the reason and satisfy the undersigned within a week. In case of failure a disciplinary action shall be taken against you.

  
Principal  
GSBAK HSS Serai Naurang  
Lakki Marwat

No 1096-10/01 Dated 13/11/2019

- Copy to
1. Secretary E & Sec Education, Khyber Pakhtunkhwa, Peshawar.
  2. Director E & Sec Education, Khyber Pakhtunkhwa, Peshawar.
  3. District Education Officer (M) E & Sec Education, Lakki Marwat.
  4. District Monitoring Officer Lakki Marwat.
  5. The Teacher concerned
  6. Office file for record.



M 20 HSS SBAK کمرہ لکھنؤ ضلع لکھنؤ

ضلعی محل

جوائنٹ سروس کوارٹرز میں سائل محمد خالد HSS کے لیے

(Permission)

سروس کے لیے ضلعی محل سے سکول سے باہر جانے اور آنے کے لیے

پر سکول کے پورے وقت کے لیے سکول میں موجود رہنا ہے۔ اور آخری وقت تک سکول میں موجود رہنا ہے۔

یہ سروس کے لیے سکول میں باقی رہنے کے لیے ہے۔ اس کے لیے سکول کے پرنسپل سے اجازت لینا ہے۔ اور اس کے لیے سکول کے پرنسپل سے اجازت لینا ہے۔

اس کے لیے سکول کے پرنسپل سے اجازت لینا ہے۔ اور اس کے لیے سکول کے پرنسپل سے اجازت لینا ہے۔

محمد خالد HSS کوارٹرز میں سائل محمد خالد کے لیے سکول کے پرنسپل سے اجازت لینا ہے۔ اور اس کے لیے سکول کے پرنسپل سے اجازت لینا ہے۔

Attest  


21

3-12-19

**Office of the Principal GSBK HSS Serai Naurang Lakki Marwat**

No. 1012

Dated 03/12/2019

To:

The District Account Officer  
Lakki Marwat

Subject: Four Days Salary Deduction

Memo;

Muhammad Khalid SST has been remained absent from the school in the month of October 2019 on dated 18, 21, 23, & 30/10/2019 (Four Days) without the prior permission of the undersigned. Therefore, Four days deduction of salary is suggested and forwarded to you for onward process please.

*[Signature]*  
3-12-19

Principal  
GSBAK HSS Serai Naurang  
Lakki Marwat

Endst No. \_\_\_\_\_ Serai Naurang the Dated 03/12/2019

Copy for information to;

- i. District Education Officer (M) Lakki Marwat
- ii. The Official Personal file

*[Signature]*

*Attest*  
*[Signature]*



9-12-19

9-12-19



PAYROLL SYSTEM POSITION KEY: \_\_\_\_\_ LK: 6029  
 FORM: PAY02  
 AMENDMENT FORM  
 SINGLE EMPLOYEE ENTRY  
 OFFICE OF THE پرنسپل گورنمنٹ ہائیر سیکنڈری سکول، ڈیڑھ گڑھی  
 FOR THE MONTH 12/19  
 DDO CODE: L K 6 0 2 9

Date: \_\_\_\_\_  
 Page No: \_\_\_\_\_

71  
 06 12 ✓

BR 11  
 P. 29  
 26/12/19

Personal Number: 00293099 Employee Name: SST-17 محمد کمال خان National ID: 4  
 Grade (Pay Scale) 17 Designation SST Salary Status: \_\_\_\_\_ Start \_\_\_\_\_ Stop \_\_\_\_\_

NEW CONTENTS	Regular code	Amount Rupees	Adjustm: code	Amount Rupees	Days Months	REMARKS
G.P.Fund	0001		Basic pay	5801	18, 21, 23	30/11/19
HOUSE RENT ALLOWANCE	1000	Deduction	M.R.A	5002		19
CONVENCE ALLOWANCE	1217	21, 23	501/10			4
MEDICAL ALLOWANCE	1300		M.Allow:	5019		3
WASHING ALLOWANCE	1567	(4 days)	W.Allow:	5070		3
DRESS ALLOWANCE	1516		D.Allow:	5026		3
INTEGRATIVE ALLOWANCE	1833		In::Allow:	5288		3
SCIENCE TEACH ALLOWANCE	1560		S.T. Allo:	5063		3
ADHOC RELIEF ALLOWANCE 2013(15%)	2148		AR-2013	3309		3
ADHOC RELIEF ALLOWANCE 2013(10%)	2199		AR-2015	5964		3
ADHOC RELIEF ALLOWANCE 2016(10%)	2211		AR-2016	5975		3
ADHOC RELIEF ALLOWANCE 2017(10%)	2224		AR-2017	5998		3
CHARGE ALLOWANCE	1505					3
<b>TOTAL</b>						
G.P.Fund	3007					
Ebenevolent Fund	3501					
Emp. Edu. Fund KPK	3990					
R. Benefits & Death C	4004					

Total Thirteen thousand Rs 13327/-  
 Three hundred & twenty seven

Signature  
 13/12/19  
 DHO

Handwritten signature

Composed By: Mushtaq Clerk/Tajam

Prepared by:

Audit/checked By:

Signature  
 13/12/19

RT

0

23

6-1-20

To

The Director,  
Elementary & Secondary Education,  
KPK, Peshawar.  
(Through proper channel)

Subject: Application for Reimbursement/Return of the withheld salary till 06/01/2020

R/Sir,

1. Since 24/05/1995 applicant serving in the Education Department as SET (SST), with devotion and to the entire satisfaction of the superior.
2. That is, in December 2018 applicant attended the Court of Civil Judge, No.2, Serai Naurang, Lakki Marwat in connection of civil suit pending disposal but on the same date I was marked absent by the Principal, GSBK, Serai Naurang, for no reason but for ulterior motive.
3. That is, for no reason Rs. <sup>3693/-</sup> 6393.00 for the month of February, 2019 was deducted from the monthly salary of the applicant.
4. That is, in March, 2019 I was relieved from school duties due to misbehavior but the misbehavior was not shown by the Principal of the school.
5. That is, on 12th March, 2019 I submitted the application before DEO, Lakki Marwat about (the relieving from duty) by the Principal. The DEO directed the Principal to allow me performance of duty that on telephone.
6. That is, on 26 March, 2019 DEO issued me warning letter but in fact I never violated any law.
7. That is, on 7<sup>th</sup> September, 2019, DEO Lakki Marwat wrote a letter to me and five other SST teachers of the concerned school to submit PERs for the promotion of the post of Head Master (BPS-17) but the letter was kept secret and handed over to me in the month of December, 2019 after the due date of submission of PERs. Which show the deliberate intention of the principal to deprive me from the post of Head Master.
8. That is, seated Erlenmeyer, the Principal of the school got annoyed towards me and issued show cause notes on 13<sup>th</sup> September, 2019, another issue which has no concerned

*Handwritten signature*

24

with the present issue because this issue was pertaining to auction of, material of old rooms, which was replied by denying the allegation.

9. That is, for the month of October and November, 2019 Rs.8000.00/month was deducted from my monthly salary without any legal reason.

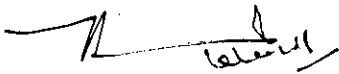
10. That is, the 2nd show cause notes issued secretly by the Principal on 15<sup>th</sup> November, 2019 Endt: No .1095 it was declared that I am not receiving the letter. In the month of December,2019 once again 4 days salary was deducted from my salary, showing that I was absent on 18<sup>th</sup>,21<sup>th</sup>,23<sup>th</sup> and 30<sup>th</sup> but on the said dates I was appeared before the said court with proper C/leaves.

11. That is , the said Principal in bare foot is behaved me to stigmatized my service career and used to write frivolous letters to high up's to ruin my future service career that my monthly salaries were held no legal reason due to mollified of the said principal on March .2019.

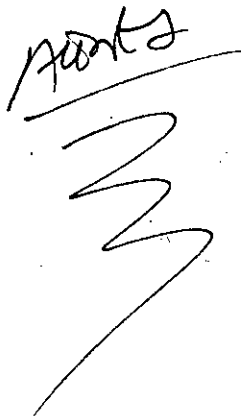
It is therefore most humbly requested that the deducted salary of Rs .33000.00 be reimbursed and obliged.

Dated: 06/01.2020

Yours Obediently,



Muhammd Khalid Khan (SST)  
GSBAK,Serai Naurang ,  
Lakki Marwat.



P 25

Verbally order  
by DDO, Lakki  
attendant in school  
Bill expiry 23/1/2020

18-1-20

**Office of the Principal GSBK HSS Serai Naurang Lakki Marwat**

**Office Order**

Mr. Muhammad Khalid khan SST, you have created a lot of problems in the school, by initiating an illegal Court trial against the department on account of old material of the demolished building of the school which has been decided against you. In this regard you have wasted the precious time of the students through making a false and baseless suit for the ownership of school materials.

Therefore, the undersigned is not satisfied with your attitude and conduct, so you are relieved from your duties on administrative grounds and you are directed to report to the office of DEO Male Lakki Marwat for onward duties.

*(Signature)*  
Principal  
GSBAK HSS S/ Naurang

Principal  
GSBAK HSS S/ Naurang  
Ahmed Ali

Endst No. 1074-80

S/ Naurang Dated: 16-01-2020

Copy forwarded to

- 1. Secretary E&SE KPK Peshawar
- 2. Director E&SE KPK Peshawar
- 3. DEO(M) E & SE Lakki Marwat
- 4. DMO Lakki Marwat
- 5. DAO Lakki Marwat
- 6. Official concerned
- 7. Office file

Received on 21/01/2020  
After Noon  
21/1/2020

*(Signature)*  
Principal  
GSBAK HSS S/ Naurang

Principal  
GSBAK HSS S/ Naurang  
Ahmed Ali

*(Signature)*

Q 26

22-1-20

بکھنور جناب ڈسٹرکٹ ایجوکیشن آفیسر صاحب (مردانہ) لکی مروت

عنوان: درخواست برائے بحالی فرائض منصبی سکول ہڈامین

جناب عالی!

گزارش ہے کہ آج مورخہ 21 جنوری، 2020ء کو جب میں سکول ڈیوٹی دینے پہنچا تو حاضری رجسٹر میں میرے نام کے خانے میں (Relieving from Duty) لکھا ہوا تھا۔ حالانکہ میں باقاعدگی سے سکول آتا ہوں اور وقت پر سکول سے جاتا ہوں اور ابھی تک میں کسی قسم کی کوتاہی نہیں کی ہے۔ رپورٹ عرض ہے۔

چونکہ پرنسپل صاحب نے مجھے سکول سے فارغ کیا ہے اس لئے آپ صاحبان سے التماس ہے کہ مجھے دوبارہ اپنے سکول میں کام پر جانے کے احکامات صادر فرمائیں۔

عین نوازش ہوگی

العارض

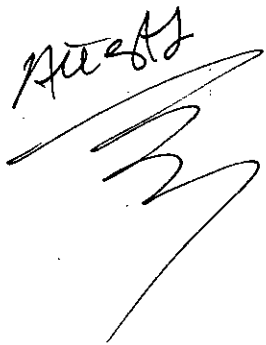
مورخہ: 24 جنوری، 2020ء

  
22/01/2020

محمد خالد خان (ایس ایس ٹی)

گورنمنٹ شہید بہرام احمد خان ہائر سکول لکی مروت

سرائے نورنگ، لکی مروت



981  
صفحہ 10/03/2020

خدمت جناب ڈائریکٹر لہاب ایگزیکٹو اینڈ کنٹری ٹریڈ  
طہر فرسٹ ڈسٹرکٹ ایجوکیشن آفیسر لہاب مردانہ ایڈمزیشن  
درخواست دربارہ سولہ تنخواہ معلم الٹو س ڈسٹرکٹ

جناب عالی! ذیل عرفیہ کی جانی ہے

یہ کہ میں سن 1995 سے معلم تعلیم میں بطور SET (SST) خدمات سرانجام  
دے رہا ہوں۔

یہ کہ میں سن 2009 سے کے مرٹل لہور SST (BPS-17) اور منٹ ٹیسٹ  
سرانجام لے کر اس وقت فیس لگی ہوئی خدمات سرانجام دے رہا ہوں۔

یہ کہ میں پرنسپل لہاب سولہ پندرہ تنخواہی طور پر اور لہور بناؤ سر سہری عابوار تنخواہ سے  
گھٹتی ہی ہے اور اب تنخواہ عابوار موزم 16<sup>00</sup>/<sub>2020</sub> سے بند کی ہوئی ہے

یہ کہ میں اس باب سے بھی ایک درخواست طہر فرسٹ DEO مردانہ کی ارسال کر چکا ہوں  
جس کا کوئی نتیجہ حال نہیں نکل سکا ہے

کی رہے عابوار تنخواہ کو بند کرنا یا عابوار تنخواہ سے گھٹتی کرنا سر سہری قانون سے

لہذا درخواست ہے کہ میں سن 2011 کے بال و بچوں کے حالات کو مد نظر رکھ کر  
تنخواہ اور کٹوتی جاری کرنے اور میں سن 2011 کو ادائیگی کرنے کے احکامات  
جاری کر کے جسے منظور ہو جائے۔

موزم 10<sup>03</sup>/<sub>2020</sub>

10/3/2020

مردانہ SST (BPS-17) اور منٹ ٹیسٹ سرانجام لہاب ایگزیکٹو اینڈ کنٹری ٹریڈ

Attest  


یعدالت چناب سرسبز ٹریڈنگ کمپنی پرائیویٹ لمیٹڈ لاہور

متوجہ اسٹاک

محمد خالد بنام محمد سعید اعظمی

دعویٰ اپیل

پاس پورہ ایجنٹ

مستند مندرجہ عنوان یا ایس اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ ان مقام لاہور کیسٹم اسٹاک خانہ سرورٹس ایڈووکیٹ ہائی کورٹ کو وکیل مقرر کر کے اٹارن کیا جاتا ہے کہ صاحب موضوع کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے باطنی نامہ و تقریر ثالثہ و فیصلہ بر خلاف دینے جواب دہی اور اقبال دعویٰ اور لکھنؤ ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور مرضی دعویٰ اور درخواست ہر قسم کی تقدیر اور اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور مستثنیٰ نیز دائر کرنے اپیل نگران و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی سے واسطے اور وکیل یا مقرر قانونی کو اپنے ہمراہ یا اپنی بجائے تقریر کا اختیار ہوگا اور صاحب مقدمہ کو بھی وہی جگہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا سامنے پروا نہ منطوق قبول ہوگا اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوا مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب موضوع ہوں گے نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاخر پیشی مقام درجہ پر ہو یا مد سے باہر ہو تو وکیل صاحب یا بند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا وکالت نامہ لکھ دیا کہ مستند ہے۔

الرقوم 20-06-15

العبد العبد العبد

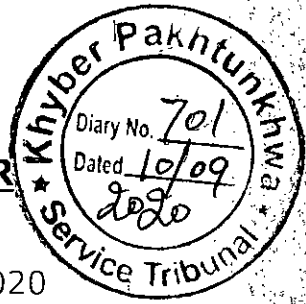
آریا بیگ اسٹاک ایڈووکیٹ

محمد سعید اعظمی  
ایڈووکیٹ

محمد نواز  
ایڈووکیٹ

49

**BEFORE KPK SERVICE TRIBUNAL PESHAWAR**



C.M. No. \_\_\_\_\_/2020

IN

S.A. No. \_\_\_\_\_/2020

*Put up to the court along with  
revenue appeal.*

Muhammad Khalid

versus

Principal & others

*10/9/2020*

**APPLICATION FOR RELEASE OF THE CURRENT  
MONTHLY SALARIES:**

*Reader*

**Respectfully Sheweth;**

1. That appellant filed the subject appeal before this hon'ble Tribunal for recovery of the deducted amount and monthly salaries withheld since 16-01-2020.
2. That the said appeal came up for hearing on 17-07-2020, wherein the said appeal was admitted to regular hearing and comments were called.
3. That on account of Pandemic, schools are closed, applicant used to go to school to meet any requirement.
4. That monthly salaries are stopped at the instance of Principal of the school who is legally not competent to do so.
5. That without salary domestic expenditure and other requirements could not met.

It is, therefore, most humbly prayed that the application be accepted as prayed for.

*[Handwritten signature]*

Appellant

Through

*[Handwritten signature]*

Saadullah Khan Marwat  
Advocate

Dated 09-09-2020



**BEFORE KPK SERVICE TRIBUNAL PESHAWAR**

C.M. No. \_\_\_\_\_/2020

IN

S.A. No. \_\_\_\_\_/2020

Muhammad Khalid

versus

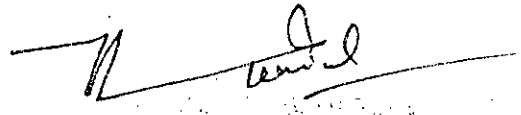
Principal & others

**APPLICATION FOR RELEASE OF THE CURRENT  
MONTHLY SALARIES:**

**Respectfully Sheweth;**

1. That appellant filed the subject appeal before this hon'ble Tribunal for recovery of the deducted amount and monthly salaries withheld since 16-01-2020.
2. That the said appeal came up for hearing on 17-07-2020, wherein the said appeal was admitted to regular hearing and comments were called.
3. That on account of Pandemic, schools are closed, applicant used to go to school to meet any requirement.
4. That monthly salaries are stopped at the instance of Principal of the school who is legally not competent to do so.
5. That without salary domestic expenditure and other requirements could not met.

It is, therefore, most humbly prayed that the application be accepted as prayed for.



Appellant

Through



Saadullah Khan Marwat  
Advocate

Dated 09-09-2020

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

No. 18-21 /ST

Dated 06/01/2021

To

1. The Principal Government Shaheed Bahram Ahmad Khan,  
Higher Secondary School, Sarai Naurang,  
Government of Khyber Pakhtunkhwa,  
Lakki Marwat .
2. District Education Officer Male,  
Government of Khyber Pakhtunkhwa,  
Lakki Marwat .
3. Director E&SE,  
Government of Khyber Pakhtunkhwa,  
Peshawar.
4. Secretary E&SE,  
Government of Khyber Pakhtunkhwa,  
Peshawar .

SUBJECT: - ORDER IN APPEAL NO. 5790/2020 MR. MUHAMMAD KHALID.

I am directed to forward herewith a certified copy of order dated 04.01.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

*[Signature]*

REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.

*If insured.*

Insurance fee Rs. \_\_\_\_\_ Ps. \_\_\_\_\_ (in words)

Name and address of sender \_\_\_\_\_

Initials of Receiving Officer \_\_\_\_\_

Insured for Rs. (in figures) \_\_\_\_\_ (in words)

Received a registered addressed to \_\_\_\_\_

No. 211

RGL53930098

Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Date Stamp \_\_\_\_\_

Rs. \_\_\_\_\_ Ps. \_\_\_\_\_

No. 208

For Ins. Stamps attixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Received a registered addressed to \_\_\_\_\_

Initials of Receiving Officer \_\_\_\_\_

Insured for Rs. (in figures) \_\_\_\_\_ (in words)

Weight \_\_\_\_\_ Kilo \_\_\_\_\_ Grams \_\_\_\_\_

Insurance fee Rs. \_\_\_\_\_ Ps. \_\_\_\_\_ (in words)

Name and address of sender \_\_\_\_\_

Date Stamp \_\_\_\_\_

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 380 /ST

Dated 19/02/2021

To

The District Education Officer Male,  
Government of Khyber Pakhtunkhwa,  
Lakki Marwat.

Subject: JUDGMENT IN APPEAL NO. 5790/2020, MR. MUHAMMAD KHALID.

I am directed to forward herewith a certified copy of Judgement dated 10.02.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.

BEFORE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. 5790/2020

MUHAMMAD KHALID

VERSUS

PRINCIPAL, GOVT SHAHEED BAHRAM AHMAD KHAN, HIGHER  
SECONDRY SCHOOL AND OTHERS

INDEX

S/NO	SUBJECT	ANNEXURE	PAGE NO
1.	Comments / Reply from respondent No.1		1-5
2.	Reply of application		6
3.	Copy of Plaint, Statement of appellant and judgment & decree	A,B, & C	7-22
4.	Authority Letter		23

Dated: 22 -01-2021

BEFORE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 5790 /2020

MUHAMMAD KHALID VERSUS PRINCIPAL, GSBK, HSS etc

Written Reply for and on behalf of Respondent No.1, 2

**Respectfully Sheweth:**

**Preliminary Objections:**

- A. The appeal is wholly incompetent and untenable.
- B. The appellant has not come to the Hon'ble tribunal with clean hands.
- C. The appeal is filed by the petitioner with malafide intent.
- D. The appeal is suffer from exaggeration and mis-statement.
- E. The appellant has no locus standi and cause of action.

**REPLY ON FACTS:**

1. Para No. 1 of the appeal needs no reply.
2. In reply to para No. 2 it is submitted that the appellant concealed the actual facts from this Hon'ble Tribunal. Actually the appellant is involved in the business of Mumtaz & brothers and for taking care of same business the appellant sometimes leaves and sometime skip the school without prior permission. The appellant never submitted any application for leaving the school but only inform through someone else about skipping / leaving school. The application annexed is fake and bogus.
3. Para No. 3 of the appeal is correct to the extent of deduction of salary, but the deduction from salary was done by the competent authority/ respondent No.1 due to his leave without prior permission.
4. Para No. 4 of the appeal is incorrect, hence expressly denied.

The appellant was pressurizing the respondent No.1 to favour him in the civil suit pending against the department and when his request was refused, he started to

misbehave with respondent No.1 and other school staff. He interfere in daily business of school, violate the rules & regulation of school. He didn't took his duty seriously and tried to delay classes. Most of the time his friends & clients (in company business) came to the school. Infact he made the school as his office for

misbehave with respondent No.1 and other school staff. He interfere in daily business of school, violate the rules & regulation of school. He didn't took his duty seriously and tried to delay classes. Most of the time his friends & clients (in company business) came to the school. Infected he made the school as his office for the private company. Therefore, he was relieved from the duty. The respondent No.2 warned the appellant for his rude behavior, leaving school without prior permission and acting in violation of rules & regulation of the school which is mentioned in said letter. (Copies of plaint, statement of appellant and judgment are Annexure<sup>A</sup>-B,C & D)

5. Para No. 5 is correct to the extent of issuance of letter for submitting PERs.
6. Para No. 6 is incorrect. The appellant didn't correct his behavior towards school, student and his duty. The show cause annexed explained all the reason why show cause was sent to him.
7. Para No. 7 of the appeal is incorrect. The appellant skip the school without prior permission, for appearing on behalf of private company and without just and proper cause, therefore, deduction was made from his salary in accordance with law by respondent No.1.
8. Para No. 8 is replied as that a proper show cause was sent to the appellant, which was not replied positively but an evasive reply was submitted.
9. Para No. 9 is replied that a deduction was made in accordance with law. The appellant was habitual absentee and avoid the school without just a proper cause and due to this irresponsible conduct of appellant the students' study was effected.
10. Para No. 10 is replied that the deduction was lawful therefore the application for reimbursement was irrelevant.
11. Para No. 11. The appellant was correctly relived by the competent authority because the appellant violates the rules & regulations of school. Moreover the appellant again initiated contempt of court and filed appeal against dismissal of his civil suit, only to pressurize the department. The appellant's conflict of interest was involved with the school, therefore, correctly relieved.
12. Para No.12 is incorrect. Neither the appellant submitted the mentioned application nor was he directed to perform his duty. The present respondent No.1 relieved the

appellant from the school because of his conflict of interest with the school business.

13. Para No.13 is incorrect. The appellant was guilty of misconduct & he didn't submit any representation.

The appellant being guilty of misconduct, hence this appeal is liable to be dismissed on the following grounds interalia.

### REPLY ON GROUNDS:


- A. Para A is replied as that there are no previous complaints against the appellant prior to auction of old material of concerned school. After failure in auction proceedings he became continues hindrance in construction of concerned school's new building, daily business and rules & regulation of school.
- B. Para No. B is incorrect. The appellants never submitted the said application. Moreover the reason / cause for said leave was appearing before civil court in suit filed against the department and specifically his school.
- C. Para No. C is incorrect. There was no ill will involve on the part of respondent No.1. The conduct of appellant was the reason behind the deduction from his salaries. His continuous absence from the school effects the education of students, which was unacceptable.
- D. Para No. D is incorrect. The appellant accepted all the allegations and his misconduct in his appeal. Moreover being government servant, his involvement in private business, particularly such business effects the department and school proved his misconduct.
- E. Para No.E is incorrect. The most proper and just reason for his reliving from concerned school was his absence on number of times from school and his conflict of interest with the school. Moreover, due to his rude behavior and violation of rules on daily basis effects the students & other staff of the school.

F. Para No. F is incorrect. The appellant admitted all of his misconduct and there was no need of inquiry. Therefore, the appellant is not entitled to any leniency.



G. Par No.G is replied that all the deduction was made in accordance with law as the appellant leave / skip the school without prior permission. Moreover the appellant's involvement in private business and pursuing cases against department on behalf of private company & in his private capacity made him guilty of misconduct, therefore he is not entitled to any relief.

**It is, therefore, most respectfully prayed that the appeal of the appellant may kindly be dismissed with special compensatory costs coupled with expenses of litigation.**

Dated: 21 /01/2021

  
Principal  
GSBAK, Higher Secondary  
School, Sarai Naurang  
Respondent No.1

As for as the appeal and reply is concerned the appeal is filed against the respondent No.1 and the present respondent No.2 is newly transferred and has no concerned with the relevant matter and only has relevancy to the Para NO.5, 10 of factual reply

  
District  
Education Officer (Male)  
LakkiMarwat.  
Respondent No.2, 7.A 



**BEFORE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL,  
PESHAWAR:**

**Service Appeal No.5790/2020**

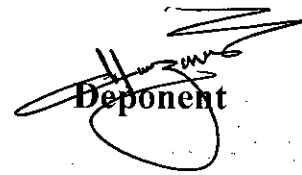
**MUHAMMAD KHALID**

**VERSUS**

**PRINCIPAL, GOVT SHAHEED BAHRAM AHMAD KHAN, HIGHER  
SECONDRY SCHOOL AND OTHERS**

**AFFIDAVIT**

I, Kashif Munir Litigation Officer O/O DEO (M) Lakki Marwat do hereby solemnly affirm and declare upon oath that the contents of the accompanied written reply are true and correct to the best of my knowledge and belief and nothing has been intentionally concealed from this Hon'ble Tribunal.

  
Deponent

**BEFORE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL,  
PESHAWAR**

Service Appeal No. 5790 /2020

**MUHAMMAD KHALID      VERSUS      PRINCIPAL, and others**


**REPLY FOR RELEASE OF CURRENT SALARY**


**Respectfully Sheweth:**

1. That the contents of main reply may please be read an integral part of the instant reply.
2. That proper detail of relieving the appellant from the GBSAK Higher Secondary School Sarai Naurang is given in the written reply of main appeal. The appellant was a continuous hindrance for the school administration therefore, validly relieved from the school.
3. Para No.3 of application is incorrect to the extent of going to school. He never came to school after his relieving
4. Para No.4 is replied as that themonthly salary of the appellant / applicant is stopped after his relieving from the school because when he has not performing duties in the school therefore he is not entitle to receive the salary from the concerned school. Moreover the respondent No.2 has no concerned with the appellant's salary's stoppage.
5. Para No.5 is replied as that the appellant / applicant has private business therefore he could handle his financial situation.

**It is humbly requested the appellant is relieved from the above mentioned school on the basis of interference in school rules, regulation, therefore, he doesn't deserve the posting & receiving of salary from the above school.**

Dated: 21 /01/2021

  
Principal GSBK, H.S. S.  
Respondent No.1

  
DEO (Male)  
Lakki Marwat  
Respondent No.2

باعت حقہ دستگیر سوار جمع معہ محمد حسن

11/01/1432 2988-5

ممتاز دین بھرا دوز بزدیہ محمد خالد ولد سید اسرار خان منٹے کوٹہ سکندر خان - کوٹہ  
پڑا

بیا

یہ قولہ بزدیہ سکندر بھرا کوٹہ پشاور یہ گرام پٹیہ حلقہ (بھرا) خانویہ  
جمع پشاور کے گرام کوٹہ بھرا کوٹہ پشاور میں مورخہ منجم علی وردی  
پر لپٹا گورنمنٹ سپید بیرام خان صاحب سکندر سوار سرگودھا  
منجم کا منٹے (مدعا علیہ)

مقامی دعوے میں گورنر اسٹیم رولنگ بجٹا مدعی برصغیر منجم بابا جوائی  
اشیاء مطالبہ لسٹ مشولہ بریں پور کے بجولہ اشیا دار رضاد مشرف  
ورض - 17-10-10 بابا اشیا مشورہ بر لکھنؤ کی بابت من مدعیان  
مبلغ - 20,867.00 روپے بجولہ 28/18/2005 میں جمع  
کراچی پولیس میں اب اشیا مشورہ لسٹ مشولہ مدعا علیہ  
رنگانے سے من مدعا کو منجم کے انکا کر دیا ہے جو منجم سے  
رود منجم مدعا علیہ پر غرور اور گالیم ہے۔ لہذا اشیا مشورہ  
بر لکھنؤ رنگانے رود مالہ کلیننس سر منجم جاری کرنا مناسب مدعا علیہ  
میں اشیا دار رضاد ہے۔

مقامی دعوے میں گورنر منجم اشیا دار رضاد اشیا دار رضاد  
کو کہ مدعا علیہ منجم اشیا دار رضاد لسٹ اشیا دار رضاد  
میں روک نہ انگانے کے منجم میں ہے کلیننس سر منجم جاری کرنا  
میں منجم مدعا علیہ

مقامی لکھنؤ کورٹ میں منجم لکھنؤ اشیا دار رضاد کورٹ میں

ATTESTED  
محمد حسن

Examiner to District & Session Judge  
Rawalpindi  
محمد حسن اشیا دار رضاد  
محمد حسن اشیا دار رضاد

ATTESTED

Witness

Handwritten signature/initials

27-11-18

Handwritten text, possibly a date or reference number

Handwritten text, possibly a name or title

Handwritten text, possibly a name or title

Handwritten text, possibly a name or title

Handwritten text, possibly a name or title

Handwritten text, possibly a name or title

Handwritten text, possibly a name or title

Handwritten text, possibly a name or title

Handwritten text, possibly a name or title

Handwritten text, possibly a name or title

Handwritten text, possibly a name or title

(8)

(5)

P=3

Handwritten notes in the top left corner

Handwritten notes on the left margin



بیان کیا کہ ان کے برادر بزرگ محمد خالد ولد محمد سعید اللہ خان مسکن موضع گندوڑی تحصیل گورداس پور (مدعی)

لکھا ہے کہ یہ مذکورہ ملک قسم کے اثبات اور ایک قسم کے ملک کی کورٹ کے پاس ہے۔ جو زمین بھڑول  
کاغذ کے ذریعہ لکھول کے لئے لکھی گئی ہے۔ جو زمین بھڑول  
قسم کے ملک ہے۔ قسم کے مذکورہ اثبات بولی عام پر نہیں لیا گیا ہے۔ جس کے بابت  
تقاعدہ روزانہ مشرف میں مورخہ 2017ء کو ڈسٹرکٹ ایجوکیشن آفیسر مردانہ  
کی طرف سے تقاعدہ رقم جاری کیا۔ جو کہ سے سے سے سے اور

Ex: Pw. 1  
دندان نے مذکورہ بولی میں رقم لیا۔ من مدعی کی بولی کاٹوان اور روزانہ  
کے مطابق مذکور ہوئی۔ اور من مدعی کو مبلغ 2086700/- روپے  
منشور شدہ رقم کی طرف سے رقم کاظم ہوا۔ واقعہ یہ ہے کہ DEO نے  
کارڈ تیار موجود ہے۔ مذکورہ کارڈ جو سے سے سے سے اور  
اصل مذکورہ لکھول میں ہے۔ جو قابل مدد رقم ہے۔ اور

چھوڑا گیا ہے۔ (شہر) اٹھانے کی اجازت دے دی۔ جو اٹھانے کی  
مدعا علیہ یا برائے لکھول نذرانے چھوڑا گیا ہے۔ جو اٹھانے کی  
نسب دی۔ اور بعد اس کے۔ اور من مدعی کو منع کیا گیا۔ مذکورہ لکھول  
معرفی دعویٰ Ex: Pw. 2  
جس کے خلاف سب سے کاغذوں سے۔ اور من مدعی کو مزید نقصان کا خوف ہے۔

اس بابت عدالت بزرگ جج مذکورہ سامان کا تفصیل عدالت کو پیش  
مدعا علیہ یا برائے کا نام اٹھانے اور نہ فعل غلط و خلاف قانون اور من مدعی کے

ATTESTED

حقوق پر غیر موثر اور مبالغہ سے بڑھتی معاہدہ میں دعویٰ فزورہ شہریل  
 قبضہ کرنا کا حقدار ہوں۔ نوٹس فزورہ ایشیا کا مندرجہ داخل کر چکا ہوں  
 فزورہ شہریل انکار کے ساتھ اس کی اجازت دی گئی ہے۔ یہ دفعہ میرا نام سے دی گیا  
 گیا ہے۔ مگر حال قبول سے ہم نے اس کے لئے موثر اور انکار کے موقع سے بدین دہ  
 دعویٰ نفاذ امر کرنا کا ضرورتی لائق ہوں گی۔  
 نفاذ امر کا نام ہے۔ نہ ڈرہ متدعیہ حق میں ہوگی (صرف مدعا) لہذا فزورہ مقدم  
 جو عدالت مناسب سمجھے دیکھا جائے۔

۴۴۔ تمناز مندرجہ بالا در ایک فرم سے جو ہم مختلف نوٹس کے مقدمہ میں اور  
 ہوں وغیرہ میں لکھتے ہیں۔ فزورہ فرم کے حقدار سے موقع پر  
 سے یہاں فزورہ فرم کے حقدار کے ساتھ کوئی رشتہ نہیں موجود ہے  
 اور نہ ہی اس کا موجودہ نام ہے۔ قتل مقدمہ پر موجود ہے۔ جسے معلوم نہیں  
 ہے تمناز مندرجہ بالا در ایک فرم کا M.O. میں تمناز مندرجہ بالا در  
 قدم کا Pastues ہوا ہے۔ یہاں موقع پر فزورہ فرم کا جانب سے  
 دعویٰ نفاذ امر کرنا کا ضرورتی اجازت موجود ہے۔ اور نہ ہی قتل مقدمہ پر  
 موجود ہے۔ از خود کیا۔ آئندہ تاریخ پیشی پر پیشی کے ساتھ۔ دعویٰ پر  
 سے اس وقت تک قہر سے۔ بعد اس عبارت دعویٰ پر بھی سے اس وقت تک موجود ہے  
 یہ درست ہے کہ بعد اس عبارت مقدمہ پر اس وقت تک سے اس وقت تک  
 سے اس وقت تک قہر سے۔ از خود کیا۔ اس کے ضرورت نہیں ہے۔ مقدمہ نفاذ  
 میں موجود حالت نام پر سے اس وقت تک قہر سے یہ درست ہے  
 کہ وہ حالت نام، دعویٰ پر سے اس وقت تک قہر سے اس وقت تک کوئی دستخط  
 موجود نہیں ہے۔

11/8/21

ATTESTED

P.T.O

11/06/2017

۶۲

(12)

3

(148)

میں نے بون کے مال دینے کی غلطی کی۔ 30000/- سے جمع کر کے عرف

صوبہ بہت آج قلم کے کوئی رسید موجود نہ ہے جس نے خود نمبر

حاکم مال دینا زبانی یعنی - 2086700/- سے منسلک بننے کی صورت میں

جمع کر کے قلم بون فورم، 15/2 کو منسوخ ہوئی تھی۔ بون کی کاپی

کے افراد سے زیادہ تھی۔ کسی ممبران کو میں نے فریڈا مقدم نہیں

نہا ہے ہیں۔ میں شیک کے لیٹاؤ سے الٹا دیوں۔ میں S.S.A

یونٹ پر اسے لگوں میں فریڈا کے انجام دے رہا ہوں۔ سہری

پولیسنگ فریڈا لگوں میں 9 ددے میں ہوئی۔ یہ ڈسٹ سے

میں فریڈا لگوں کا نام لہر سے دریں، قلموں دے رہا ہوں

سہری کو لے کر آ کر دیا بار بار دکان دینا نہ ہے۔ سہری سے چار چھ ہیں

سہری سے مارے گئے قلم 1000 سے کم ہیں۔ سہری سے چھوٹے تقریباً 1000 سے کم لگے

کے۔ لگوں فریڈا میں لگوں پر منسلک فریڈا لگان سے۔ فریڈا بون

سابقہ منسلک لگنے لگانے کے تھے۔ سابقہ منسلک لگنے لگانے کے

تقریباً 1000 سے کم تھے۔ فریڈا لگانے سے فریڈا بون کے سامان میں قلم تھے

کچھ لگنے لگے۔ ان فریڈا لگانے سے فریڈا بون کے سامان میں قلم تھے۔

فریڈا سے۔ یہ سہری 2086700/- سے میں نے ہمیں لگائی تھی۔

یہ بھی فریڈا سے۔ یہ فریڈا لگانے میں موجود نہ ہے۔ اور میں نے

انہی لگانے لگوں سے قلم نہیں لگایا ہے۔ یہ ڈسٹ سے کہ میں نے

سامان بون کا کچھ لگنے لگوں فریڈا سے لگایا ہے۔ یہ ڈسٹ سے کہ

Ex: PW 21 سے منسلک کر رہے ہیں۔ سہری سے لگے لگے اور کئی دستخط

ATTESTED

P.T.O

Examiner to District & Session Judge  
Lahki Naraya

ATTESTED

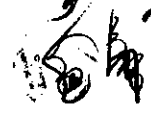
Ex. Pul. 11/06/2011

Handwritten signature

Handwritten text in Urdu script, likely a legal document or court order, containing various clauses and names.



4





68

133  
Annexure C

**IN THE COURT OF MRS. TAHIRA ZAINAB MALIK,**  
**CIVIL JUDG-II, NAURANG LAKKI MARWAT**

Mumtaz & Brothers through Muhammad Khalid s/o Sadullah  
Khan r/o Kotka Sikandar Khan, Naurang, Bannu.

.....(Plaintiffs)

Versus

Government of Khyber Pakhtunkhwa through Secretary  
Education Peshawar & 03 others

.....(Defendants)

Suit No.....267/1

Date of original institution.....27.11.2018

Date of decision.....03.01.2020

**SUIT FOR DECLARATION etc**

**JUDGMENT:**

My this judgment is intended to dispose of suit in  
hand filed by Mumtaz and Brothers through Muhammad Khalid  
hereinafter called plaintiff against Government of Khyber  
Pakhtunkhwa through Secretary Education Peshawar & 03  
others hereinafter called defendants to the effect that the  
defendant No.4 is restraining the plaintiff from taking the goods  
mentioned in the head note of the plaint which act is wrong,  
illegal and ineffective upon the rights of the plaintiff.

Briefly narrated facts of the case as reveals the  
plaint are that the goods in issue were the ownership of  
Education Department which was purchased by the plaintiff in  
auction. That some of the goods purchased in auction as  
mentioned in the list are still with the defendants and defendant

Civil Judge  
Naurang-II Distt: Lakki Marwat

*[Handwritten Signature]*  
03/1/20

**ATTESTED**

Examiner to  
District & Session Judge  
Lakki Marwat

2  
No.4 is restraining the plaintiff from taking the goods. Hence the suit in hand.

69  
Defendants were summoned of whom defendant No.3 to 4 contested the suit by filing written statement, raising therein various legal and factual objections.

Out of divergent pleadings of the parties following issues were framed by my learned predecessor-in-office.

**ISSUES**

1. Whether plaintiff has got a cause of action.
2. Whether defendant No.4 restrained the plaintiff from taking the articles as per the list annexed which the plaintiff has entitled to take.
3. Whether all the items have been taken away by the plaintiff and nothing remain outstanding with defendant.
4. Whether the plaintiff is entitled to decree of recovery of alleged items.
5. Relief.

Parties were directed to produce evidence upto their own satisfaction which they did.

The plaintiff in support of his claim produced three witnesses.

Plaintiff appeared as PW-1 and narrated almost the same facts as are mentioned in the plaint.

*Seenu*  
03/1/20  
Civil Judge

Dist: Lakki Marwat

ATTESTED

Examiner to  
District & Session Judge  
Lakki Marwat

70

Muhammad Meer son of Muhammad Khan was examined as PW-2 who stated that the plaintiff purchased goods by auction.

Shams ur Rehman son of Sami Ullah Khan was examined as PW-2 who stated that the plaintiff was the successful bidder.

Defendants produced six witnesses in rebuttal.

Fareed Ullah Khan, Principal Government Shaheed Behram Ahmad Khan Higher Secondary School Serai Naurang was examined as DW-1, who stated that after auction, the plaintiff had taken the goods.

Fareed Ullah Shah SST appeared as DW-2, who stated that Sifat Ullah told them that successful bidders have taken their goods.

Muhammad Sadiq Khan appeared as DW-3, who stated that present Principal constituted a re-conciliation committee.

Abdul Hameed Khan was examined as DW-4, who stated that successful bidders have taken the goods.

Muhammad Ismail Shah was examined as DW-5, who also stated that present Principal constituted a committee.

Saif Ullah Khan was examined as DW-6, who stated that all the successful bidders have taken tier goods except bricks as none of the bid for the bricks remained

Yusuf  
03/11/20

Civil Judge

Serang-li Distt: Lakki Marwat

successful.

ATTESTED

Examiner to  
District & Session Judge  
Lakki Marwat

After conclusion of evidence of both the parties arguments of learned counsel for the parties heard. Record gone through. In the light of both issue wise findings of this court are as follows:-

**ISSUES NO.2, 3 & 4**

**Whether defendant No.4 restrained the plaintiff from taking the articles as per the list annexed which the plaintiff has entitled to take.**

**Whether all the items have been taken away by the plaintiff and nothing remain outstanding with defendant.**

**Whether the plaintiff is entitled to decree of recovery of alleged items.**

All these issues are interlinked hence taken together to avoid repetition of facts.

The plaintiff alleges that he purchased old building material from the defendants and he took some of the material while goods as mentioned in the list Ex.PW-1/2 are still lying with defendant No.4 and he is denying to hand over the purchased goods to the plaintiff.

Defendants' assertion is that the plaintiff has taken the entire purchased items. Plaintiff asserted that he has taken away only some of the purchased items. The plaintiff has however, not described the detail of items which he has taken and the items which he purchased.

The defendants produced detail of items purchased by the plaintiff through auction which is available on file as Ex.DW-1/5. The defendant has also produced a receipt given by

Civil Judge

Jhang-II Distt: Larkki Marwal

*[Handwritten Signature]*  
23/1/20

ATTESTED

Examiner to  
District & Session Judge  
Larkki Marwal

5  
72  
17  
17

the plaintiff regarding receiving of items and is available on file as Ex.DW-1/7. Though in the list Ex.PW-1/2, the plaintiff has mentioned that he has not taken wooden doors etc but the defendant has produced receipt Ex.DW-1/7 which shows that the plaintiff has given receipt regarding taking of items mentioned at serial No.1 to 3 of the list Ex.PW-1/2. Upon production of receipt Ex.PW1/7 by the defendant, burden shifted towards the plaintiff to prove the receipt Ex.DW-1/7 to be fake. However the plaintiff did not produce any evidence in rebuttal. Furthermore, in the absence of any detail produced by the plaintiff of the items which he admits that he has taken, receipt Ex.DW-1/7 which duly contains signature of the plaintiff and certificate on his behalf that "I have no objection or any claim further" also support the stance of the defendants that the plaintiff has taken away the goods as mentioned in receipt Ex.DW-1/7.

At serial No.4 of the list Ex.PW-1/2, the plaintiff has mentioned the 'Bricks' of worth Rs.400,000/- which he alleges that he has not yet taken away. However, as shows record Ex.DW-1/5, bid of the plaintiff for the bricks was rejected by the auction committee. Meaning thereby the bricks were not purchased by the plaintiff in auction.

With these observations this court has come to the conclusion that the plaintiff has taken away all the items purchased by him during auction while bricks which are still

ATTESTED

Examiner to  
District & Session Judge  
Lakki Marwat

lying with defendant No.4 were not auctioned as plaintiff's bid was rejected.

73

Issue No.2 decided in negative.

Issue No.3 decided in affirmative.

Issue No.4 decided in negative.

**ISSUE NO.1**

**Whether plaintiff has got a cause of action.**

For what has been discussed above, the plaintiff has got no cause of action.

Issue decided in negative.

**RELIEF:**

Consequent upon the finding of this court on issues discussed above, suit is dismissed with costs.

File be consigned to record room after its necessary completion and compilation.

**Announced:**  
**03.01.2020**

*[Signature]*  
03/1/20  
(Mrs. Tahira Zainab Malik)  
Civil Judge-II, Naurang,  
Lakki Marwat.

**CERTIFICATE**

It is certified that this judgment of mine consists of (06) pages. Each page has been read, corrected signed.

6924

*[Signature]*  
03/1/20

C.D. No.....  
Application received on..... 25-11-2020  
Copying Fee deposited on.....  
Judgment received for copying..... 25-11-2020  
No. of words..... 16  
Copies Fee.....  
Secton Fee.....  
Urgent Fee.....  
Name of Copyist.....  
Copy Completed on..... 25-11-2020  
Copy Delivered on..... 25-11-2020  
Name of Examiner.....

(Mrs. Tahira Zainab Malik)  
Civil Judge-II, Naurang,  
Lakki Marwat.

**ATTESTED**

Examiner  
of Court & Soc  
Lakki Marwat

**IN THE COURT OF MRS. TAHIRA ZAINAB MALIK,**  
**CIVIL JUDGE-II, NAURANG LAKKI MARWAT**

Mumtaz & Brothers through Muhammad Khalid s/o Sadullah Khan r/o Kotka Sikandar Khan, Naurang, Bannu.

.....(Plaintiffs)

Versus

Government of Khyber Pakhtunkhwa through Secretary Education Peshawar & 03 others

.....(Defendants)

Suit No.....267/1

Date of original institution.....27.11.2018

Date of decision.....03.01.2020

**SUIT FOR DECLARATION etc**

Suit in hand filed by Mumtaz and Brothers through Muhammad Khalid hereinafter called plaintiff against Government of Khyber Pakhtunkhwa through Secretary Education Peshawar & 03 others hereinafter called defendants to the effect that the defendant No.4 is restraining the plaintiff from taking the goods mentioned in the head note of the plaint which act is wrong, illegal and ineffective upon the rights of the plaintiff.

**Order....38**

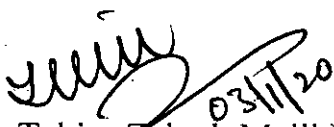
**03.01.2020**

Parties present.

Vide my detailed judgment of today comprising of (06) pages, separately placed on file suit is dismissed with costs.

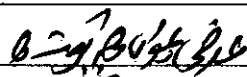
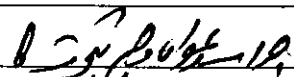
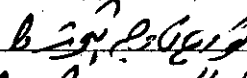
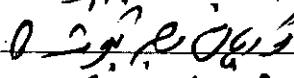
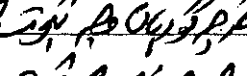
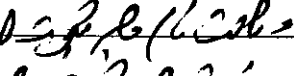

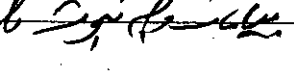
**Announced:**

**03.01.2020**

  
(Mrs. Tahira Zainab Malik)  
Civil Judge-II, Naurang,  
Lakki Marwat.


**Costs of plaintiff's litigation**

**Costs of Defendant's**

<b><u>Costs of plaintiff's litigation</u></b>	<b><u>Costs of Defendant's</u></b>
	
	
	
	

Given under my hand and the seal of this court on this 3rd Day of January 2020.

**ATTESTED**

  
(Mrs. Tahira Zainab Malik)  
Civil Judge-II, Naurang,  
Lakki Marwat.

Examiner to  
District & Session Judge  
Lakki Marwat

20

20

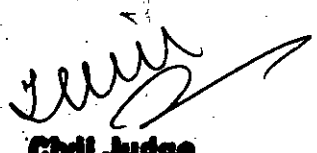
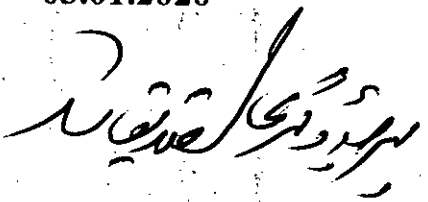
**Order...38**  
**03.01.2020**

Parties present.

Vide my detailed judgment of today comprising of (06) pages, separately placed on file suit is dismissed with costs.

File be consigned to record room after its necessary completion and compilation.

**Announced:**  
**03.01.2020**



**Civil Judge**  
**Naurang-II Distt: Lakki Marwat**

*Tahira*  
03/1/20

(Mrs. Tahira Zainab Malik)  
Civil Judge-II, Naurang,  
Lakki Marwat.

**ATTESTED**



**Examiner to**  
**District & Session Judge**  
**Lakki Marwat**



بعدالت جناب ڈسٹریکٹ جج صاحب سہی مروت

مٹاڑ اینڈ برادرز نذریم محمد خالد ولد سعید اللہ خان مسلم کوٹلم گندڑی خان نوازنگ (بنوں)  
(ایڈیشنٹ)

بنام

پرنسپل گورنمنٹ ٹیچنگ ہیرام خان یا سہر گندڑی سکول سرائے نوازنگ ضلع سہی مروت (ایڈیشنٹ)

اپیل نمبر اے ایس ایچ، ضلع، پیر پ ڈری ہر درخواست ٹوین عدالت مقدمہ نمبر 95/6 رجسٹرڈ 10/07/2019

ضلع، ضلع، 03/01/2020 سے درخواست ٹوین عدالت جناب جج ایڈیشنٹ ہر گندڑی  
ایڈیشنٹ جج صاحب

Refer to  
Dist. & Sess. Judge  
Lakki Marwat

اپیل، بلٹوری اپیل نذریم محمد، ضلع، پیر پ ڈری عدالت مائٹ، دلانے خانے سرائے  
ہر درخواست ٹوین عدالت کم ایڈیشنٹ نے باوجود حکم کے ایک ججٹی فری، 978

مورم، 19/06/2019 بنام DEO مردانہ سہی مروت سرائے دوبارہ گندڑی انٹرنل ڈیپارٹمنٹ کے بابت

الٹرنٹ طلب کیا گیا۔ لہذا حکم سالم پرنسپل جس کی موجودگی میں گندڑی پٹی لکھی

کوئی ٹیچر وغیرہ بنام DEO مردانہ سہی مروت سرائے نہ کیا گیا۔ بلکہ کارروائی بابت

گندڑی سالم پرنسپل کی موجودگی میں ججٹی انٹرنل ایڈیشنٹ نقل ہو چکی تھی۔ بلکہ فرم مقدمہ  
ہر دو عدالت بابت

وجوہات اپیل، بلٹوری، ضلع، پیر پ ڈری عدالت مائٹ جناب سول جج صاحبہ نوازنگ ایڈیشنٹ

مقدمہ نمبر 95/6 ضلع، 03/01/2020 سے درخواست ٹوین، گندڑی واقعات اور گندڑی ڈسٹریکٹ جج صاحب

نقل مقدمہ، ضلع، پیر پ ڈری بلکہ درخواست، جو اب درخواست نم سے

جی ڈی ایچ رولز اینڈ رجسٹریشن کے مطابق نذریم محمد اولڈ ٹیچر مل سکول نڈری گندڑی نام

پرنسپل گندڑی اللہ خان نے موجودگی DEO مردانہ سہی مروت میں بلکہ گلبران گندڑی کی کارروائی

مکمل ہوئی ہے۔ موجودہ پرنسپل کا فزولورہ سالم گندڑی سے کوئی تفریق، واسطہ

مترقا. ATTESTED

Examiner to  
Dist. & Session Judge  
Lakki Marwat

Handwritten notes on the right margin, including dates and names.

جی ایم سر موجودہ پرنسپل ایجنٹ نے غیر قانونی اور بددینی کی بنا پر تمام DEO مردانہ سے آرڈر  
 ایک غلطی کے تحت جاری کیا۔ ۱۹ باب ۱۹۰۶ کے تحت جاری اولڈ ڈسٹریکٹ ایجنٹ کے ساتھ  
 کی اجازت طلب کی۔ DEO مردانہ سے بطور جبر میں ضروری سندھی کاپی کے لئے اجازت  
 سندھی ندری

یاد رہے ضروری حالت میں، جو باقی کی بنا پر ایجنٹ کے حکم کے تحت کامیاب ہو گیا ہے

جو قابل اعتراض ہے۔ قانون کے مطابق سزا دینی ہے۔  
 06-02-2020  
 District & Sessions Judge  
 Larkhi Marwal

کی یاد رہے عدالت عوامی نے ایجنٹ کے مجموعی اہمیت پر اہمیت کے ساتھ ہے  
 جو مطابق قانون میں ہے

لینا اور دینا ہے۔ ہم ایجنٹ کو غیر قانونی اور بددینی کی بنا پر قانون کے مطابق  
 سزا دینی ہے

نوٹ: ایجنٹ اور عوامی ہے۔ کوئی دوسرا ایجنٹ انگریزی میں دیکر عدالت میں  
 نہیں ضروری ہے

06-02-2020

سندھی ایجنٹ کے تمام اہمیت  
 یا ضروری حالت میں تمام اہمیت  
 تمام اہمیت کے لئے تمام اہمیت  
 عدالت میں تمام اہمیت  
 عدالت میں تمام اہمیت

ممتاز احمد سزا دہندہ محمد خالد ایجنٹ نذر اہمیت خود  
 Advocate

C.D. No. 681  
 Application received on 23-11-2020  
 Copying Fee deposited on 23-11-2020  
 Judgment received for copying 23-11-2020  
 No. of words 0  
 Copying Fee  
 Search Fee  
 Urgent Fee  
 Name of applicant  
 Copy sent on 23-11-2020  
 Copy delivered on 23-11-2020  
 Name of Examiner

ATTESTED  
 Examiner to District & Sessions Judge Larkhi Marwal

23

## AUTHORITY

Mr. Kashif Munir Litigation Officer O/O the District Education Officer (Male) Lakki Marwat is hereby authorized to Submit Reply in Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar in Service Appeal No. 5790/2020 Titled Muhammad Khalid Versus Government of Khyber Pakhtunkhwa on behalf of the undersigned.



**District Education Officer (M)**  
**Lakki Marwat**  
Respondent No. 2

10/2 SB

To

The Registrar  
KP Service Tribunal, Peshawar




Subject: withdrawal of SA NO. 5790/2020  
title M. Khalid VS Govt of KPK

Respectfully Shewith,

It is submitted the above title Case was filed in this Honourable Court. As the grievances of the applicant has been redressed, it is therefore requested the above appeal may kindly be allowed to be withdrawn.

Put up to the court with relevant appeal

  
25/11/2021

~~Deo du~~

Thanks   
22/1/2021

M. Khalid S/o  
Saad Ullah Khan  
Applicant in SA NO. 5790/2020

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR**

S. A. No. 5781/2020

Muhammad Khalid

versus

Principal &amp; Others

**REPLICATION****Respectfully Sheweth,****Preliminary Objections:**

All the 05 preliminary objections are illegal and incorrect as to why the appeal is not competent, un-tainable, unclean hands, malafide, exaggeration, misstatement, without locus standi and cause of action.

**ON FACTS**

1. Needs no reply.
2. Not correct. No material facts was ever concealed regarding involvement in business, the para is without proof and annex "A", "B" and "C" are the ample proof of leave etc.
3. Admitted correct to the extent of deduction from salary and R. No. 01 was not competent to make deduction from salary.
4. Not correct. Para of the appeal is correct because no explanation were given by the respondents. Rest of the para is incorrect no misbehave was ever made by him.
5. Admitted correct by the respondents regarding promotion to B-17 on regular basis.
6. Not correct. The para of the appeal was with regard to auction of material and not of misbehavior.
7. Not correct. The para is without proof regarding skipping from school. Illegal deduction was made.
8. Not correct. The para of the appeal is correct regarding Show Cause Notice and its reply.

9. Not correct. R. No. 01 was not competent to make deduction from monthly salary nor any deduction could be made from monthly salary. No one made any objection in this respect.
10. Not correct. Illegal deduction was made from monthly salaries.
11. Not correct. R. No. 01 was not competent to relieve appellant from duty but he was under the law required to write to R. No. 02 to do so.
12. Not correct. Proof of application is attached with the appeal.
13. Not correct. The para of the appeal is correct regarding release of monthly salaries.

**NOTE:** Necessary document in support of claim of appellant is attached herewith. Since 02-02-2021, R. No. 01 directed the staff at the gate of the school to not permit appellant to enter into the school.

**GROUND:**

All the grounds of the appeal are legal and correct while that of the reply are illegal and incorrect. The same are again adopted.

It is, therefore, most humbly prayed that the appeal be accepted as prayed for.



Appellant

Through



Saadullah Khan Marwat

Advocate,

Dated: 09-02-2021.

**AFFIDAVIT**

I, **Muhammad Khalid**, appellant do hereby solemnly affirm and declare that contents of the **Appeal & Replication** are true and correct to the best of my knowledge and belief, while that of reply of respondents are illegal and incorrect.

I reaffirm the same on oath once again to be true and correct as per the available record.



DEPONENT

مستشفى الامراض الجلدية

3  
 كود المسجل: GSBARKHSS  
 كود الفرع: 1000

بابت ماه جنوري 2020

تاریخ	محمد رضا SST			برهان اللہ SST B/c			محمد صافق خان SST B/c			عبدالحمید خان SST		
	آمد	دستخط	روائی	آمد	دستخط	روائی	آمد	دستخط	روائی	آمد	دستخط	روائی
1												
2												
3												
4												
5												
6												
7												
8												
9												
10												
11												
12												
13												
14												
15												
16												
17												
18												
19												
20												
21												
22												
23												
24												
25												
26												
27												
28												
29												
30												
31												

WINTER VACATION  
 29/12  
 2019

(6)

2020  
Sep.

Day	Time	Activity	Notes	Temp	HR	SpO2
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15	1:30	NP3	8	1130	7/15	
16	1:30	NP3	8	112	7/15	
17	1:30	NP3	8	112	7/15	
18	1:30	NP3	8	112	7/15	
19	1:30	NP3	8	112	7/15	
20						
21	1:30	NP3	8	112	7/15	
22	1:30	NP3	8	112	7/15	
23	1:30	NP3	2-3	11/10	7/15	
24	1:30	NP3	2-3	11/10	7/15	
25	1:30	NP3	2-3	11/10	7/15	
26	1:30	NP3	2-3	11/10	7/15	
27						
28	1:30	NP3	2-3	11/10	7/15	
29	1:30	NP3	2-3	11/10	7/15	
30	1:30	NP3	2-3	11/10	7/15	
31						

Vaccines  
Covid - 19

7.2.2 14/3/2020 to 14/9/2022



Time	Location	Activity	Notes	Remarks	Page
7:00	Qaf 114	Qaf 815	Qaf 1.2	Qaf 8.3	1
7:00	Qaf 114	Qaf 815	Qaf 1.2	Qaf 8.3	2
7:00	Qaf 145	Qaf 815	Qaf 1.3	Qaf 8.3	3
7:00	Qaf 145	Qaf 815	Qaf 1.3	Qaf 8.3	4
7:00	Qaf 145	Qaf 815	Qaf 1.3	Qaf 8.3	5
7:00	Qaf 145	Qaf 815	Qaf 1.3	Qaf 8.3	6
7:00	Qaf 145	Qaf 815	Qaf 1.3	Qaf 8.3	7
7:00	C. Leave	Qaf 815	Qaf 1.3	Qaf 8.3	8
7:00	C. Leave	Qaf 815	Qaf 1.3	Qaf 8.3	9
7:00	C. Leave	Qaf 815	Qaf 1.3	Qaf 8.3	10
7:00	C. Leave	Qaf 815	Qaf 1.3	Qaf 8.3	11
7:00	Qaf 21	Qaf 815	Qaf 1.2	Qaf 8.3	12
7:00	Qaf 21	Qaf 815	Qaf 1.2	Qaf 8.3	13
7:00	Qaf 21	Qaf 815	Qaf 1.2	Qaf 8.3	14
7:00	Qaf 21	Qaf 815	Qaf 1.2	Qaf 8.3	15
7:00	Qaf 21	Qaf 815	Qaf 1.2	Qaf 8.3	16
7:00	Qaf 21	Qaf 815	Qaf 1.2	Qaf 8.3	17
7:00	Qaf 21	Qaf 815	Qaf 1.2	Qaf 8.3	18
7:00	Qaf 21	Qaf 815	Qaf 1.2	Qaf 8.3	19
7:00	Qaf 21	Qaf 815	Qaf 1.2	Qaf 8.3	20
7:00	Qaf 21	Qaf 815	Qaf 1.2	Qaf 8.3	21
7:00	Qaf 21	Qaf 815	Qaf 1.2	Qaf 8.3	22
7:00	Qaf 21	Qaf 815	Qaf 1.2	Qaf 8.3	23
7:00	Qaf 21	Qaf 815	Qaf 1.2	Qaf 8.3	24
7:00	Qaf 21	Qaf 815	Qaf 1.2	Qaf 8.3	25
7:00	Qaf 21	Qaf 815	Qaf 1.2	Qaf 8.3	26
7:00	Qaf 21	Qaf 815	Qaf 1.2	Qaf 8.3	27
7:00	Qaf 21	Qaf 815	Qaf 1.2	Qaf 8.3	28
7:00	Qaf 21	Qaf 815	Qaf 1.2	Qaf 8.3	29
7:00	Qaf 21	Qaf 815	Qaf 1.2	Qaf 8.3	30
7:00	Qaf 21	Qaf 815	Qaf 1.2	Qaf 8.3	31



(9)

NW.

ES	SW	NS	WT	X	Y	Z	W	H	L	C	D
										1	
										2	
										3	
										4	
										5	
										6	
										7	
										8	
										9	
										10	
										11	
										12	
										13	
										14	
										15	
										16	
										17	
										18	
										19	
										20	
										21	
										22	
										23	
										24	
										25	
										26	
										27	
										28	
										29	
										30	
										31	

See on p. 112

D.E.

24

A.D.E.

24/11/2020

Vertical text on the right edge of the page.



## صلاح نامہ

ماہرین پرنسپل فرید اللہ شاہان (GS BAKHSS) سرانے لودنگ اینڈ

سر محمد خالد SST سکول ہڈا

آج میں گویاں ذیل فرسٹین مذکورہ بالا کے درمیان

درجہ ذیل نکات پر صلح ہوا۔

1۔ پرنسپل فرید اللہ شاہان صاحب نے محمد خالد کا جو تنخواہ بند کیا ہے وہ تنخواہ کو بند ہونے کی تاریخ سے جاری کر کے Source form پر دستخط کر کے حیا کرے گا۔

2۔ محمد خالد SST نے سر ڈسٹرکٹریوٹل میں جو کسپس پرنسپل کے خلاف دائر کیا ہے وہ اسے واپس کرے گا۔

3۔ باقی مسائل اہتمام و تفہیم و مشاورت سے ہر امن طریقے سے لید میں حل کیے جائیں گے۔

محمد خالد  
22-01-2020

گواہ

22/01/2020

سر

D. K. S

22/1/2021

گواہ  
22/1/2021  
افسر تعلیم

محترم اساتذہ کرام! السلام علیکم

مہم اساتذہ کو خط

لیسٹ میں درج اساتذہ کی کتب کی قیمتیں 2100/- روپے ہر ایک کال ڈیازٹ / فارم و دیگر کیلئے جمع کریں (راج 12 بجے تک لازماً جمع کریں)

3047 Shaikh  
Ahmed Khan  
Lakshmi

نوٹ :- 2000/- روپے قابل واپسی ہے۔

محکمہ سہولیات، فریڈالہ  
پروانہ  
ضلع خان

- |    |                                |    |
|----|--------------------------------|----|
| 1  | شرفی اللہ SST                  |    |
| 2  | بہرائی اللہ آڈر 2100 وصول 20   |    |
| 3  | محمد سہیل آڈر 2100 وصول 21     |    |
| 4  | عادل صاحب نگر آڈر 2100 وصول 22 |    |
| 5  | محمد خالد SST                  | 23 |
| 6  | عبدالحمید آڈر                  | 24 |
| 7  | علی وقار آڈر                   | 25 |
| 8  | <del>محمد سعید آڈر</del>       | 26 |
| 9  | محمد سہیل آڈر 2100             | 27 |
| 10 | مہرناز اللہ                    | 28 |
| 11 | محمد فرید خان SST 2100         | 29 |
| 12 | <del>محمد سعید آڈر</del>       | 30 |
| 13 | عرفان SST 2100 وصول 31         |    |
| 14 | نقیب اللہ                      | 32 |
| 15 | محمد محمود SST 2100 وصول 33    |    |
| 16 | شرفی الحق                      | 34 |
| 17 | خالد عثمان SST وصول 2100       | 35 |
| 18 | صالح الدین SST وصول 2100       | 36 |
| 19 | اکرم اللہ قاری                 | 37 |

3047  
Lakshmi

2100/-  
GIVEN

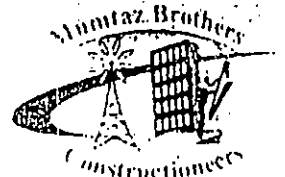
2100  
GIVEN

2100  
GIVEN

2100  
GIVEN



# MUMTAZ BROTHERS CONSTRUCTIONERS CIVIL ELECTRIC & GENERAL ORDER SUPPLIERS



I Mr. Muhammad Khalid S/O Saadullah R/O Kotka Sikandar Khan Representative/  
Autorney of Mumtaz Brothers Constructioners Civil Electric & General Order Suppliers  
received the mound of Wooden Articles ,( Wooden Doors, Windows, Ventilators) Wooden  
Strips, Wooden Almirah), Iron Bars, T - Iron and Wooden Raw Material as per Re-auction  
Advertisement published in Daily Mashriq dated 10-10-2017. from Principal Govt Shaheed  
Behram Ahmad Khan Higher Secondary School Serai Naurang .

*I have no objection or any claim further.*

*Witness*  
19/07/2019  
S.S.T. BPS-18  
Govt. Shaheed Bahram  
Ahmad Khan HSS Serai Naurang  
Lakki Marwat

witness :  
2  
3  
19/7/2019

19/7/2019  
ACCOUNTS

*[Signature]*  
19/7/2019

AS

Ex DW 1/7

*[Signature]*  
M/s Mumtaz & Brothers  
Govt: Contrector  
Bannu



① چوہدری رحیم اللہ اور انصاف علی قلم کارانور

② ڈاکٹر نسیم ورون اور انصاف علی

اسلحہ علیہم ایہ کو عدالت کا جائز ہے

اے ادارے میں کسی بھی غیر متعلقہ فرد کو بغیر اجازت کے سکول کے اندر نہ آنے دیں

خاص طور پر محمد ظاہر آئی جی جو کہ اداہ ہذا سے ۱۵/۰۲/۲۰۲۷

سکول ہذا سے ایسا نامناسب و درختم مقبول رویہ نہیں

کی وجہ سے Release سکول (DBD) کی طرف سے Disposal

یہ ایسا ریونیو کیلئے تیار ہونا چاہئے تاکہ باوجود

سکول میں انتشار کھیلنے والے داخل ہونے سے

اسکو بھی سکول کے اندر نہ آنے دیا جائے اور نہ تمام

تہذیب و آداب کو لوٹا جائے گا

نوٹ کریں اور اجنبیوں کے ساتھ دیکھا جائے

رہنما ہر شے

- ① علیہ السلام
- ② انصاف علی
- ③ انصاف علی
- ④ علیہ السلام

**OFFICE OF THE DIRECTOR ELEMENTARY & SECONDARY EDUCATION**  
**KHYBER PAKHTUNKHWA, PESHAWAR**



The office order issued by DEO (M) Lakki Marwat vide Endst No. 4330-34 dated 16.09.2020 is hereby declared null and void ab initio being illegal and unlawful, without authority and jurisdiction.

**OFFICE ORDER:**

(Director)  
 Elementary & Secondary  
 Education Khyber Pakhtunkhwa, Peshawar  
 Dated Peshawar the 9/10/2020  
 Endst No. 8170-32

Copy of the above is forwarded to:-

1. District Education Officer (Male) Lakki Marwat.
2. Deputy Commissioner Lakki Marwat.
3. District Accounts Officer Lakki Marwat.
4. Officers concerned.
5. Mr. Ismail Senior Subject specialist BS-18 Govt Shabeed Behram Ahmed Khan HSS Seral Naurang Lakki Marwat.
6. Mr. Fardullah Khan, Principal and Mr. Muhammad Khalid SST Govt Shabeed Behram Ahmed Khan HSS Seral Naurang Lakki Marwat.
7. P.A. to Director local office (DEESE), Peshawar.

(Deputy Director Esrab Male-II)

Directorate of Elementary & Secondary  
 Education Khyber Pakhtunkhwa, Peshawar  
 OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) LAKKI MARWAT

Date 27-10-2020

Endst No. 5495

Copy of the above Office Order is forwarded to all concerned for information and compliance please.

District Education Officer  
 (Male) Lakki Marwat

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**BENCH**

Mr. Justice Amir Hameed  
Mr. Justice Muzaffar Ali  
Mr. Justice Muzaffar Ali

**CIVIL APPEALS NO 191 & 201 OF 2016**

Govt. Teachers Association Balochistan thru its Secy. Gen. Habib-ur-Rahman	(CA 191/2016)	
Pakistan Paramedical Staff Association Balochistan and others	(CA 201/2016)	Appellants
Versus		
The Govt. of Balochistan thru Chief Secy. Quetta and others	(CA 191/2016)	
Mujeebullah Gilani and others	(CA 201/2016)	Respondents

For Appellants  
(CA No. 191/2016)

Mr. Asim Ishaque, A/P  
Ch. Advocate, AUR

(CA No. 201/2016)

Mr. M. Munir Farooq, ASC

For Respondents

Mr. Asim Ishaque, A/P

For Govt. of Baloch

Mr. Muhammad Ayaz Khan Law. M. A.G.  
Mr. Muhammad Iqbal Durrani, A/P AG Baloch.  
Mr. Haroon-ur-Rasheed, Dy. Secy, Education Dept.

Date of hearing

11-01-2017

**ORDER**

We have partly heard the learned Counsel for the Appellants and the learned Law Officers. We are informed that in certain parts of Balochistan, the salaries have not been paid to the teachers for the last 1 to 4 months. The Deputy Secretary, Education Department, present in Court, states that a detailed report will be filed by the department in this respect before the next date of February 11, 2017. It is clear that salary of an employee cannot be withheld as a punishment if a person is found guilty of the misconduct as contemplated in the Civil Services Act/Rules, the department shall proceed

against him and until he is found guilty, he cannot be penalized in a manner as alleged to have been done by the Education Department.

2. The next issue in these proceedings pertains to the appointment of different employees in the Education Department on OPS basis. This Court in a number of cases has held that no appointment can be made on OPS. The learned Counsel for the Appellants states that a number of officers who do not qualify to hold higher offices are being appointed on OPS in violation of Rule 8 of the Balochistan Civil Servants (Appointment, Promotion and Transfer) Rules, 2009. It is further stated that up-gradation has been equated with the promotion by the Department and there is no clear policy on the issue which has resulted in withholding the promotions of certain employees in the Education Department.

3. Let the Chief Secretary, Balochistan, appear on the next date of hearing and advise this Court on these issues and also advise as to how the Balochistan Government can withhold salary of the employees and deny promotion by treating up-gradation as promotion. He shall file a written report on the issues on the next date. Adjudged to 6<sup>th</sup> February 2017. This order has been passed in presence of the learned Additional Advocate General, Balochistan, who shall communicate this Order to the Chief Secretary, Balochistan.

Sd/- Amir Hamid Muslim, J  
Sd/- Musfir Alam, J  
Sd/- Mazhar Alam Khan Altonkhiel

Certified to be a true Copy



Quetta, Balochistan, Pakistan  
21-01-2017

*[Handwritten Signature]*  
Counsel Advocate  
Supreme Court of Balochistan  
(Balochistan)

GR No: \_\_\_\_\_  
Date of Filing: \_\_\_\_\_  
No of Vols: \_\_\_\_\_  
No of Pgs: \_\_\_\_\_