

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 5696/2020

Date of Institution ... 11.06.2020  
Date of Decision ... 14.09.2021

Quraish Khan, Ex-PST, GPS Nagrai, District Buner.

... (Appellant)

**VERSUS**

District Education Officer (Male), Buner and two others.

... (Respondents)

Akhtar Ilyas,  
Advocate

... For appellant.

Muhammad Adeel Butt,  
Additional Advocate General

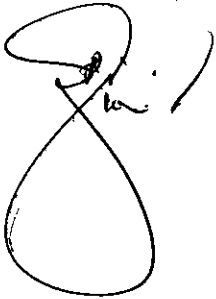
... For respondents.

AHMAD SULTAN TAREEN  
ROZINA REHMAN

... CHAIRMAN  
... MEMBER (J)

**JUDGMENT**

ROZINA REHMAN, MEMBER (J): The relevant facts leading to filing of instant appeal are that the appellant rendered services as PST in Education Department. He filed an application for his retirement which was duly forwarded. Astonishingly, on one hand his application was forwarded to the quarter concerned while on the other hand, he stood retired in the Service Book. There was conflict of his date of birth in his C.N.I.C and Service Book, therefore, his forwarded application was not accepted and it was returned that the same be forwarded after correction of date of birth but this process was kept secret from the appellant. That despite duty, his attendance was not marked, he, therefore, filed an application for attendance but in the



meanwhile, major penalty of compulsory retirement was imposed upon the appellant. He filed service appeal which was accepted and case was remanded to the competent authority for de-novo inquiry. He waited for considerable time, but in vain. He, therefore, filed petition for implementation of the order and receipt of notice by the respondents, impugned order was passed on 18.02.2020. He, therefore, filed departmental appeal which was not responded to, hence, the present service appeal.

2. We have heard Akhtar Ilyas Advocate for appellant and Muhammad Adeel Butt learned Additional Advocate General for the respondents and have gone through the record and the proceedings of the case in minute particulars.

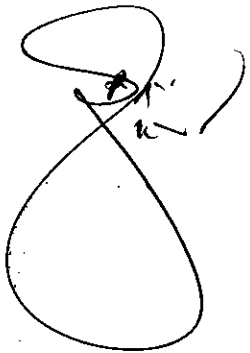
3. Akhtar Ilyas Advocate, learned counsel appearing on behalf of appellant, inter-alia, contended that the respondents failed to follow the dicta laid down by the Service Tribunal in Service Appeal No.755/2018. He contended that in the earlier round of litigation, case was remitted for de-novo inquiry and the respondents were required to reinstate the appellant and then to initiate de-novo inquiry but such practice was not undertaken in utter disregard of rules. He submitted that no regular inquiry was conducted in the case of appellant and no witness was examined in his presence. He contended that appellant was condemned unheard as he was not given the right of defense. He submitted that it is settled by now that until and unless the competent authority has accepted resignation, a civil servant cannot be retired from his duty and lastly, he submitted that appellant has not committed any misconduct by way of his absence or by way of any



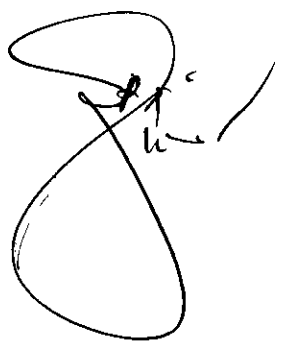
embezzlement but even then, harsh punishment was imposed upon appellant.

4. Conversely learned A.A.G submitted that the appellant had not submitted any retirement application to the competent authority rather he purposely deceived the Head Teacher and gave him the impression of retirement from service for which appellant got marked his retirement application and got written in his column in the attendance register that the appellant stood retired w.e.f 01.07.2016. He contended that the Head Teacher marked the application and handed over to the appellant for further submission to the S.D.E.O concerned but the appellant purposely detained application with himself and did not submit the same to the concerned S.D.E.O for further submission to the competent authority (D.E.O). He contended that he remained absent from the date of getting his application marked from the Head Teacher i.e. 01.07.2016 and on the other hand, he did not submit the already marked retirement application to the S.D.E.O concerned in order to keep the S.D.E.O in ignorance and thereby not to stop his salary and get it regularly. Lastly, he submitted that the appellant remained absent w.e.f 01.07.2016 to 30.05.2017 (10 months) for which he regularly took his salaries.

5. From the record, it is evident that appellant Quraish Khan P.S.T submitted an application seeking retirement on 01.07.2016. This entry has properly been made by the Headmaster G.P.S Nagrai in the register of attendance which is not denied by the respondents. As there was conflict in the date of birth of appellant in his C.N.I.C and Service Book, therefore, he once again submitted an application to D.E.O for marking his attendance in the school on 02.08.2018. The



competent authority without taking any regular inquiry under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 compulsory retired the appellant by way of major punishment, therefore, in the earlier round of litigation, case of the appellant was remitted to the competent authority for decision afresh after de-novo inquiry in accordance with law. As per record, the competent authority constituted an Inquiry Committee vide notification dated 12.10.2019 and the said Committee intimated Head Teacher and the appellant on telephone to be present on 31.10.2019. From perusal of the inquiry report, it is evident that neither charge sheet nor statement of allegation was ever served upon appellant. No show cause was issued and in view of the recommendation of the Inquiry Committee, impugned order was passed on 18.02.2020, whereby, major penalty of compulsory retirement from service was imposed upon appellant w.e.f 01.07.2016 and amount of Rs.412885/- (salary of 10 months) w.e.f 01.09.2015 to 30.06.2016 was ordered to be recovered and deposited in the Government Exchequer. On one hand, the competent authority did not follow the dicta laid down by this Tribunal in Service Appeal No.755/2018 as no charge sheet and statement of allegations were issued in accordance with the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 while on the other hand, he was charged for recovery of an amount of Rs. 412885/- w.e.f 01.09.2015 to 30.06.2016. This period of 10 months was not justified as the record is totally silent in respect of any absence or any sort of misconduct by the appellant from 01.09.2015 to 30.06.2016 as admittedly he submitted application seeking premature retirement on 01.07.2016 and the allegations were

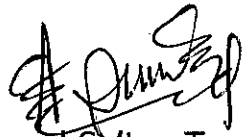


in respect of recovery of pay for period w.e.f 01.07.2016. The appellant is aged and ailing Government servant who served the Department for more than 28 years but was not treated in accordance with law.

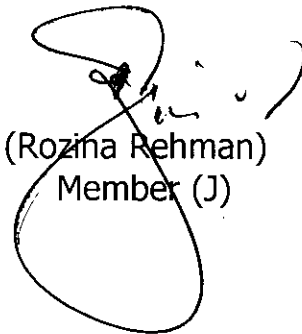
6. In view of the above factual and legal position, by acceptance of this appeal, we set aside the impugned orders and appellant stands voluntary retired from 01.07.2016 when he himself submitted application seeking premature retirement due to his health issues. In order to relieve the agony of the appellant, the respondents are directed to expedite and process the pension case of the appellant within 30 days of the receipt of this judgment. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.


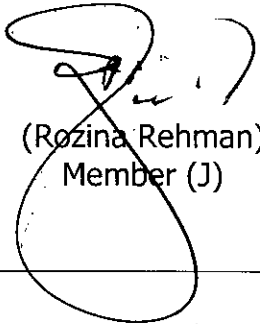
14.09.2021



(Ahmad Sultan Tareen)  
Chairman



(Rozina Rehman)  
Member (J)

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
	14.09.2021	<p><u>Present:</u></p> <p>Akhtar Ilyas, Advocate ... For Appellant.</p> <p>Muhammad Adeel Butt, Additional Advocate General ... For Respondents</p> <p>Vide our detailed judgment of today of this Tribunal placed on file, by acceptance of this appeal, we set aside the impugned orders and appellant stands voluntary retired from 01.07.2016 when he himself submitted application seeking premature retirement due to his health issues. In order to relieve the agony of the appellant, the respondents are directed to expedite and process the pension case of the appellant within 30 days of the receipt of this judgment. Parties are left to bear their own costs. File be consigned to the record room.</p> <p><u>ANNOUNCED.</u> 14.09.2021</p> <p> (Ahmad Sultan Tareen) Chairman</p> <p> (Rozina Rehman) Member (J)</p>

25.03.2021

Appellant present through counsel. Preliminary arguments heard. Record perused.

Points raised need consideration. Appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to the respondents. To come up for written reply/comments on 26/5/2021 before S.B.

Annexed with the memo of appeal, there is an application for interim relief. Notice of the said application be issued to respondents. In the meanwhile, recovery of Rs. 4,12,885/- shall remain suspended till the next date of hearing.

Appellant Deposited  
Security & Process Fee

(Rozina Rehman)  
Member (J)

26.05.2021

Counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG alongwith Iftikharul Ghani, DEO District Buner for the respondents present.

Representative of the respondents requests for further time to furnish written reply/comments. The respondents are required to furnish written reply/comments in office within 10 days. In case, the written reply/comments are not submitted within the stipulated time, the office is directed to submit the file with a report of non-compliance. File to come up for arguments on 14.09.2021 before the D.B.

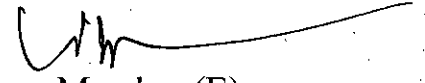
Reply of R1 & R2  
submitted.

Reply submitted

Chairman

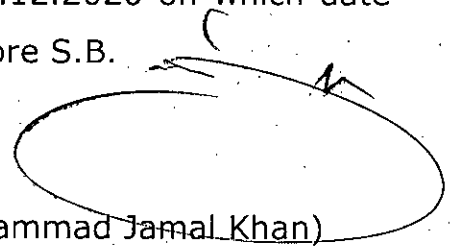
31.08.2020

Nemo for the appellant. Notice be issued to the appellant and his counsel. Adjoined. To come up for preliminary hearing on 22.10.2020 before S.B.

  
Member (E)

22.10.2020

Since the Members of the High Court as well as of the District Bar Association Peshawar are observing strike today, therefore, the case is adjourned to 30.12.2020 on which date to come up for preliminary hearing before S.B.

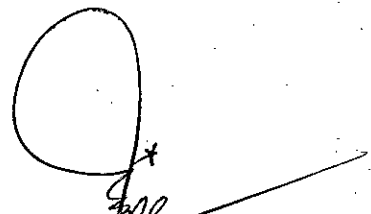
  
(Muhammad Jamal Khan)  
Member (Judicial)

30.12.2020

Junior to counsel for the appellant present.

Former requests for adjournment as learned counsel for the appellant is not available today.

Adjoined to 25.03.2021 before S.B.

  
(Mian Muhammad)  
Member(E)



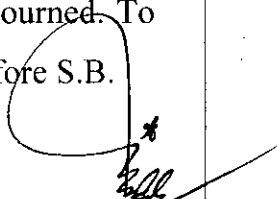


Form- A

FORM OF ORDER SHEET

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

Case No.- 5676 /2020

1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/06/2020	<p>The appeal of Mr. Quresh Khan presented today by Mr. Akhtar Ilyas Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>24/06/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p style="text-align: center;">_____</p> <p>Counsel for the appellant present and seeks adjournment as he has not prepared the brief. Adjourned. To come up for preliminary hearing on 31.08.2020 before S.B.</p> <p style="text-align: right;"> MEMBER</p>
2-	24.06.2020	

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 5696 /2020

Qurasih Khan

Versus

District Education officer (M), Buner & 2 Others

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S#	Description Of The Documents	Annex	Pages
1.	Service Appeal Along Affidavit	*	01-04
2.	Application for Interim Relief	*	05
3.	Copy of Application dated 01-07-2016	A	06
4.	Copy of extract of Service Book	B	07
5.	Application dated 02-08-2017 along its Better Copy	C	08/8-A
6.	Copy of Order dated 20-01-2018	D	09
7.	Copy Service Appeal and Order thereon	E1 & E2	10-18
8.	Application dated 10-10-2019 for implementation of Judgment	F	19-20
9.	Copy of Impugned Order dated 18-02-2020	G	21
10.	Copy of Departmental Appeal dated 11-03-2020	H	22-23
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*Qurasih Khan*

Appellant

Through

*Akhtar Ilyas*  
AKHTAR ILYAS

ADVOCATE HIGH COURT

&

*Changai Khan*  
CHANGAIZ KHAN  
ADVOCATE

# BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 5698/2020

**Quraish Khan,**  
Ex-PST, GPS, Nagrai, District Buner.

..... Appellant

**Versus**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 5026

Dated 11/6/2020

- 1. District Education Officer (Male), Buner.
- 2. Director (E&SE) KPK,  
Education Directorate, GT Road Peshawar
- 3. Head Teacher, GPS Nagrai, Buner

..... Respondents

**APPEAL U/S 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER ENDST NO. 469-74 DATED 18-02-2020 WHEREBY MAJOR PENALTY OF COMPULSORY RETIREMENT FROM SERVICE W.E.F 1-07-2016 AND RECOVERY OF RS.4,12,885/- HAS BEEN IMPOSED AND THE DEPARTMENTAL APPEAL DATED 11-03-2020 HAS NOT BEEN RESPONDED WITHIN THE STATUTORY PERIOD.**

**Sheweth!**

- 1. That the appellant rendered services as PST in Education Department since 3-10-1988 with full zeal and devotion and, as such, he has completed more than 28 years of service with unblemished service record.
- 2. That on 01-07-2016, the appellant filed an application for his retirement (**annexure-A**) on the grounds mentioned therein which was duly forwarded by respondent No.3 but astonishingly, rather shockingly, the respondent No.3, on the one hand, forwarded the application to the quarter concerned and, on the other hand, he stood retired the appellant in the service book (**Annexure-B**) Needless to mention here, that respondent No.3 was not competent to do so.
- 3. That as there were difference of age (Date of Birth) of the appellant in his CNIC and Service Book; the forwarded application had not been accepted rather it was returned to respondent No.3. It is also on record that the competent Authority has observed that the same, be rotated after correction of date of birth, but this whole process was kept secret from the appellant.
- 4. That due to the biasness of respondent No.3, although the appellant performed his duties in illness condition but respondent

Filed to Registrar  
11/6/2020

5. No.3 hg application on 2-08-2017 (**Annexure-C**) for attendance filed at school.

in vide Order Endst. No. 421-26 dated 20-01-2018, majority of compulsory retirement was imposed on the appellant (**Annexure-D**).

That the appellant assailed the same before the KPK Service Tribunal in Appeal No.755/2018 which was duly accepted on 02-09-2019 and the case was remanded back to the competent Authority for De-Novo Inquiry. (**Service Appeal and Order thereon are annexed as E1 &E2**).

8. That the appellant awaited for considerable time but no response was given to him by the respondents, despite the fact, the appellant provided the attested copies of the order on 10-10-2019, (**Application for implementation is attached as Annexure F**), which prompted the appellant to file petition for implementation which is still <sup>pending</sup> and is fixed for 23-06-2020.

9. That when notice of the petition was received by Respondent No.1, he issued the impugned order dated 18-02-2020. (**Annexure-G**), which is verbatim copy of the earlier impugned order.

10. That appellant filed departmental appeal on 11-03-2020. (**Annexure-H**), which has not been responded within the statutory period, hence the instant service appeal, inter alia, on the following grounds:

**GROUND:**

A. That the respondents have not followed the dicta laid down by the worthy KPK Service Tribunal passed in Service Appeal No. 755/2018 decided on 02-09-2019 which is but a nullity in the eyes of law thus needs rectification by this worthy Tribunal.

B. That in earlier round of litigation, the worthy KPK Service Tribunal has accepted the Service appeal of the appellant and has remanded the case for de-novo inquiry to the competent Authority (Emphasis supplied), In the given scenario, the respondents were required to reinstate the appellant and thereafter initiate de-novo- inquiry but such a practice has not been undertaken by the respondents which is in utter disregard of **Rules,1(a), 2(a) of the KPK , (Efficiency & Disciplinary Rules, 2011)**. This major discrepancy, rather blunder on the part of respondents have put a clog on the whole procedure and, on this score alone, the impugned order needs to be set aside.

- C. That no regular inquiry has been conducted in the case of appellant. So much so, the procedure contained in E & D Rules, 2011 have not been followed/adhered to, hence liable to be set at naught.
- D. That no statement has been recorded in the presence of appellant; no right of cross examination has been provided to the appellant; and, no statement or findings along with supporting materials have been supplied to the appellant, despite the fact, that he has submitted application for the supply whereof **(Application is attached as Annexure-I)**
- E. That before passing the impugned Order, the respondents were legally obliged/bound to give the petitioner right of personal hearing but the same has not been undertaken which goes contrary to the doctrine of *audi alteram partem*.
- F. That respondents have awarded punishment to the appellant for a sin which he has not committed, in that an amount of Rs. 4,12,885/- (w.e.f 01-09-2015 to 20-06-2016) has been ordered to be recovered from the appellant which is on the one hand, mockery of the system and, on the other hand, lack of competence / seriousness/irresponsible attitude of Respondents No.1 because as per attendance record, the appellant has attended the school and performed his duties. **(Annexure-J)**
- G. That it is settled by now that until and unless the Competent Authority has accepted the resignation, a civil servant cannot be retired from his duty but the matter is altogether different, Reliance is placed on 2007 SCMR 792.
- H. That the appellant has not committed any misconduct by way of his absence or by way of any embezzlement and the respondents were legally bound to have recourse to Rules 9(3) of Revised Leave Rules, 1980.
- I. That the issue has been pending in the worthy KPK Service Tribunal in execution stage. The respondents should have waited for the fate of the same. On this score too, the impugned Order is a nullity in the eyes of law.
- J. That the Departmental Authority, i.e. Respondents was legally bound to decide appeal of the appellant in either way but the same has not been undertaken.
- K. That the appellant seeks leave of the Tribunal to urge additional grounds at the time of arguments, if need be.

**PRAYER:**

4

In view of the foregoing facts, it is, therefore, most humbly prayed that the Order Endst No. 469-74 dated 18-02-2020 whereby major penalty of compulsory retirement from service w.e.f 01-07-2016 and recovery of Rs. 4,12,885/- has been imposed on the appellant, may kindly be set aside.

Furthermore, the appellant may kindly be reinstated into service with all back benefits.

Any other remedy to which the appellant is found fit in law, justice and equity may also be granted.

*Durish Khan*  
Appellant

Through

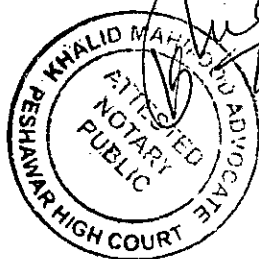
*Ayas*  
AKHTARILYAS  
ADVOCATE HIGH COURT

&

*CH*  
*Khan*  
CHAGAIZ KHAN  
ADVOCATE

**AFFIDAVIT**

It is hereby verified and declared on oath that the contents of above Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



*Durish Khan*  
Deponent

**BEFORE KPK SERVICE TRIBUNAL PESHAWAR**

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

**Qurashih Khan**  
Versus  
**District Education officer (M), Buner & 2 Others**

**APPLICATION FOR INTERIM RELIEF**

**Sheweth!**

1. That the contents of the Service appeal may kindly be considered as integral part of this interim relief application.
2. That the appellant has a prima facie case against the respondents.
3. That the balance of convenience leans in favor of the appellant.
4. That if the interim relief is not granted in favor of the appellant, he would suffer irreparable loss in the shape of violation of his legal and constitutional rights.
5. That there is no legal impediment in granting of the interim relief, rather it would be in the best interest of justice to allow the same.

**It is, therefore, most humbly prayed that the recovery of the disputed amount/salaries, i.e. 4,12,885/- may not be recovered from the appellant till the final decision of the appeal.**

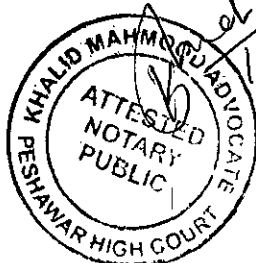
*Qurashih Khan*  
Appellant

Through

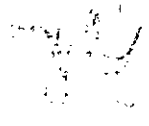
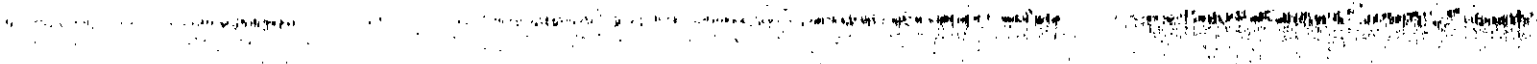
*Akhtar Ilyas*  
**AKHTAR ILYAS**  
ADVOCATE HIGH COURT

**AFFIDAVIT**

**It is hereby verified and declared on oath that the contents of above Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.**



*Qurashih Khan*  
Deponent





Annex-A (6)

عنوان:- ریٹائرمنٹ برائے پی ایس ٹی جوسٹ 01/07/2016 سے

جناب عالی!

محوربانہ گزارش ہے کہ میں بحیثیت پی ایس ٹی جوسٹ

08/05 سے ایچ ایٹریٹمنٹ برصی انجام دے رہا ہوں

میں نے ایچ ایٹریٹمنٹ کے 08 سوال پورے کر لیے اور اسے

کے علاوہ میں بیٹھا رہی ہوں میں مزید سروس جاری

میں رکھ سکتا۔

لین آؤٹ فراہم کرمانی کر کے

01/07/2016 سے بحیثیت کرنا

دعا گوہر رہو لگا

احکا مینڈا

خدریس خان پی ایس ٹی ناہیدہ شاہ

01-07-2016

ضابط عالی

attested

so accepted

M.S.

ATTESTED TO BE  
TRUE COPY

دوروزین چیتھہ - 14/07/2016  
14/07/2016  
HAGIG MANSUR  
117-120  
117-120

بابت ماہ جولائی سال 2016

رہنما ضلعی تعلیم نگر

(B)

تاریخ	آمد	دستخط	رواگی	دستخط	آمد	دستخط	رواگی	دستخط	آمد	دستخط	رواگی	دستخط
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Handwritten notes and signatures in Urdu, including a large signature and the text "Head Master, G.P.S. Nagrai, P.S. Nagrai".

ATTESTED TO BE COPY

(Your suggestions will be welcome)

ATTESTED TO BE  
TRUE COPY

8

*[The main body of the document contains several paragraphs of handwritten text, which is extremely faint and difficult to decipher. The text appears to be organized into sections, possibly separated by lines or small headings. There are some circled words or initials throughout the document.]*

8

*[Handwritten signature or name]*

*[Small handwritten mark or signature]*

DEO صاحب (مردانہ) ضلع پونہ

جناب عالی! گزشتہ بارے کہ سائل عینیت PST کو ریٹائرمنٹ ریٹائرمنٹ سکول نگری میں اپنی ڈیوٹی سرانجام دہا ہے۔

چونکہ سائل نے 05/2016ء کو ریٹائرمنٹ لے کر درخواست دی تھی لیکن سائل نے نہایت کڑی تاریخ پیدائش اور سروس بک کی تاریخ پیدائش میں ایک سال کا فرق ہے جسکی وجہ سے DEO پونہ ریٹائرمنٹ سکول نگری کے سائل کی ریٹائرمنٹ کو منسوخ کی۔

اگر میری عمر میں ایک سال سے زیادہ فرق پایا گیا تو میری کسی ذمہ دار نہ

ہوگا۔

لہذا آپ صاحبان پرانی فرما کر سائل کی دوبارہ مذکورہ بالا سکول میں حاضر کن احکامات صادر فرمائیں۔

العارض

Sd-  
قریب خان بی ایس ٹی (PST)  
بی بی ایس نگری

2-8-2017

ATTESTED TO BE  
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Annex-D-9

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) DISTRICT BUNER.

OFFICE ORDER.

WHEREAS Mr. Quraish Khan PST GPS Nagrai was proceeded against under the Khyber Pukhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

2. AND WHEREAS the show cause notice vide this office Endst/No.6425-28 dated 14/11/2017 was issued to him but reply of the show cause notice was found unsatisfactory as well as he did not desired to be heard in person.

3. AND WHEREAS the competent authority (D.E.O Male Buner) is satisfied that he is not interested in Govt; duty and the charges against the accused teacher have been proved.

4. NOW, THEREOF, in exercise of the powers conferred under sub rule 4b (ii) of Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules 2011, the Competent Authority is pleased to impose Major penalty Compulsory retirement from service with effect from 01/07/2016 (A/N) and recovery of amount Rs.412885/- upon Mr. Quraish Khan PST GPS Nagrai

Note:-

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

(BAKHT ZADA)  
DISTRICT EDUCATION OFFICER (M)  
BUNER

Endst; No.

621-26

Dated 20/1/2018.

Copy for information to :-

1. Director (E&SE) Khyber Pakhtun Khwa Peshawar.
2. Deputy Commissioner Buner.
3. District Monitoring Officer Buner.
4. Sub Divisional Education Officer (iv) Khabulail
5. District Accounts Officer Buner. *Mend...*
6. Official Concerned.

*attested*  
*[Signature]*

DISTRICT EDUCATION OFFICER (M)  
BUNER

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Before the service tribunal khyber pukhtoonkhwa Peshawar .

Service appeal No.....2018

Qurish Khan Ex PST Government primary school Nagrai, district  
Buner.....appellant


Vs

District Education officer(M) Buner and others.....respondents

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Dated: 30/05/2018

Petitioner  
Through   
Mushtaq ahmad khan  
Office at district court  
daggar, buner  
Cell no

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Before the service tribunal khyber pukhtoonkhwa Peshawar .

Service appeal No. ....2018

Qurish khan Ex PST Government primary school Nagrai, district

Buner.....appellant

Vs

1. District Education officer(M) Buner .
2. Director E & SE khyber pukhtoonkhwa at Peshawar.
3. Govt of K.P.K through secretary E & SE khyberpukhtoonkhwa at Peshawar.
4. SDEO Mandanr district buner.
5. Head teacher GPS Nagrai-district Buner.

Appeal against the impugned order dated 20/1/2018 whereby the respondent No 1 compulsorily retired the appellant from service with effect from 1. 7. 2016 and directed recovery of RS 412885 from him.

Respectfully sheweth:

1. That the appellant was appointed as primary school teacher on 3. 10. 1988 and since then he was performing his duties efficiently, with full zeal and devotion.
2. That the appellant remained in the aforesaid service for about 28 years with unblemished service record and never ever absented from his duty and it is evident from his service record that he remained on leave for only 59 days in the whole of his service.
3. That in may 2016 the appellant became ill due to which he was unable to perform his duties and hence filled an application, through proper channel, for his retirement. (application for retirement attached as annex A)
4. That the head teacher informed the appellant that he had been relieved from duty pursuant to his application for retirement where after the appellant did not perform the duties for several days under the bonafid

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- belief that he had been relieved/retired. (extract of register mudariseen attached as annex B).
5. That after few months the son of the applicant went to the office of the respondent No 1 for information of retirement benefits etc but he was told that due to the difference between the date of birth of the appellant in CNIC and service book the retirement sanction had not then granted and also told him that after solving this legal issue they were going to grant retirement sanction, however they did not later on communicated the information of rejecting of his application for retirement.
  6. That when the appellant came to know regarding the above mentioned facts he joined his duties but the headmaster concerned was not allowing the appellant to record his attendance as his stance was that, that the appellant had already been relieved by him, similarly the respondent no 4 was also approached but he also did not settle the issue.
  7. That the applicant then filed an application before the respondent No 1 for formally resuming his duties when came to know regarding rejection of his application for retirement. (copy of the application for resuming duties attached as annex C)
  8. That the appellant time and again requested the respondents for formally allowing him to resume his duties as his health was also sound then, but despite the appellant's attending the school the respondent did not allow him for recording his formal attendance with malafide intention.
  9. That the appellant came to know that a fact finding inquiry had been conducted at his back without issuance of any show cause notice to the applicant, hence he filed an application for providing the inquiry, if any, under Right to information act 2013 on 14.11.2017, but no such inquiry was provided to the appellant. (application dated 14.11.2017 under right to information act attached as annex D).
  10. That on the same day i.e. 14.11.2017, the appellant was served with a show cause notice which was properly replied by the appellant. (copy of the show cause notice and reply thereto are attached as annex E & F)
  11. That without providing any charge sheet, statement of allegation, final show cause notice and conducting inquiry the respondent no 1 passed the

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impugned order dated 20/1/2018 where by the appellant was compulsorily retired from service with recovery of amount Rs 412885, hence a departmental appeal, dairy No 141 dated 6.2.2018 was filled before the appellate authority but the same was not decided within the statutory period. (impugned order dated 20.1.2018 and departmental appeal attached as annex G and H).

GROUNDS:

1. That the impugned order dated 20.1.2018 is against the law, rules and natural justice.
2. That the appellant have neither been charge sheeted nor any statement of allegation have been communicated to him. more over no regular inquiry have been conducted nor the appellant have been heard in the matter and the whole proceeding have been done it the back of the appellant on which score the impugned order is illegal and unjustified.
3. That the appellant have neither been associated with any inquiry nor any final show cause notice have been send to him and he has been completely condemn unheard.
4. The the procedure contained in efficiency and discipline rules ,2011 has not been followed rather the process/procedure adopted by the respondents is contrary to the law on the subject hence liable to be set aside.
5. That the appellant have not been treated according to the law applicable to the civil servants, hence the impugned order is against the spirit of the law.
6. That returning of the retirement application of the appellant on the ground of wrong date of birth in the CNIC and service book had not been communicated to the appellant by the respondents. hence the appellant could not be penalized for the same. more over the respondent no 5 had not communicated the retirement application to the respondent no 1 in time and in the same way had not communicated to the appellant the returning of the retirement application by the respondent no 1 with malafide intention and he also adopted the role of competent authority by relieving the appellant and then by not allowing him to his duties but no departmental action have been initiated against the respondent no 5 which

*[Signature]*  
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(4)

14

show the discriminatory treatment and unfair play on the part of respondent no 1.

7. That the respondent have penalized the appellant for their own wrongs which penalty is not sustainable in the eye of law.
8. That the appellant seek the permission of this worthy tribunal to rely on additional grounds at the time of arguments.

It is therefore kindly prayed that on acceptance of this appeal the impugned order dated 20/1/2018 may kindly be set aside and the appellant be re instated in service with all back benefits.

Any other relief not specifically prayed for and which this worthy tribunal deem fit and appropriate in the facts and circumstances of the instant case may also kindly be granted for the end of justice.

Dated: 30/5/2018

Appellant

*[Signature]*

Through

*[Signature]*

Mushtaq Ahmad Khan Alizai

Advocate, office district court

Buner cell No. 03469014199.

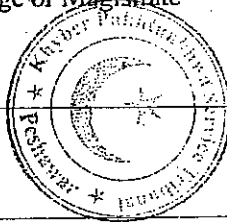
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Annex-E/2 (15)



E/2

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	02.09.2019	<p style="text-align: center;"><b>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</b> <b>At Camp Court, Swat.</b> <b>Service Appeal No. 755/2018</b></p> <p>Date of Institution ..... 30.05.2018 Date of Decision ..... 02.09.2019</p> <p>Qurish Khan Ex PST Government Primary School Nagri, District Buner.</p> <p style="text-align: right;">Appellant</p> <p style="text-align: center;">Versus</p> <ol style="list-style-type: none"><li>1. District Education Officer (M) Buner.</li><li>2. Director E&amp;SE Khyber Pakhtunkhwa, Peshawar.</li><li>3. Government of Khyber Pakhtunkhwa, through Secretary E&amp;SE Khyber Pakhtunkhwa, Peshawar.</li><li>4. SDEO, Mandanr District Buner.</li><li>5. Head Teacher GPS Nagrai District Buner.</li></ol> <p style="text-align: right;">Respondents</p> <p>Mr. Mubammad Hamid Mughal _____ Member(J) Mr. Ahmad Hassan _____ Member(E)</p> <p style="text-align: center;"><b>JUDGMENT</b> <b>MUHAMMAD HAMID MUGHAL, MEMBER:</b> Appellant</p> <p>with counsel present. Mr. Mian Amir Qadir learned Deputy District Attorney present.</p> <p>2. The appellant (Ex-PST) has filed the present service appeal against the order dated 20.01.2018 whereby the appellant was awarded major penalty of compulsory retirement from service w.e.f 01.07.2016 alongwith recovery of amount of Rs. 412885/-.</p>



2.9.2019

**ATTESTED**  
  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

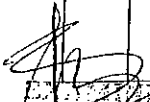
16  
1

3. Learned counsel for the appellant argued that the appellant was appointed as Primary School Teacher on 03.10.1988; that in the month of May 2016 the appellant became unable to perform his duties due to his illness hence he filed application through proper channel/headmaster, for his retirement; that the headmaster informed the appellant that he has been relieved from duty in pursuance of his application for retirement and as such the appellant was under impression that he has been relieved/retired; that son of the appellant inquired about the pensionary benefits of the appellant however he was told that due to discrepancy in the date of birth of the appellant in his documents i.e. CNIC and Service Book, the sanction for retirement was not granted; that thereafter the appellant decided to join back his duties but the headmaster concerned did not allow the appellant to do so; that a fact finding inquiry was conducted against the appellant at his back; that the appellant was served with Show Cause Notice which the appellant also replied; that without issuing any charge sheet/statement of allegation i.e. without conducting any regular inquiry, the appellant was awarded punishment of compulsory retirement vide order dated 20.01.2018 alongwith recovery of Rs. 412885/-. Learned counsel for the appellant next contended that the departmental appeal of the appellant against the impugned order, was not answered; that the impugned order is against law, facts and norms of justice.

4. As against that learned Deputy District Attorney stated that the appellant submitted application for his retirement to the

2.9.2019

ATTESTED

  
Khadija Gulshan  
Service Tribunal,  
Peshawar

headmaster instead of competent authority and that the application was then taken back; that the competent authority conducted inquiry against the appellant and in the light of the said inquiry, the appellant was awarded punishment of compulsory retirement; that proper Show Cause Notice was issued to the appellant; that the appellant absented himself from duty and illegally received salary of absence period hence the order made impugned in the present service appeal is legally justified.

5. Arguments heard. File perused.

6. There is no denying fact that the appellant has more than 25 years' of service at his credit. In the year 2016 the appellant submitted application for his retirement on the ground of his illness and even today, before this Tribunal the appellant expressed his desire for retirement on the ground of his illness.

7. The competent authority without conducting any regular inquiry under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, compulsory retired the appellant by way of major punishment. Learned Deputy District Attorney remained unable to show that in fact any charge sheet/statement of allegation were served upon the appellant, similarly learned Deputy District Attorney could not demonstrate that a fact finding inquiry can be made basis for awarding major punishment.

8. In the light of above, the present service appeal is accepted and the case of the appellant is remitted to the competent authority.

ATTESTED

2.9.2019  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

18

for decision afresh after de-novo inquiry in accordance with law.  
Issue of back benefit shall be subject to the outcome of de-novo  
inquiry. Parties are left to bear their own costs. File be consigned to  
the record room.

(Ahmad Hassan)  
Member

(Muhammad Hamid Mughal)  
Member  
Camp Court, Swat.

ANNOUNCED  
02.09.2019

Certified true copy

Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Order ..... 25-09-19  
Number of the ..... 1600  
Captioned ..... 20-00  
Urgent .....  
Total ..... 20-00  
Name of .....  
Date of the ..... 02-10-19  
Date of Intimation ..... 02-10-19

To,

The District Education  
officer (M) Binn.

Subject:- Application For ~~Joining Service~~  
pursuance To ~~The Court Order~~  
Judgement Dated 2-9-2019

The applicants Submits as follows.

- 1- That the applicant was Compulsory  
retired from service whereafter the  
applicant approached the Worthy Service  
Tribunal K.P.K.
- 2 - The the Worthy Tribunal was  
pleased to accept the appeal  
of the appellant by Restating  
him however Back benefits  
were left to the result of  
Denovo inquiry -
- 3 - That As the applicant is in  
Service pursuance to the Decision  
of the Worthy Tribunal and is  
Sound enough to perform his  
duties.

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Attested  
[Signature]

4 - That The applicant had also several time approached to The headmaster of GPS Nagrai for permitting him for taking classes but he had refused on several occasions.

5.

~~That in order to avoid the above situation after the order/judgment of the worthy Tribunal the competent authority should direct the incharge of the concerned school to allow the applicant for his duties.~~

It is therefore kindly prayed that the incharge GPS Nagrai may kindly be directed to permit the applicant for performance of his duties pursuant to the worthy Tribunal Decision.  
Dated 2-9-2019

Your obediently  
Q. Vishal Sharma

Dated 10-10-2019

Attested  
Q.

Notes Decision of The Tribunal  
Page 2-9-2019 is attached.

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OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE) DISTRICT BUNER  
PHONE & FAX NO. 0939-510468  
EMAIL: edobuner@gmail.com



Annex - G (21)

NOTIFICATION.

1. WHEREAS on the verbal complaint of SDEO(M) Mandanr, an inquiry was conducted against Mr. Quraish Khan PSHT GPS Nagrai through the DDEO(M) Buner and SDEO(M) Gagra and as per inquiry report of the inquiry committee, he had illegally drawn Rs:412885/- (Four lac twelve thousand Eight Hundred. & Eighty Five) for ten months and inquiry committee recommended that the same amount may be recovered from him and be refunded in Govt: treasury through challan and his pension case may not be processed unless the said amount is not refunded.

2. WHEREAS he had been served show cause notice vide this office No.6425-28 dated 14-11-2017 and his reply was found unsatisfactory.

3. WHEREAS, then the DEO(M) Buner imposed upon him major penalty of "Compulsory Retirement from service" w-e-f- 1-7-2016(A.N) and recovery of the amount Rs. 412885/- upon Quraish Khan PST.GPS Nagrai vide this Office No.421-26 dated 20-1-2018.

4. WHEREAS As per judgment of the Khyber Pakhtunkhwa Service Tribunal at camp Court Swat S/appealNo.755/2018, the case of the appellant is remitted to the Competent Authority for decision, a fresh after De-novo inquiry in accordance with law.

5. WHEREAS, in compliance of the court order, the Competent Authority conducted de-novo inquiry vide this office No.7560-64 dated 12/10/2019 & the inquiry committee recommends that Mr. Quraish Khan PST GPS Nagrai may be retained of penalty imposed upon Compulsory Retirement from service under rules 4(b) (ii) w.e.f 1/7/2016

NOW, therefore the Competent Authority, in exercise of the power conferred upon under the Rule 4(b) (ii) of the Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011 is pleased to retain penalty of "Compulsory Retirement from Service" upon Mr. Quraish Khan PST GPS Nagrai of Tehsil Mandanr Buner w-e-f- 1-7-2016 as already notified vide this office No.421 dated 20/1/2018 & amount of Rs.412885/- for (10 months.) w.e.f 1/9/2015 to 30/6/2016 may be recovered and deposited in the Govt; exchequer.

(MUHAMMAD AZAM KHAN)  
DISTRICT EDUCATION OFFICER (M)  
BUNER

Endst: No. 469-741 Dated 18/2/2020.

Copy for information to; -

1. Director (E&SE) Khyber Pakhtunkhwa Peshawar.
2. Registrar Khyber Pakhtunkhwa Service Tribunal at Camp Court. Swat.
3. District Monitoring Officer Buner.
4. Sub Divisional Education Officer (M) Mandanr with the remarks that necessary entry to this effect shall be made in his Service Book accordingly and recovery of 412885/- be made from his pension/graduity under intimation to this office.
5. District Accounts Officer
6. Official Concerned.

DY: DISTRICT EDUCATION OFFICER (M)  
BUNER

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(A)

The Worthy Director,  
Elementary and Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.

**Subject. DEPARTMENTAL APPEAL AGAINST THE ORDER ENDORSEMENT  
NO. 469-74. DATED 18-02-2020, WHEREBY MAJOR PENALTY  
OF COMPULSORY RETIREMENT FROM SERVICE W.E.F 01-07-  
2016 AND RECOVERY OF RS. 4,12, 885/- HAS BEEN IMPOSED.**

Respected Sir,

With due reverence and respect, the applicant humbly submits as under:

1. That the applicant rendered services as PST Teacher in your esteemed department since 03-10-1988 with full zeal and devotion and, as such, he has completed more than 28 years of service with unblemished service record.
2. That vide order Endst No. 421-26 dated 20-01-2018, major penalty of compulsory retirement from service was imposed upon the applicant; the applicant failed departmental appeal against the same on 06-02-2018. **(Copy of the appeal is attached as annexure 'A')**, The grounds taken in departmental appeal may kindly be considered as an integral part of the instant departmental appeal as well.
3. That the applicant has filed service appeal No. ~~431/2017~~ <sup>755/2018</sup> in Hon'ble Service Tribunal which was duly accepted and the case was remanded back to the competent authority for **de novo inquiry. (Copy of the Service Appeal and order is attached as Annexure 'B')**.
4. That this time too the competent authority has not followed the procedure and passed the impugned order in utter disregard of law, rules and policy on the subject, hence needs rectification.
5. That so much so the order of the learned Service Tribunal has not been followed in its true spirit.
6. That the impugned order itself speaks the endemic mala-fide on the part of the competent authority for the following reasons:

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- i. The competent authority has not given any respect to the Rules 1(2) and 2(a) of the Khyber Pakhtunkhwa

2011, as the competent authority was required to first reinstate the applicant into service and thereafter, initiate the *de novo inquiry*. This discrepancy put a clog on the whole procedure of inquiry which is but a nullity in the eyes of law;

- ii. No regular inquiry has been conducted;
  - iii. That no statement has been recorded in the presence of the Appellant;
  - iv. No right of cross examination has been provided to the applicant;
  - v. No statement or finding along with supporting materials has been supplied to the applicant and, last but not the least; and,
  - vi. No right of personal hearing has been given to the appellant before passing the impugned order.
7. That appellant has not committed any misconduct himself by way of absence or by way of embezzlement, hence the punishment is not commensurate with the facts of the case.
8. That the procedure contained in the (E &D) Rules, 2011 has not been followed rather conducted contrary to the law on the subject, hence liable to be set aside.
9. That the appellant is desirous to be heard in person, hence he requests for the same.

**It is, therefore, most humbly requested that on acceptance of this appeal, the impugned order dated 18-02-2020 may kindly be set aside and the appellant be reinstated in service with all back benefits.**

Appellant

*sd*  
Quraish Khan  
Former PST GPS Nagrai  
District Buner  
Cell: 0345-2827179  
0342-9475265

Dated: 11/03/2020

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Annex-I (I) 25  
جناب ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) لوئیر

عنوان: درخواست بلبرڈ زیر دفعات  
رائٹ ٹو انفارمیشن ایکٹ 2003

ضنا عالی!

گزارش کی جاتی ہے کہ سائٹ کے خدشہ دفتر  
پیدا نے انکوائری مرتب کر کے سائٹ کو جبری  
ریٹائرڈ لکھوا کر لیا ہے۔

اس لیے اشرعاً کی جاتی ہے کہ حسب قانون

انکوائری رپورٹ بمعہ تمام سفارشات دینے  
کے احکامات صادر فرمائیں۔ تاکہ سائٹ اپنا قانونی حق  
دفاع کر سکے۔

العارضہ

تاریخ حال پی ایسٹی

فورم 20-22-2020

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رجسٹر حاضر فی مدرسین گورنمنٹ پرائمری سکول تکرئی بابت ماہ مئی سال ۲۰۱۶

ذرائع اسام: P.S.T / S.P.S.T  
 قومی شناختی کارڈ نمبر: 15101-6221962-7  
 فون نمبر: 0345-9363127

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Head Master  
 G.P.S. Naeral  
 P.S. 15 Distt. Buner  
 7/0/4/2016

(Your suggestions will be welcome)

TO BE  
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گورنمنٹ پبلسک اسکول ٹیگور بابت ماہ اپریل سال 2016

فیس خانی کے نام پر  
 قریب شیری پور  
 P.S.T  
 قریب شیری پور

قوی شناختی کارڈ نمبر: 5-343790-15/1  
 فون نمبر: 227179-2345

تاریخ	آدم	دوختا	رواگی	دوختا	آدم	دوختا	رواگی	دوختا	آدم	دوختا	رواگی	دوختا
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MASTER BOOK CENTRE, 16-Urdu Bazar Lahore. Ph: 042-3723205, 37357732 E-mail: masterbookcentre@yahoo.com

ITEM CODE M---

30/4/16

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گورنمنٹ پرائمری سکول تگڑی بات ماہ مارچ سال ۲۰۱۴

مدرسہ: **پسٹ** / **S.P.S.T**  
 نام: **فریش خان صاحب (عبدالرحمن)** / **شیر علی صاحب**  
 پتہ: **پسٹ**

قومی شناختی کارڈ نمبر: 15101-0343790-5 / 15101-1324201-5  
 فون نمبر: 03452827179 / 0344 3772656

روز	وقت	مدرسہ	مدرسہ	مدرسہ	مدرسہ	مدرسہ	مدرسہ	مدرسہ	مدرسہ	مدرسہ	مدرسہ		
م	11:35	م	8:30	BA	11:35	BA	8:30	BA	11:30	BA	8:30	1	
م	11:35	م	8:30	BA	11:35	BA	8:30	BA	11:30	BA	8:30	2	
م	11:35	م	8:30	C/L	Leave				BA	11:30	BA	8:30	3
م	11:35	م	8:30	BA	11:35	BA	8:30	BA	11:30	BA	8:30	4	
م	11:35	م	8:30	BA	11:35	BA	8:30	BA	11:35	BA	8:30	5	
X												6	
L Camp												7	
م	11:35	م	8:30	BA	11:35	BA	8:30	BA	11:30	BA	8:30	8	
م	11:35	م	8:30	BA	11:35	BA	8:30	C/L	Leave			9	
م	11:35	م	8:30	BA	11:35	BA	8:30					10	
م	11:35	م	8:30	BA	11:35	BA	8:30					11	
م	11:35	م	8:30	BA	11:35	BA	8:30	BA	11:30	BA	8:30	12	
C/L												13	
م	11:35	م	8:30	BA	11:35	BA	8:30	BA	11:30	BA	8:30	14	
م	11:35	م	8:30	BA	11:35	BA	8:30	BA	11:30	BA	8:30	15	
م	11:35	م	8:30	BA	11:35	BA	8:30	BA	11:30	BA	8:30	16	
م	11:35	م	8:30	BA	11:35	BA	8:30	BA	11:30	BA	8:30	17	
م	11:35	م	8:30	BA	11:35	BA	8:30	BA	11:35	BA	8:30	18	
م	11:35	م	8:30	BA	11:35	BA	8:30	BA	11:30	BA	8:30	19	
X												20	
م	11:35	م	8:30	BA	11:35	BA	8:30	BA	11:30	BA	8:30	21	
م	11:35	م	8:30	BA	11:35	BA	8:30	BA	11:30	BA	8:30	22	
PARISIAN REGULATION DAY												23	
م	11:35	م	8:30	BA	11:35	BA	8:30	BA	11:30	BA	8:30	24	
م	11:35	م	8:30	BA	11:35	BA	8:30	BA	11:30	BA	8:30	25	
م	11:35	م	8:30	BA	11:35	BA	8:30	BA	11:30	BA	8:30	26	
X												27	
SUNDAY												27	
م	11:35	م	8:30	BA	11:35	BA	8:30	BA	11:30	BA	8:30	28	
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م	11:35	م	8:30	BA	11:35	BA	8:30	BA	11:30	BA	8:30	30	
م	11:35	م	8:30	BA	11:35	BA	8:30	BA	11:30	BA	8:30	31	

02 - 02 01 - 01 03 - 03

Head Master  
 GPS Nagrat  
 RPS - 315 Distt. Buner  
 31/3/16

MASTER BOOK CENTRE, 16-Urdu Bazar Lahore.  
 Ph: 042-37232705, 37357732 E-mail: masterbookcentre@yahoo.com

IT EM CODE  
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محکمہ تعلیم پشاور اسکول گوری ایف پی  
 ڈیپٹی سیکریٹری

بابت ماہ دسمبر 2015

ردیف	موجودہ کل رول نمبر			مستثنیہ سرکاری ملازمین			تحتی ایف پی ملازمین / عملداری			نمبر			
	نمبر	نام	جنس	نمبر	نام	جنس	نمبر	نام	جنس				
	PST			S.P.S.T			PST						
1	M/1135	M/8130	BA	M/1135	BA	8/30	M/1135	M/8130		1			
2	M/1135	M/8130	BA	M/1135	BA	8/30	M/1135	M/8130		2			
3	M/1135	M/8130	BA	M/1135	BA	8/30	M/1135	M/8130		3			
4	M/1135	M/8130	BA	M/1135	BA	8/30	M/1135	M/8130		4			
5	M/1135	M/8130	BA	M/1135	BA	8/30	M/1135	M/8130		5			
6	S	U	N	D	A	Y	S	U	N	D	A	Y	6
7	M/1135	M/8130	C	-	leave	C	-	leave	C	-	leave	7	
8	M/1135	M/8130	BA	M/1135	BA	8/30	-	dc	-	dc	8		
9	M/1135	M/8130	BA	M/1135	BA	8/30	-	dc	-	dc	9		
10	M/1135	M/8130	BA	M/1135	BA	8/30	-	dc	-	dc	10		
11	M/1135	M/8130	BA	M/1135	BA	8/30	-	dc	-	dc	11		
12	M/1135	M/8130	BA	M/1135	BA	8/30	M/1135	M/8130		12			
13	S	U	N	D	A	Y	S	U	N	D	A	Y	13
14	M/1135	M/8130	BA	M/1135	BA	8/30	M/1135	M/8130		14			
15	M/1135	M/8130	C	-	leave	C	-	leave	C	-	leave	15	
16	M/1135	M/8130	BA	M/1135	BA	8/30	M/1135	M/8130		16			
17	M/1135	M/8130	BA	M/1135	BA	8/30	M/1135	M/8130		17			
18	M/1135	M/8130	BA	M/1135	BA	8/30	M/1135	M/8130		18			
19	M/1135	M/8130	BA	M/1135	BA	8/30	M/1135	M/8130		19			
20	S	U	N	D	A	Y	S	U	N	D	A	Y	20
21	M/1135	M/8130	BA	M/1135	BA	8/30	M/1135	M/8130		21			
22	M/1135	M/8130	BA	M/1135	BA	8/30	M/1135	M/8130		22			
23	M/1135	M/8130	BA	M/1135	BA	8/30	M/1135	M/8130		23			
24										24			
25										25			
26										26			
27										27			
28										28			
29										29			
30										30			
31										31			
مجموع	7			9			14						

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جوڈیشنل پرائمری سکول، ٹنگری، لوہاڑہ  
 بابت ماہ اگست 2015  
 جسٹس حاضری جدول

رد نمبر	پست			SPST			پست					
	نومبر	تاریخ	گھنٹہ	نومبر	تاریخ	گھنٹہ	نومبر	تاریخ	گھنٹہ			
1												
2	M	11/35	M	8/30	B.A	11/35	B.A	8/30	B.A	11/35	B.A	8/30
3	M	11/35	M	8/30	B.A	11/35	B.A	8/30	B.A	11/35	B.A	8/30
4	M	11/35	M	8/30	B.A	11/35	B.A	8/30	C. Leadle			
5	M	11/35	M	8/30	B.A	11/35	B.A	8/30	-	do		
6	M	11/35	M	8/30	B.A	11/35	B.A	8/30	-	do		
7	M	11/35	M	8/30	B.A	11/35	B.A	8/30	B.A	11/35	B.A	8/30
8												
9												
10	M	11/35	M	8/30	B.A	11/35	B.A	8/30	B.A	11/35	B.A	8/30
11	M	11/35	M	8/30	B.A	11/35	B.A	8/30	B.A	11/35	B.A	8/30
12	M	11/35	M	8/30	B.A	11/35	B.A	8/30	B.A	11/35	B.A	8/30
13	M	11/35	M	8/30	B.A	11/35	B.A	8/30	B.A	11/35	B.A	8/30
14	M	11/35	M	8/30	B.A	11/35	B.A	8/30	B.A	11/35	B.A	8/30
15												
16	M	11/35	M	8/30	B.A	11/35	B.A	8/30	B.A	11/35	B.A	8/30
17	M	11/35	M	8/30	B.A	11/35	B.A	8/30	B.A	11/35	B.A	8/30
18	M	11/35	M	8/30	B.A	11/35	B.A	8/30	B.A	11/35	B.A	8/30
19	M	11/35	M	8/30	B.A	11/35	B.A	8/30	B.A	11/35	B.A	8/30
20	M	11/35	M	8/30	B.A	11/35	B.A	8/30	B.A	11/35	B.A	8/30
21	M	11/35	M	8/30	B.A	11/35	B.A	8/30	B.A	11/35	B.A	8/30
22												
23	M	11/35	M	8/30	B.A	11/35	B.A	8/30	B.A	11/35	B.A	8/30
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26	M	11/35	M	8/30	B.A	11/35	B.A	8/30	B.A	11/35	B.A	8/30
27	M	11/35	M	8/30	B.A	11/35	B.A	8/30	B.A	11/35	B.A	8/30
28	M	11/35	M	8/30	B.A	11/35	B.A	8/30	B.A	11/35	B.A	8/30
29												
30	M	11/35	M	8/30	B.A	11/35	B.A	8/30	B.A	11/35	B.A	8/30
31												

He-ster  
 P.P.S. Distt.  
 27/11/15

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گورنمنٹ پبلسٹری سکول نگرئی بونیر  
 جسٹریٹری ملڈرین

اکتوبر 2015

بابت ماہ

قریش خان

پست		نمبر		تہہ		پست		نمبر		تہہ	
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22	1/35	8/30	1/35	8/30	1/35	8/30	1/35	8/30	1/35	8/30	22
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30	1/35	8/30	1/35	8/30	1/35	8/30	1/35	8/30	1/35	8/30	30
31	1/35	8/30	1/35	8/30	1/35	8/30	1/35	8/30	1/35	8/30	31

Head Master  
 CPS Nagai  
 BPS-15 Dist: Buner  
 31/10/15

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سرکار محترم حاضری و ملازمت، برائے سکول، نوری امدادی محلہ لاہور

بابت ماہ ستمبر 2015ء

نورانی امدادی محلہ			نورانی امدادی محلہ			نورانی امدادی محلہ			نمبر			
PST			PST			PST						
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M	12/35	M	7/30	B.A	12/35	B.A	7/30	Am	12/30	Am	7/30	3
M	11/35	M	7/30	B.A	11/35	B.A	7/30	Am	11/30	Am	7/30	4
M	12/35	M	7/30	B.A	12/35	B.A	7/30	Am	12/30	Am	7/30	5
M	12/35	M	7/30	B.A	12/35	B.A	7/30	Am	12/30	Am	7/30	6
M	12/35	M	7/30	B.A	12/35	B.A	7/30	Am	12/30	Am	7/30	7
M	12/35	M	7/30	B.A	12/35	B.A	7/30	Am	12/30	Am	7/30	8
M	12/35	M	7/30	B.A	12/35	B.A	7/30	Am	12/30	Am	7/30	9
M	12/35	M	7/30	B.A	12/35	B.A	7/30	Am	12/30	Am	7/30	10
M	11/35	M	7/30	B.A	11/35	B.A	7/30	Am	11/30	Am	7/30	11
M	12/35	M	7/30	B.A	12/35	B.A	7/30	Am	12/30	Am	7/30	12
M	12/35	M	7/30	B.A	12/35	B.A	7/30	Am	12/30	Am	7/30	13
M	12/35	M	7/30	B.A	12/35	B.A	7/30	Am	12/30	Am	7/30	14
M	12/35	M	7/30	B.A	12/35	B.A	7/30	Am	12/30	Am	7/30	15
M	12/35	M	7/30	B.A	12/35	B.A	7/30	Am	12/30	Am	7/30	16
M	13/35	M	7/30	B.A	13/35	B.A	7/30	Am	13/30	Am	7/30	17
M	11/35	M	7/30	B.A	11/35	B.A	7/30	Am	11/30	Am	7/30	18
M	12/35	M	7/30	B.A	12/35	B.A	7/30	Am	12/30	Am	7/30	19
M	12/35	M	7/30	B.A	12/35	B.A	7/30	Am	12/30	Am	7/30	20
M	12/35	M	7/30	B.A	12/35	B.A	7/30	Am	12/30	Am	7/30	21
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M	12/35	M	7/30	B.A	12/35	B.A	7/30	Am	12/30	Am	7/30	24
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M	12/35	M	7/30	B.A	12/35	B.A	7/30	Am	12/30	Am	7/30	27
M	12/35	M	7/30	B.A	12/35	B.A	7/30	Am	12/30	Am	7/30	28
M	12/35	M	7/30	B.A	12/35	B.A	7/30	Am	12/30	Am	7/30	29
M	11/35	M	7/30	B.A	11/35	B.A	7/30	Am	11/30	Am	7/30	30
M	12/35	M	7/30	B.A	12/35	B.A	7/30	Am	12/30	Am	7/30	31
M	12/35	M	7/30	B.A	12/35	B.A	7/30	Am	12/30	Am	7/30	32

Head Master  
GPS Nagrai  
P.O. Distt: Elnet  
30/9/15

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VAKALAT NAMA

**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR**

NO. \_\_\_\_\_/2020

Quraish Khan

Appellant(s)/Petitioner

VERSUS

DEO, Buner

Respondent(s)

I/We, appellant, do hereby appoint and constitute **AKHTAR ILYAS** Advocate High Court & **CHANGAIZ KHAN** Advocate, Peshawar, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated: 11 / 06 / 2020

Quraish Khan

CLIENT(s)

ACCEPTED

*Ilyas*

**AKHTAR ILYAS**

BC: 11-1572

&

*Chang*

**CHANGAIZ KHAN**

BC: 19-1507

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In S.A No. 5696/2020

Quraish Khan EX-PST GPS Nagrai Bunner

.....Appellant

**VERSUS**


1. District Education Officer. (Male Bunner)
2. Director E & SED Peshawar.
3. Head Teacher GPS Nagrai Bunner.

.....Respondents

**Para wise comments on behalf of respondents no. 1, 2 and 3**

**INDEX**

S#	Description of Documents	Annexure	Pages
1.	Written Reply / Para Wise Comments.		1-5
2.	Inquiry Notification	"A"	6
3.	Inquiry report	"B"	7 to 8
4.	Questionnaire	"C"	9-10
5.	Showcause notice	"D"	11
6.	Compulsory Retirement Order	"E"	12

  
District Education Officer  
(Male Bunner)

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 5696/2020**

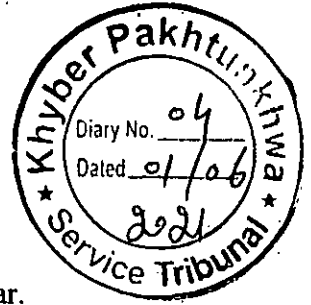
1. Quraish Khan Ex-PST, GPS Nagrai District Buner.

**(Appellant)**

**Versus**

1. District Education Officer (Male) Buner.
2. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Head Teacher GPS Nagrai, Buner.

**(Respondents)**



**Written Reply/Para wise Comments for & on behalf of the respondent No.1,2 and 3**

Respectfully Sheweth!

**Preliminary Objections**

1. The appellant has no cause of action/locus standi to file the instant ~~writ petition~~ <sup>service appeal</sup>.
2. The appellant instant service appeal is badly time bared and not maintainable.
3. The appellant has filed the instant service appeal just to pressurize the respondents.
4. That the service appeal is bad for misjoinder and non-joinder of necessary party.
5. The appellant has not come to this Honourable Court with clean hands.
6. The appellant has concealed material facts from this Honourable Court, hence liable to be dismissed.
7. That the service appeal is not maintainable in the present form and also in the present circumstances of the issue.
8. The appellant has filed the instant writ on the malafide motives.
9. The instant service appeal is against the prevailing law and rules.
10. That the appellant has been estopped by his own conduct to file this writ petition.

**Facts:**

1. Pertains to record.
2. Incorrect and hence denied. The appellant has not submitted any retirement application to the Competent Authority. Rather, he purposely deceived the H.T and gave him the impression of retiring from service, for which he (appellant) got marked his retirement application and got written in his column in the attendance register that the appellant

2

retired w.e.f 1.7.2016. The H.T marked the application and handed over to the appellant for further submission to the SDEO concerned. The appellant purposely detained/kept application with himself and did not submit the same to the concerned SDEO for further submission to the Competent Authority (DEO). On one hand, he remained absent from the date of getting his application marked from the H.T i.e (1.7.2016) and on the other hand he did not submit the already marked retirement application to the SDEO concerned in order to keep the SDEO in ignorance and thereby not to stop his salary and get it regularly, in which the appellant succeeded till he was caught by the SDEO concerned as absent on 30.5.2017. Thus the appellant remained absent fraudulently w.e.f 1.7.2016 to 30.5.2017. (10 Months) for which he regularly took his salaries Rs. 412885 in total, in utter violation of not only rules but also at the cost of crushing boundaries of honesty and ethics. Hence committed fraudulence , forgery and misconduct.

3. Incorrect and hence denied. Neither the appellant nor the Head Teacher submitted any retirement application to the SDEO or DEO (Competent Authority). The appellant is telling argy bargy. When an application has not been submitted to the competent authority, then the question of returning the same or putting observations as averred by the appellant is conjectural and ludicrous. It is a self-fabricated and baseless story in order to hide his fraudulence, chicanery, and humbug which caused huge loss to the Govt. exchequer.

4. Pertains to <sup>reloyd</sup> ~~respondent No.1~~, however, the point has to some extent been explained in para 2 of the facts.

5. Pertains to <sup>reloyd</sup> ~~respondent No.1~~, however, the point has to some extent been explained in para 2 of the facts.

6. Pertains to record.

7. Pertains to record. The case was remanded back to the competent authority for de-novo inquiry. The competent authority in compliance of the court's orders, conducted a comprehensive De-novo inquiry through an inquiry committee vide No. 7560-64 dated 12/10/2019 (Notification attached as annexure "A"). The respondent No. 1 acted in accordance with the court's directions contained in the judgment. The case has properly been probed into through a de-novo inquiry mentioned above. The inquiry committee submitted its report (Inquiry report is attached as annexure "B") with clear cut recommendations which read as follow:

- 1. *The inquiry committee recommends that Mr. Quraish Khan PST, GPS Nagrai may be awarded penalty of "Compulsory Retirement" from service under Rules 4 (b) (ii) w.e. f.1/7/2016.*
- 2. *Amount Rs. 412885/- which he has taken without performing duty should be recoverd from his LPR/gratuity and case of compulsory retirement may be processed as soon as possible. He is really not able to perform his duty.*

Handwritten signature and circular stamp on the left margin.



8. Pertains to record.

9. Incorrect and hence denied. The competent Authority (DEO) received court judgment on 2/10/2019 and in the light of directives made therein, a de-novo inquiry was ordered vide No: 7560-64 dated 12/10/2019 (Notification attached as annexure "A"). The respondent No. 1 acted in accordance with the court's directions contained in the judgment. The case has properly been probed into through a de-novo inquiry mentioned above. The inquiry committee carried out a comprehensive inquiry and submitted its report with clear cut recommendations which read as follow:

- 1. The inquiry committee recommends that Mr. Quraish Khan PST, GPS Nagrai may be awarded penalty of "Compulsory Retirement" from service under Rules 4 (b) (ii) w.e. f 1/7/2016.
- 2. Amount Rs. 412885/- which he has taken without performing duty should be recovered from his LPR/gratuity and case of compulsory retirement may be processed as soon as possible. He is really not able to perform his duty.

10. Correct. Pertains to record.

**Grounds:**

- A. Incorrect and hence denied. The respondent No.1 has complied with the court's directive in letter and spirit, conducted a de-novo inquiry and decided the case afresh as per directives of this Honourable Court, the detail of which has been explained in para 7 and 9 of the facts.
- B. Incorrect and hence denied. The competent authority implemented court's orders in true spirit without any prejudice as explained in para 7 and 9 of the facts. The Honourable Court has just remitted the case for de-novo inquiry which was implemented and acted upon in true sense. Furthermore, the rules quoted by counsel for the appellant in this para of the appeal are wrong and not related with his point. Rule 1 (a) and 2 (a) do not have anything to do with his point. The rules have prevaricatively been quoted just for hoodwinking and to strengthen his point on shaky and flimsy grounds.
- C. Incorrect and denied. A regular/formal inquiry has been conducted in the light of court's order as explained in para 7 and 9 of the facts in accordance with the Khyber Pakhtunkhwa Govt. Servant (E & D) Rules, 2011.

*Quraish Khan*

D. Incorrect and hence denied. The appellant was provided with ample opportunity of defence. He also appeared before the inquiry committee on 31/10/2019 along with Head teacher concerned. The appellant was also served with a questionnaire, who also replied the same. The appellant was also cross-questioned and heard to the fullest. He also responded to the questions contained on the questionnaire. (Questionnaire is attached as annexure "C"). The appellant has been treated in accordance with the law rules and policy in terms of being heard and provision of required documents as per rules contained in the Khyber Pakhtunkhwa Govt. Servant (E & D) Rules, 2011

E. The appellant was served with a show cause notice, vide No.102-04 dated 14/1/2020, (attached as annexure "D") the reply of which was not submitted, hence no reason of calling or affording personal hearing can be made out. As per rules, the appellant was required to intimate the competent authority in reply of the show cause that he wants to be heard in person or not. As he did not reply to the show cause notice, resultantly he fail to avail the opportunity of personal hearing as well.

F. Incorrect hence denied. The recovery is not for the period mentioned in the appeal i.e (01/09/2015 to 20/06/2016), rather the appellant has received salaries for his absent period (01/07/2016 to 03/05/2015) (10 Months) with fraudulence and dupery. The same amount has been mentioned by the inquiry officers in their report to be recovered from the appellant. Thus the ground taken by the counsel for the appellant is in itself a packet of false, prevaricating information just to hoodwink and misguide this honourable court.

G. Incorrect and hence denied. The appellant neither tendered any resignation nor submitted any application for retirement, rather he was absent with fraudulence and dupery and plainly committed forgery, fraud and is guilty of dishonesty, misconduct, embezzlement and corruption in a mode explained in greater detail in para 2 and 3 of the Facts.

H. Already explained in para "G" above. The appellant did not submit any application for leave or LPR and his claim of recourse to rule 9(3) of Revised Leave 1980 is conjectural and ludicrous and no such rules exist.

I. Pertains to record.

J. Pertains to record of respondent No. 2.

*Handwritten signature*

5

K. The respondents also seek the permission of this Honourable Court to rely on additional grounds at the time of arguments.

In view of the above noted submissions, it is humbly requested that this Honourable Court may very graciously be pleased to dismiss the instant ~~with~~<sup>S.A</sup> in favour of the respondent department.

Director  
Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar  
Respondent No.2

**Director**  
**Elementary & Secondary Education**  
**Khyber Pakhtunkhwa Peshawar**

DISTRICT EDUCATION OFFICER  
(MALE) BUNER.  
Respondent No. 1 & 3

**District Education Officer**  
**(Male) Buner**

DISTRICT EDUCATION OFFICER  
(MALE) BUNER.  
Respondent No. 1 & 3

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In S.A No. 5696/2020

Quraish Khan EX-PST GPS Nagrai Bunner

.....Appellant


**VERSUS**

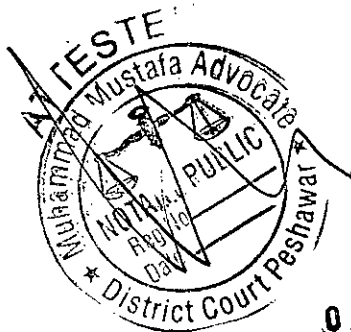
1. District Education Officer. (Male Bunner)
2. Director E & SED Peshawar.
3. Head Teacher GPS Nagrai Bunner.

.....Respondents

**AFFIDAVIT**

*I, Iftikhar Ul Ghani, District Education Officer (Male Bunner), do hereby solemnly affirm and declare on oath that the contents of this Parawise comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.*

  
District Education Officer  
(Male Bunner)



01 JUN 2021

(6)  
Annexure "A"

Ex-3  
✓ (3)



OFFICE OF THE DISTRICT EDUCATION OFFICER  
( MALE ) DISTRICT BUNER  
PHONE & FAX NO. 0939-510468  
EMAIL: edobuner@gmail.com



NOTIFICATION.

The competent authority is pleased to constitute the re-inquiry committee comprising the following Officers to enquire into the matter against Mr. Quraish Khan Ex- PST GPS Nagrai in the light of court judgment 2/9/2019 in service appeal No.755/2018 Quraish Khan VS DEO(M) Buner and others regarding compulsory retirement and taking benefits while not performing his duties.

The committee is hereby directed to submit its report within a week positively with clear recommendation.

COMMITTEE MEMBERS

- ✓
1. Mr. Syed Zulfqar Ali Principal GHSS Nawagai Buner.
  2. Mr. Abdul Manaf SSS GHSS Nawagai Buner

(IBZAR MUHAMMAD)  
DISTRICT EDUCATION OFFICER (M)  
BUNER

Endst: No. 7560-64  
Copy forwarded for information to the:

Dated. 12/10 /2019.

1. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. Deputy Commissioner Buner
3. DMO(IMU) Buner.
4. S.D.E.O (Male) Primary Mandanr
5. Committee Members.

  
DISTRICT EDUCATION OFFICER (M)  
BUNER

(7)  
ANNEXURE "B"

(142)

De Novo ENQUIRY REPORT IN R/O QURAISH KHAN PST GPS NAGRAI AMAZAI

ENQUIRY COMMITTEE

1. Mr. Sayed Zulfiqar Ali V/P GHSS Nawagai.
2. Mr. Abdul Manaf SSS GHSS Nawagai

ENQUIRY DATE 31-10-2019

PROCEDURE:

The enquiry committee intimated Head Teacher Mr. Fazli Qayum GPS Nagrai and Mr. Quraish Khan PST GPS Nagrai on telephone to be present on 31-10-2019. The enquiry committee visited the school as per schedule dated 31-10-2019. Their statements were taken in written duly signed by the Head Teacher and are self explanatory attached. (Annexure-I & II) Twelve questions were asked from the Head Teacher as well as the teacher Mr. Quraish Khan in written form. After checking the school record and the statements given by the Head Teacher and Quraish Khan PST, the committee noted the following findings.

FINDINGS

- 1) Mr. Quraish Khan PST GPS Nagrai gave an application for pre-mature Retirement due to illness after performing 28 years service on 01-07-2016 through proper channel. The Head Teacher forwarded his application of Pre-Mature Retirement to competent Authority for further necessary action with the remarks that application is based on reality.
- 2) After giving application it was the utmost responsibility of Quraish Khan PST to know that to what extent the process has been done on my application.
- 3) According to his statement that there was conflict in his date of birth in service book and CNIC. Therefore, the higher authority returned his application of pre-mature Retirement without sanction. After returning of application he had to report immediately to school but he did not do so.
- 4) The conflict (D/O Birth) due to which his application was returned is the very same untouched. Being a teacher it is incomprehensible that after completion of 28 Years service the conflict was found in his documents in still that conflict /difference is not resolve.
- 5) According to the statement given by the said teacher that the relevant Head Teacher did not allow him for joining duty. This statement is ambiguous. Any official /Officer can advice his /her subordinate for performing duty, but cannot stop him/her to do so.
- 6) Teacher Quraish Khan presented so many documents to the enquiry committee. It was obvious that he had written it only for his defense later on, because there were no remarks on it from Higher authority.
- 7) A show cause notice from DEO (Male) Buner No.6425-28 dated 14/11/2017 had been sent to prescribed teacher in which his absenteeism, inefficiency and misconduct had

been mentioned, it was claimed in that show cause notice that disciplinary action will be taken if he failed to answer within seven days, but he failed to satisfy the Higher authority.

8. The teacher drew salaries from National Treasury without performing duty, although he knew that neither he is performing duty therefore, he showed irresponsibility.

9. After checking the record provide by the said teacher compulsory retirement from service given w.e.f 01/07/2016 (AN) while the application of pre-mature retirement was written on 01/08/2016 attached .By keen observation the inquiry committee came to know that there is over written in date of application.

How the compulsory retirement given by the department one month before of the application. It means that the evidences given by the teacher in his defense are not reliable.

10. He told himself in front of inquiry committee that he is ill as well as heart patient and he cannot hear due to paralysis more over the primary school courses are very difficult now. He is only matriculate therefore he is not in the position to join service once again, but his son and son-in law enforced him to join service once again without his desire.

**RECOMMENDATIONS:-**

1. The inquiry committee recommends that Mr. Quraish Khan PST GPS Nagrai may be awarded penalty of compulsory retirement from service under rules 4(b)(ii) w.e.f 01/07/2016.
2. Amount Rs.412885/- which he has taken with out performing duty should be recovered from his LPR/Gratuity and his case of compulsory retirement may be processed as soon as possible he is really not able to perform duty.

1. MR.SAYED ZULFIQAR ALI  
VICE PRINCIPAL GHSS NAWAGAI

2. MR. ABDUL MANAF SSS  
GHSS NAWAGAI BUNER.

9 Annexure = (C)

سوالنامہ برائے قریش خان PST جی بی ایس ٹری ایڈری ضلع لوہیر

3-10-88

30-4-1994 تا 3-3-1994

جی یاں

جی یاں

میں نے درخواستیں بہت کچھ کوری تھیں

جی یاں

شناختی کارڈ اور سروس بک میں ایک سال کا فرق بتا گیا۔

میں نے انتظار کیا تھا۔ مگر انہوں نے درخواست سنگٹھن دے دی۔ لیکن کوری۔ اور قیامت سرور ہونے کے بعد ایسی ڈیوٹی میرا بار بار حاضر ہوتا رہا لیکن راج نے مجھے ڈیوٹی سے روک رکھا اور کہہ دیا تھا کہ میں آگے بڑھ گیا جا چکا ہوں۔

نہیں

یاں ایک مہینہ

میں نے باغی ہو کر سب سے ٹک سنبھالا۔ وصول نہیں کی تھی اس لئے کہ بقول بہت کچھ میں رشتہ ہو چکا تھا۔ بعد میں پتہ چلا کہ رشتہ منقطع نہیں ہوئی تھی۔ میں بار بار ڈیوٹی پر حاضر ہوتا رہا لیکن بہت کچھ مجھے ڈیوٹی کرنے اور حاضر ہونے سے روک کر رہا۔

میں یہ یا اپنی سروس والیں جوان کرنا چاہتا ہوں؟ سروس کرنا چاہتا ہوں



شناختی کارڈ نمبر  
15101-0343790-5

دستخط قریش خان PST  
گورنمنٹ پرائمری سکول ٹری ایڈری

31/10/99  
PST  
at  
Buner

آپ کس تاریخ کو حکم تعلیم میں بھرتی ہوئے تھے؟

دوران ملازمت آپ نے کبھی طبی چھٹی لی ہے؟ اگر لی ہے تو کب؟

25 سال سروس مکمل کرنے کے بعد آپ نے قبل از وقت ریٹائرمنٹ کیلئے درخواست دی تھی؟

درخواست آپ نے ہیڈ ٹیچر کو دی تھی، یا جوڑ حکام بارا کو ارسال کی تھی؟

ریٹائرمنٹ کی درخواست دینے کے بعد آپ نے یہ جاننے کی کوشش کی تھی کہ آیا درخواست منظور ہوئی ہے کہ نہیں؟

اپنی ریٹائرمنٹ کی درخواست منظور نہ ہونے کی وجہ کیا بتائی گئی تھی؟

ریٹائرمنٹ کی درخواست دینے کے بعد اسے آپ نے برابر سنگٹھن کا انتظار کرنا تھا۔ آپ نے ایسا نہیں کیا؟

درخواست مسترد ہونے کے بعد آپ اپنے ڈیوٹی پر حاضر ہوں نہیں ہوئے؟

ایسی دوران عہدہ کی جانب سے ایک ڈیوٹی پر حاضر ہونے کی ہدایت کی گئی تھی کہ نہیں؟

اسی دوران حکم تعلیم کی جانب ایک شوکار نوٹس دیا تھا کہ نہیں، اگر دیا تھا تو کتنی مرتبہ؟

آپ نے کبھی محسوس کیا تھا کہ جب آپ ڈیوٹی نہیں کر رہے ہیں تو سنبھالنے کی بات کی ہے دیتے ہیں؟

اب آپ کا موقف کیا ہے۔ ریٹائرمنٹ کے حوالے سے؟



مواہدہ برائے ہیڈ ٹیچر گورنمنٹ پرائمری سکول ٹکری امانی ضلع لوہیر

کیا سسی قریش خان PST جی بی ایس ٹکری میں اپنے زیر سایہ

ڈیوٹی سرانی آ رہا تھا؟  
مذکورہ ٹیچر نے کب آپ کو قبل از وقت ریٹائرمنٹ کیلئے درخواست دی تھی؟  
دی تھی اگر دی تھی تو کیا رولز کے مطابق تھی؟  
یہ درخواست ملنے کے بعد آپ نے پہلی فرصت میں کیا کارروائی کی تھی؟  
نیز آپ نے مذکورہ ٹیچر کی تنخواہ بند کرنے کی سفارش کی تھی؟  
مذکورہ ٹیچر کے حوالہ کی تا کردہ حکام یا آفیسرین تنخواہ کے بندش سے رابطہ اختیار میں نہیں تھا

نہیں

میں نے رخصت جاری یہ بات کہی تھی کہ مدرس قریش خان کی ریٹائرمنٹ کی درخواست واصل ہوئی لہذا سسی قریش خان سکول سے رخصت ہوا

کیا آپ نے علم میں بات آئی تھی کہ مذکورہ ٹیچر کی ریٹائرمنٹ کی درخواست منظور نہیں ہوئی ہے؟

بغیر ریٹائرمنٹ کے آپ نے مذکورہ ٹیچر کو سکول سے کیوں Relieve کیا تھا؟

درخواست منظور نہ ہونے کے بعد آپ نے ٹیچر قریش خان کو ڈیوٹی پر حاضر ہونے کی ہدایت کی تھی کہ نہیں؟

ٹیچر قریش خان کے غیر حاضری کے دوران اور 6 IMU کر دار کیا رہا؟

کیا آپ نے مسماط سے ٹیچر قریش خان کو ڈیوٹی پر حاضر ہونے کیلئے قلم کی طرف سے شوکار نوٹس ملا تھا کہ نہیں؟

کیا آپ نے مذکورہ ٹیچر کا پرسنل فائل چیک کیا تھا؟  
مدرسوں کی تاریخ تبدیلی وغیرہ میں کوئی غلطی تو نہیں تھی؟

مذکورہ ٹیچر کا دوران سروں آپ کے ساتھ رویہ کیا تھا؟

کیا آپ کو اس بات کا علم تھا کہ مذکورہ ٹیچر بغیر ڈیوٹی کے تنخواہ لے رہا ہے؟

اب آپ کا موقف کیا ہے؟ کہ ٹیچر قریش خان کے کیس کو کیسے ہینڈل کیا جائے؟

نہیں

میرا حوالہ یہ ہے کہ انکو اسی تاریخ سے ماہریت ریٹائر کی جائے جس تاریخ کو انہوں نے بری میجر ریٹائرمنٹ کیلئے درخواست دی تھی

شناختی کارڈ نمبر 15101-2471824-7

Handwritten signature and stamp of the District Education Officer, Buner, dated 31/10/19.



(11)  
Annexure (D)



OFFICE OF THE DISTRICT EDUCATION OFFICER

(MALE) DISTRICT BUNER  
**SHOW CAUSE NOTICE.**

I, **MUHAMMAD AZAM KHAN**, District Education Officer (M), being Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, as follows.

1. **WHEREAS** on the verbal complaint of SDEO(M) Mandanr, an inquiry was conducted against Mr. Quraish Khan PST GPS Nagrai through the DDEO(M) Buner and SDEO(M) Gagra and as per inquiry report of the inquiry committee, he was absent under the cover of false retirement had illegally drawn Rs:412885/- (Four lac twelve thousand Eight Hundred & Eighty Five) for ten months and inquiry committee recommended that the same amount may be recovered from him and be refunded in Govt: treasury through challan and his pension case may not be processed unless the said amount is not refunded.

2. **WHEREAS** you had been served show cause notice vide this office No.6425-28 dated 14-11-2017 and your reply was found unsatisfactory.

3. **WHEREAS**, the then DEO(M) Buner imposed upon you major penalty of "Compulsory Retirement from service" w-e-f- 1-7-2016(A.N) and recovery of the amount Rs. 412885/- upon you vide this Office No.421-26 dated 20-1-2018.

4. **WHEREAS** As per judgment of the Khyber Pakhtunkhwa Service Tribunal at camp Court Swat S/appealNo.755/2018, the case of the appellant is remitted to the Competent Authority for decision, a fresh after De-novo inquiry in accordance with law.

5. **WHEREAS**, in compliance of the court order, the Competent Authority conducted de-novo inquiry vide this office No.7560-64 dated 12/10/2019 & the inquiry committee recommended that the following recommendation: -

*The inquiry recommends that Mr. Qurish PST GPS Nagrai may be awarded penalty of compulsory retirement under rules 4(b)(ii) w.e.f 1/7 2016.*

*Amount Rs.412885/- which he has taken without performance duty should be recovered from his LPR/Gratuity and his case of compulsory retirement may be processed as soon as possible he is really not able to perform duty.*

As a result, therefore, I, as Competent Authority, have tentatively decided to impose upon you the major/minor penalties, under rule 4 of the said rules. You are, therefore, required to show cause as to why the said penalty should not be imposed upon you under Rule 4 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and also intimate whether you desire to be heard in person.

If no reply to this notice is received within seven days and not more than fifteen days of its delivery; it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

(MUHAMMAD AZAM KHAN)  
DISTRICT EDUCATION OFFICER (M)  
BUNER

Endst; No. 102-104 / Dated 14/11 /2020:  
Copy for information to; -

1. District Monitoring Officer Buner.
2. Sub Divisional Education Officer (M) Mandanr
3. Official Concerned

DY DISTRICT EDUCATION OFFICER (M)  
BUNER

13  
Annexure 'E'

OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE) DISTRICT BUNER  
PHONE & FAX NO. 0939-510468  
EMAIL: edobuner@gmail.com



NOTIFICATION

1. **WHEREAS** on the verbal complaint of SDEO(M) Mandanr, an inquiry was conducted against Mr. Quraish Khan PSHT GPS Nagrai through the DDEO(M) Buner and SDEO(M) Gagra and as per inquiry report of the inquiry committee, he had illegally drawn Rs:412885/- (Four lac twelve thousand Eight Hundred & Eighty Five) for ten months and inquiry committee recommended that the same amount may be recovered from him and be refunded in Govt: treasury through challan and his pension case may not be processed unless the said amount is not refunded.

2. **WHEREAS** he had been served show cause notice vide this office No.6425-28 dated 14-11-2017 and his reply was found unsatisfactory.

3. **WHEREAS**, then the DEO(M) Buner imposed upon him major penalty of "Compulsory Retirement from service" w-e-f- 1-7-2016(A.N) and recovery of the amount Rs. 412885/- upon Quraish Khan PST, GPS Nagrai vide this Office No.421-26 dated 20-1-2018.

4. **WHEREAS** As per judgment of the Khyber Pakhtunkhwa Service Tribunal at camp Court Swat S/appeal No.755/2018, the case of the appellant is remitted to the Competent Authority for decision, a fresh after De-novo inquiry in accordance with law.

5. **WHEREAS**, in compliance of the court order, the Competent Authority conducted de-novo inquiry vide this office No.7560-64 dated 12/10/2019 & the inquiry committee recommends that Mr. Quraish Khan PST GPS Nagrai may be retained of penalty imposed upon Compulsory Retirement from service under rules 4(b) (ii) w.e.f 1/7/2016

NOW, therefore the Competent Authority, in exercise of the power conferred upon under the Rule 4(b) (ii) of the Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011 is pleased to retain penalty of "**Compulsory Retirement from Service**" upon Mr. Quraish Khan PST GPS Nagrai of Tehsil Mandanr Buner w-e-f- 1-7-2016 as already notified vide this office No.421 dated 20/1/2018 & amount of Rs.412885/- for (10 months.) w.e.f 1/9/2015 to 30/6/2016 may be recovered and deposited in the Govt: exchequer.

(MUHAMMAD AZAM KHAN)  
DISTRICT EDUCATION OFFICER (M)  
BUNER

Endst; No. 469-74/ Dated 18/2/2020.

Copy for information to; -

1. Director (E&SE) Khyber Pakhtunkhwa Peshawar.
2. Registrar Khyber Pakhtunkhwa Service Tribunal at Camp Court, Swat.
3. District Monitoring Officer Buner.
4. Sub Divisional Education Officer (M) Mandanr with the remarks that necessary entry to this effect shall be made in his Service Book accordingly and recovery of 412885/- be made from his pension/graduity under intimation to this office.
5. District Accounts Officer
6. Official Concerned.

  
18/2/2020  
DY, DISTRICT EDUCATION OFFICER (M)  
BUNER