

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

Service Appeal No: 1293/2022

Sar Zamin Khan Ex-SST (BPS-16) District Dir Lower.....Appellant


VERSUS

Government of Khyber Pakhtunkhwa through the Secretary E&SE &
other.....Respondents

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 3406
Dated 3-2-2023

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Assistant Director (Lit: II)
E&SE Department, Khyber
Pakhtunkhwa, Peshawar.

**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA
SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No: 1293/2022

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VERSUS

**Chief Secretary Government of, Khyber Pakhtunkhwa through the Secretary
E&SE Department & others.....Respondents**

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS No: 1, 4 to 7.

Respectfully Sheweth,

PRELIMINARY OBJECTIONS.

- 1 That the Appellant has got no cause of action/locus standi to file the instant appeal.
- 2 That the appellant is not an aggrieved person within the meaning of Article 212 of the constitution of Islamic Republic of Pakistan.
- 3 That the appellant has concealed material facts from this Honorable Tribunal.
- 4 That the Appellant has not come to this Honorable Tribunal with clean hands.
- 5 That the appeal in hand is based on mala fide intentions for illegal service benefits to the extent of retirement from Service against the SST post on Medical grounds in the Respondent Department.
- 6 That the appeal is barred by law of limitation.
- 7 That the case is bad for mis-joinder and non-joinder of the necessary parties.
- 8 That the Notifications No.3570-72/F.No.44/Vol-1/SST (M)/Comp/Dir Lower dated 29-7-2020 & dated 15-8-2022 of the Respondents No.4 & 5 are legal.
- 9 That the appellant is not entitled for the grant of retirement on medical ground under the Rules in field in the Department.
- 10 That the plea of the appellant is based on mala fide intentions & even against the Rules.

ON FACTS.

- 1 That Para-1 pertains to the service record of the appellant against the Senior Vernacular Teacher post dated 13-11-1994 & was further promoted to the post of SST on 01-11-2014 by the Department under the Rules attached as Annexures-A & B.
- 2 That Para-2 is incorrect, hence, denied on the grounds that as per absence from duty report No. 11384 dated 10-10-2018, the appellant has been found absent from duty against the SST post by the Respondent No.5 which was resulted in the Nomination of inquiry vide Notification bearing Endst No.

13096 dated 05-12-2018 through the Principal GHS Shamshi District Dir Lower who submitted his inquiry report to the competent authority for further necessary action under the provision of Rules-17 (2) of E&D Rules 2011 against the appellant which was further submitted to the Respondent No.5 vide letter No.15531 dated 27-12-2018 by the DEO (M) Dir Lower for necessary action. *(Copies of the absence from duty report dated 10-10-2018, & letter dated 27-12-2018 are attached as C & D).*

- 3 That Para-3 is incorrect on the grounds that as per inquiry report of Mr. Aftab Alam, Principal GHS Shamshi District Dir Lower, wherein, he has recommended compulsory retirement from service against the SST post on priority basis, hence, the claim of the appellant is against the facts of the case. *(Copy of the inquiry report is Annexure-E).*
- 4 That Para-4 as the act of the Department regarding the Notifications bearing Endst No.3570-72/F.No.44/Vol-1/SST (M)/Comp/Dir Lower dated 29-7-2020 & dated 15-8-2022 of the Respondents No.4 & 5 are legal .
- 5 That Para-5 is correct that vide Notification No. 3570-72 dated 29-07-2020, whereby, the appellant retired from Service against the SST BPS-16 post in view of the recommendation of the inquiry report as referred above. *(Copy of the Notification dated 29-7-2020 is Annexure-F).*
- 6 That Para-6 is also correct that vide Notification No.SO(PE)/5-1/General/MISC/Speaking order/2022 dated 15-08-2022, the Departmental appeal against the Notification of compulsory retirement from service of the appellant dated 29-07-2020 was rejected under Rules-17 (2) of E&D Rules 2011 of the Respondent No.4 by maintaining the Notification dated 29-07-2020 against the appellant under the Rules, hence, the appeal in hand is liable to be dismissed on the following grounds inter alia:-


ON GROUNDS.


- A. Incorrect & not admitted. on the grounds that the plea of the appellant is illegal as he was not entitled for his retirement on medical ground against the SST BPS-16 post in the Respondent Department under the Rules & even in accordance with the provision of Articles-4 & 25 of the constitution of 1973.
- B. Incorrect & not admitted. The Notifications dated 29-7-2020 & 15-8-2022 are legal & even the result of due process of law.
- C. Incorrect & not admitted. The appellant has been treated as per Law & Rules & prescribed policy & criteria by the Department in the Notifications dated 29-7-2020 & 15-8-2022 which is the outcome of due process of law & rules.
- D. Incorrect & not admitted. The plea of the appellant is illegal & even against the factual position of the case, hence, liable to be rejected.
- E. Incorrect & not admitted. The act of the Department is legal with regard to the Notification dated 15-8-2022 is legal & liable to be maintained in favor of the Department.
- F. Incorrect & not admitted. The appellant been treated as per law & Rules by the Department in the titled case.
- G. Incorrect & not admitted. The plea of the appellant is subject to the production of authentic record regarding his illness.

- G. Incorrect & not admitted. The plea of the appellant is subject to the production of authentic record regarding his illness.
- H. Incorrect & not admitted.
- I. Incorrect & not admitted. The stand of the appellant is illegal as he could not made his case for retirement on medical grounds in the Department.
- J. Incorrect & not admitted. The stand of the appellant is illegal. Therefore, the Respondent also seek leave to this Honorable Service Tribunal to submit additional grounds record & case law at the time of arguments.

Therefore, in view of the above made submissions, the appeal in hand may kindly be dismissed in favor of the Department in the interest of justice.

Dated. ___/___/2023.


SECRETARY
 E&SE Department Khyber
 Pakhtunkhwa, Peshawar.
 (Respondent No: 4)



DIRECTOR
 E&SE Department Khyber
 Pakhtunkhwa, Peshawar.
 (Respondents No: 5, 6 & 7)

AFFIDAVIT

I, Dr. Hayat Khan Assistant Director (Litigation-II) E&SE Department Khyber Pakhtunkhwa, do hereby solemnly affirm & declare on oath that the contents of the instant para wise Comments are true & correct to the best of my knowledge & belief.

ATTESTED


 Deponent


 03-02-2023

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 Ammar A

CIVIL DIRECTORATE SECY. EDUCATION
 (SCHOOLS) MALAKAND DIVISION AT
 GUL KADA SWAT, SAIDU SHARIF.

OFFICE ORDER.

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Consequent upon the advertisement published in the Daily Mashirah dated 28-5-94, Interview held on _____ by the Departmental Selection Committee Malakand Division Saidu Sharif and merit list drawn according to the Govt: rules and law bearing No. SO-I (S&GAD) 1-117/9(C) Regulation wing dated 12th October, 1993 & No. SOS(III) S&GAD/2(91)86 dated 24-4-1986 read with ~~S.O. No. 2/95~~ ~~Mohammad~~ ~~February, 1987~~, the appointments of Mr./Mst: _____ Candidate _____ against Vacant SV

post, are hereby ordered in EPS- _____ (Rs. 1505-97-3060)

_____ plus usual allowance and fringe benefit admissible to Govt: Servant as per the prescribed rules with immediate effect against the post shown against his/their names on the following terms & conditions:-

S.No.	Merit No.	Name/Parentage/ Address/ Qualification.	Where posted.	REMARKS.
1.	2.	3.	4.	5.
1.		1. Sa rramin Khan /O Mohammad Samin RA OF R/O Kethyari(Dir).		Against vacant SV post at GHS Patrak (Dir)

Attested
 Abdul Mubrod
 Headmaster,
 Govt. High School,
 PATRAK, Dist: DIR

TERMS & CONDITIONS:-

1. His/Her their appointments are purely temporary and as stopgap arrangement and liable to termination and reversion at any time without assigning any reason.
2. In case of resignation, He/She they will have to submit one Month's prior notice to the appointing authority or forfeited one Month's pay in lieu of to the Govt: of NWFP.
3. All original Educational/Prof: domicile certificates should be checked thoroughly before handing over charge if necessary, it should be certified/Certified from the institution concerned.
4. His/Her their attested photo copies/typed copies of all Certificates/degrees/Certificates,/Character Certificates, Medical Certificates of Physical fitness issued by authorised Civil Surgeon/Medical Officer/verification of his/their antecedents from concerned D.S.P. should be retained on his/their personal files and submitted to this Office for



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PH.No. 0945-9250082.

E-mail emisdirlower@yahoo.com

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OFFICE ORDER:

Consequent upon the Notification issued by the Director (E&SE) Khyber Pakhtun Khwa Peshawar Endst. No. 3466-70/File No.2/Promtion SST B-16 dated Peshawar the 28/10/2014. The following SCTs/CTs, SDMs/DMs, SATs/ATs, STTs/TTs, S.Qari/Qaris and PSITs/SPSTs/PSTs are hereby adjusted against the vacant posts of SST (Bio-Chem), SST (Maths-Phy), SST (Gen) school based at the schools noted against each in the intrest of public service with immediate effect. Terms and conditions will remain the same as mentioned in the notification refered above.

A1. Promtion of SCTs/CTs to the post of SST (Bio-Chem) B-16

S#	S.L.No	Name of Offical	Present place of posting	School where adjusted	Remarks
1	112	Habibur Rahman	GHS Shontala	GHS Dheri Kambat	Against Vacant Post
2	113	Sher Mohammad	GHS Balambat	GHS Darmal Bala	Against Vacant Post
3	128	Bakht Ali	GHS Bagh Dushkhal	GHS Chaltdara	Against Vacant Post
4	131	Khan Badshah	GHS Lal Qilla	GHS Lajbook	Against Vacant Post
5	139	Habibur Rahman	GMS Shontala	GHS Shontala	Against Vacant Post
6	181	Shuaibur Rahman	GHS Khall	GHS Luqman Banda	Against Vacant Post
7	263	KHAISTA RAHMAN	GHS GUMBAT BANDA	GHS Shalkani	Against Vacant Post
8	264	Israr Ahmad	GHS Munda	GHS Ouch Sharqi	Against Vacant Post
9	283	Gul Wahid	GMS Bambolai	GHS Dheri Kashmir	Against Vacant Post
10	295	Sikandar Ali	GHS Sangwalai	GHS Salaray Khall	Against Vacant Post
11	303	Mohammad Israr	GMS Ajo Talash	GHS Shamshi Khan	Against Vacant Post
12	313	Badshahuddin	GHS Saddo	GHS Munjai	Against Vacant Post
13	441	Hamad	GCMHS Timergara	GHS Rabat	Against Vacant Post
14	449	Nasrullah	GHS Osakai	GHS Osakai	Against Vacant Post
15	495	Mohammad Zia Ul Amin	GMS Utala	GHS Dheri Talash	Against Vacant Post

A2. Promtion of PSITs/SPSTs/PSTs to the post of SST (Bio-Chem) B-16

S#	S.L.No	Name of Offical	Present place of posting	School where adjusted	Remarks
1	1018	Rahmani Gul	GPS Hundak	GHS Chinar Kot	Against Vacant Post
2	1030	Zarbaz Khan	GPS Takwara	GHS Jawzo	Against Vacant Post
3	1261	Gulab Rehman	GPS Khona Picket	GHS Takwara Shekhan	Against Vacant Post
4	1405	Muzafar Khan	GPS Zindara	GHS Shekawai Tormang	Against Vacant Post
5	1409	Said Bashir Ahmad	GPS Hisarak Bala	GHS Malchai	Against Vacant Post
6	1580	Asghar Khan	GPS Qandaray	GHS Sadbar Kali	Against Vacant Post
7	1674	Hanif Ullah	GPS Shakar Tangai	GHS Biyari	Against Vacant Post
8	1714	Latif Ullah	GPS Rabat	GHS Darmal Payeen	Against Vacant Post

Intikhab Photo State
Near National Bank Colony,
Balambat Chowk, Timergara.
Ph: 0945-822994, Mob: 0300-9398707

B1. Promotion of SCTs/CTs to the post of SST (Phy-Maths) B-16

S#	S.L.No	Name of Official	Present place of posting	School where adjusted	Remarks
1	145	Ahmad Bacha	GHS Munjai	GHS Haji Abad	Against Vacant Post
2	168	Falak Naz	GHS Shawa	GHS Khaapur	Against Vacant Post
3	103	Jehan Bahadar	GHS Maidan Bandai	GHS Mirgan Bala	Against Vacant Post
4	185	Mohammad Iqbal	GHS Toor Mang	GHS Toor Mang	Against Vacant Post
5	187	Sarzan Khan	GHS Sia Warghar	GHS Sia Warghar	Against Vacant Post
6	216	Hazrat Nabi	GHS Bajawro Talash	GHS Khungi	Against Vacant Post
7	284	Siad Nawab	GHS Shawa	GHS Shawa	Against Vacant Post
8	304	Mohammad Idris	GMS Warsak	GHS Shago Kas	Against Vacant Post
9	318	Fazal Qayoum	GHS Chinar Kot	GHS Maniyal	Against Vacant Post
10	362	Ayoub Khan	GHS Dheri Kashmir	GHS Dheri Kashmir	Against Vacant Post
11	437	Mohammad Hanif	GHS Munjai	GHS Rehanpur	Against Vacant Post
12	493	Usman Khan	GMS Mandesh	GHS Kadh	Against Vacant Post
13	494	Said Karim Khan	GHS Pingal	GHS Pingal	Against Vacant Post
14	506	Abdullah Shah	GHS Banda Talash	GHS Bajawro Talash	Against Vacant Post
15	515	Mohammad Riaz	GHS Malakand	GHS Sado	Against Vacant Post

B2. Promotion of PSHTs/SPSTs/PSTs to the post of SST (Phy-Maths) B-16

S#	S.L.No	Name of Official	Present place of posting	School where adjusted	Remarks
1	1021	Muhammad Irshad	GPS Kas Amlook Dara	GHS Bagh Dushkhel	Against Vacant Post
2	1031	Aziz Ul Haq	GPS Badin	GHS Sadbar Kuli	Against Vacant Post
3	1037	Muzafar Said	GPS Safrona	GHS Khair Abad	Against Vacant Post
4	1042	Muhammad Qayum Khan	GPS Baghbandai	GHS Peto Dara	Against Vacant Post
5	1054	Muhammad Asad	GPS Kalo Manai	GHS Banda Talash	Against Vacant Post
6	1055	Khadi Muhammad	GPS Teknai Payeen	GHS Shalkanai	Against Vacant Post
7	1211	Rashid Khan	GPS Kaga Wala Shawa	GHS Shekawai Tormang	Against Vacant Post
8	1390	Fazal Hadi	GPS Tindo Dag	GHS Malakand	Against Vacant Post
9	1408	Johar Ali	GPS Katsar	GHS Takwara Shekhan	Against Vacant Post

B3. Promotion of SDMS/DMS to the post of SST (Phy-Maths) B-16

S#	S.L.No	Name of Official	Present place of posting	School where adjusted	Remarks
1	68	ZAHID GUL	GMS LALKO	GHS Kotigram	Against Vacant Post
2	78	MUHAMMAD RAHMAN	GHS ADAM DIERI	GHS Pulchatno Khadagzi	Against Vacant Post

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Balambat Chowk, Timergara,
Ph: 0945-822994, Mob: 0300-9398767

C1. Promtion of SCTS/CTs to the post of SST (G) B-16

#	S.L.No	Name of Offical	Present place of posting	School where adjusted	Remarks
1	1	Wazir Badshah	GHSS Khall	GHS Shekawlai Tornang	Against Vacant Post
2	2	Jehangir	GCMHS Timergara	GHS Kadh	Against Vacant Post
3	3	Mohammad Shah Jehan	GMS Koor Shing	GMS Kurshung	Against Vacant Post
4	6	Hidayat Khan	GHSS Kotigram	GHSS Kotigram	Against Vacant Post
5	7	Jehan Badshah	GHS Shalkandai	GMS Banr	Against Vacant Post
6	8	Nabi Baksh	GHSS Lal Qilla	GHS Qilagai Siar	Against Vacant Post
7	9	Abdul Hamid	GCMHS Timergara	GHS Haji Abad	Against Vacant Post
8	10	Hassan Zeb	GHSS OUCH	GHSS Ouch	Against Vacant Post
9	11	Ghous Ur Rahman	GMS Qandari	GMS Qandari	Against Vacant Post
10	12	Mohammad Zahir	GHSS Shamshi Khan	GHSS Jawzo	Against Vacant Post
11	14	Amir Zaman	GHSS Khanpur	GMS Khanpur	Against Vacant Post
12	15	Mohammad Zahid	GHSS Bagh Dush Khail	GMS Katan Dushkhal	Against Vacant Post
13	16	Shafiqur Rahman	GCMHS Timergara	GCMHS Timergara	Against Vacant Post
14	17	Bakht Jamal	GHSS Khanpur	GHSS Khanpur	Against Vacant Post
15	18	Mohammad Sydul Abrar	GHSS Chakdara	GHS Adam Dheri	Against Vacant Post
16	19	Fakhruddin	GMS Mian Banda	GHS Spina Khawra	Against Vacant Post
17	20	Ubaidur Rahman	GHSS OUCH	GHSS OUCH	Against Vacant Post
18	21	Sikandar Khan	GHSS Badwan	GHSS Chakdara	Against Vacant Post
19	23	Mohammad Qurish	GMS Shagai Asbanr	GHSS Asbanr	Against Vacant Post
20	27	Hassan Khan	GHSS Ouch Sharqi	GHS Ouch Sharqi	Against Vacant Post
21	29	Ghulam Rahman	GHS Kambat	GMS Surkh Dheri	Against Vacant Post
22	30	Mohammad Salim	GHSS Bagh Dush Khail	GHSS Dheri Kashmir	Against Vacant Post
23	32	Abdur Raziq	GHSS Ouch	GHSS Srai Bala	Against Vacant Post
24	33	Tajuddin	GHSS Mian Kalay	GMS Hissarak	Against Vacant Post

C2. Promtion of PSHTs/SPSTs/PSTs to the post of SST (G) B-16

S#	S.L.No	Name of Offical	Present place of posting	School where adjusted	Remarks
1	10	Muht Saeed Badshah	GPS Chikho	GMS Khadang	Against Vacant Post
2	71	Fateh Mehmood	GPS Thaoda Chena No.1	GHS Pingal	Against Vacant Post
3	75	Muhammad Zahoor	GPS Tangi Shamshi Khan	GHSS Jawzo	Against Vacant Post
4	89	Jan Badshah	GPS Gudya Khwar	GMS Lalko	Against Vacant Post
5	99	Sardaraz Khan	GPS Shadas	GHS Shamshi Khan	Against Vacant Post
6	122	Faiz Talab Khan	GPS Katan Payeen	GHSS Safari Khal	Against Vacant Post
7	125	Shahabud Din	GPS Zafar Abad	GHSS Ouch	Against Vacant Post
8	132	Amir Abdur Rahman	GPS Timergara	GHS Mian Kali	Against Vacant Post
9	147	Mahfooz Ur Rahman	GPS Kadh	GHSS Ouch	Against Vacant Post
10	166	Muslim Khan	GPS Nasafi	GHSS Khanpur	Against Vacant Post
11	171	Swal Faqir Khan	GPS Takwara Shekhan	GHSS Pato Talash	Against Vacant Post
12	172	Shafi Ul Haq	GPS Shekawlai	GMS Mandesh	Against Vacant Post

Intikhab Photo Sta.
Near National Bank Colony,
Balambhat Chowk, Timergara.
Ph: 0945-832994, Mob: 0300-9398707

Amiruddin

[Signature]

C3. Promotion of SDMs/DMS to the post of SST (G) B-16

S#	S.L.No	Name of Official	Present place of posting	School where adjusted	Remarks
1	8	HABIB GUL	GMS MANDESH	GMS Ganjla Rabat	Against Vacant Post
2	11	BAKHIT MUNIR	GHS Bagh Maidan	GHS Gumbat Banda	Against Vacant Post

C4. Promotion of SATs/ATs to the post of SST (G) B-16

S#	S.L.No	Name of Official	Present place of posting	School where adjusted	Remarks
1	17	JEHAN FOROOQ	GHS SHEKAWLI	GMS Sair Tormang	Against Vacant Post
2	18	MEEM ZAMAN KHAN	GHS Haji Abad	GHS Koheray	Against Vacant Post

C5. Promotion of STTs/TTs to the post of SST (G) B-16

S#	S.L.No	Name of Official	Present place of posting	School where adjusted	Remarks
1	4	LUTFUR RAHMAN	GHS Mian Brangola	GHS Adam Dheri	Against Vacant Post
2	25	AZIZ UL HAQ	GHS MIAN KALAY	GMS Kakas	Against Vacant Post

C6. Promotion of S.Qaris/Qaris to the post of SST (G) B-16

S#	S.L.No	Name of Official	Present place of posting	School where adjusted	Remarks
1	4	ABDULLAH	GHS LAJBOOK	GHS Beyari	Against Vacant Post
2	5	MUHAMMAD KARIM	GHS SADBAR KALAY	GHS Dantal	Against Vacant Post

(Muhammad Ibrahim)
District Education Officer (M)
District Dir Lower

Endst. No. 13917-21 Dated Timergara the 01/11/2014

Copy of the above is forwarded to:

1. The Director (E&SE) Khuber Pakhtoon Khwa Peshawar.
2. The District Accounts Officer Dir Lower.
3. The Principals / Headmaster of the institute concernd.
4. The Deputy District Education Officer (M) Dir Lower.
5. The Officials concernd.

(Muhammad Ibrahim)
District Education Officer (M)
District Dir Lower

Intikhab Photo Sta.
Near National Bank Colony,
Balambat Chowk, Timergara.
Ph: 0945-822994, Mob: 0300-9398707

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Amexure 9

Directorate of Elementary & Secy: Education
Khyber Pakhtunkhwa, Peshawar
No. 67 /F.No. 44/SST (M) Complaint/Dir
Lower.

Dated Peshawar the 11 / 11 2018

Supelth

9/10/18

To

The District Education Officer,
(Male) Dir Lower.

Subject: - ABSENTISM FROM DUTY IN R/O SARZAMIN KHAN SST (PHY-MATHS).

Memo:

I am directed to refer to your letter no. 11384 dated 10-10-2018 on the subject cited above and state that from the perusal of Headmaster letter, it was observed that Mr. Sar Zamin Khan SST (Phy-Maths) GHS, Siawarghar was not retired from service by the competent authourity and matter needs your personal attention.

In this regard, I am further directed to ask you to prob into the matter and submit a self contained report to this office immediatley for further necessary action.

Director
Khyber Pakhtunkhwa
Dir Lower

Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 68

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

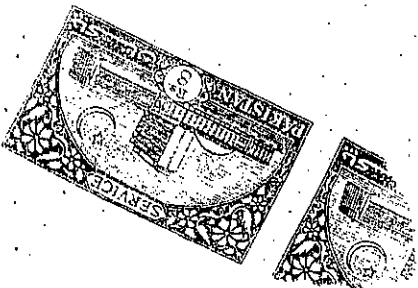
1. Headmaster GHS, Siawarghar District Dir Lower.
2. PA to Director E&SE Khyber Pakhtunkhwa, Peshawar.

[Signature]
Deputy Director (Estab)

Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

[Signature]
30/11/18

[Signature]





OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) DISTRICT DIR LOWER

No. 15531 / Dated Timergara the 27 / 12 / 2018

To,

The Director (E&SE)
Khyber Pakhtunkhwa Peshawar.

Subject:- ABSENTISM FROM DUTY IN R/O SARZAMIN KHAN SST(PHY-MATHS)
Memo:-

Reference your letter No,67/F.No,44/SST (M) /Complaint/Dir lower dated 1/11/2018 on the subject cited above.

Inquiry conducted in the matter through Aftab Alam Khan Principal GHS Shamshi Khan and a self explanatory inquiry report is enclosed herewith for further necessary action please.

District Education Officer
(Male) Dir Lower

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**OFFICE OF THE PRINCIPAL GHS SHAMSHI
KHAN DISTRICT DIR LOWER.**

NO: 987

Dated: 17-12-2018.

Subject:

Enquiry report against Mr. Sarzamin Khan SST (Ph: Maths) GHS Siawarghar Dir (L).

Enquiry officer: AFTAB ALAM Principal B-19 GHS Shamsi khan dir (L).

Place of enquiry: GHS Siawarghar.

Authority: DEO (M) EI&Se Dir Lower Vide his Endosment No: 13096 Dated: 05-12-2018.

Annexure:

- 1: statement of all staff members GHS Siawarghar.
- 2: Combine statement of relatives of Mr. Sarzamin Khan SST GHS Siawarghar.

Procedure:

As the order received i informed incharge Head Master of GHS Siawarghar Mr. Ali Zaman SST (G) regarding inquiry against Mr. Sarzamin Khan and date was fixed for inquiry that is 10-12-2018.

Terms of reference: (TOR).

- 1 To check and analyze the allegations against Mr. Sarzamin Khan SST GHS Siawarghar.
- 2 To check and analyze service history of Mr. Sarzamin Khan SST.

The under signed initiated proceedings of the inquiry and made a detail discussion with Mr. Ali Zaman. He boldly explained service history of the accused in black & white and stated that the accused is a psychological patient and having some internal and domestic problems. He further stated that the accused is drug addicted and unable to perform his duty and submitted statement of all the staff members. Mr. Sarzamin SST has been submitted an ambiguous application regarding his retirement by unknown authorities which shows/proved his illness.
(Copy Attached)

The under signed tried to meet the accused but it was a risky attempt because all my friends forbid me to do so. After that I made contact with Mr. Nadeem Khan Ex. SDEO Adenzai now working as subject specialist at GHSS Khanpur regarding the worst, unhappy and risky position of the said inquiry. He explained the actual position and sent near relatives of the accused i-e 1 Mr. Gul Zamin Khan Assistant professor in English department University of MKD Showing himself real brother of the accused. 2 Mr. Aurang Zaib Khan SPET GHSS Asbanr showing himself brother in law of the accused. 3 Nazir Ahmad Advocate showing himself brother in law of the accused.

All of them were too much unhappy regarding the present situation of Mr. Sarzamin Khan SST GHS Siawarghar. Mr. Gul zamin Khan as he seem apparently healthy. but sorry to say that he is totally blind. He stated that they are only two brothers but sorry to say that I am disable and my brother is in a chronic condition due to physical, psychological and spiritual diseases and started weeping.

The other two relatives i-e Aurang Zaib Khan and Nazir Ahmad also explained the worst and miserable position of the accused and requested for special sympathy to the accused in this regard and humbly requested for forcefully retirement or retirement on medical ground and submitted written statement.
(Copy Attached)

Findings:

- 1: Mr. Sarzamin SST GHS Siawarghar is not in a position to continue his duty due to his physical, Psychological and domestic issues.
- 2: Due to absence of science teacher the students of GHS Siawarghar will be badly affected.
- 3: Mr. Sarzamin SST has been completed 24 years service in education department.

Recommendation:

- 1:- Mr. Sarzamin SST GHS Siawarghar Dir (L) may kindly be retired forcefully or on medical



31 F
Amendment 17

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA PESHAWAR

NOTIFICATION

1. Whereas, Mr. Sarzamin Khan was appointed as Senior Vernacular vide No.2147-54, dated 13-11-1994 and promoted to SST ^{with No.} 13917-21 dated 01-11-2014.
2. AND WHEREAS, DEO (M) Dir Lower Submitted absence report in respect of Mr. Sarzamin Khan SST(M/P) GHS Siawargh vide No.11384 dated 10-10-2018.
3. AND WHEREAS, this Office directed DEO(M) Dir Lower to probe into the matter and submit detailed report to this office vide No.67 dated 1-11-2018.
4. AND WHEREAS, DEO(M) Dir Lower conducted an inquiry into the matter by nominating Mr. Aftab Alam Principal GHS Shamshi Khan and submitted report to this office along with Inquiry Report vide No. 15531 dated 27-12-2018. The inquiry officer vide NO.987 dated 17-12-2018 declared the teacher concerned unfit to for the job because of his physical, psychological and domestic issues. Further he recommended retirement of Mr. Sarzamin Khan SST(M/P) GHS Siawargh either **Forcefully** or on **Medical Ground** vide No.987 dated 17-12-2018.
5. AND WHEREAS, DEO(M) Dir Lower forwarded an appeal in respect of the teacher concerned with the request to forward his case to DG Health vide No.2592 dated 03-03-2020/
6. Now therefore, after thoroughly assessing the instant case in detail, and in exercise of the Powers conferred under the Government of Khyber Pakhtunkhwa, Government Servant (E & D) Rules 2011, the Director, Elementary and Secondary Education, Khyber Pakhtunkhwa Competent Authority has decided to retire Mr. Mr. Sarzamin Khan SST(M/P) GHS Siawargh **COMPULSORILY** from the date of his absence.

DIRECTOR

Elementary & Secondary Education
Khyber Pakhtunkhwa

Endst; No. 3570-72 /F.No.44/Vol-1/SST (M) Comp/Dir Lower Dated Peshawar the 29/7/2020

Copy of the above is forwarded to the:-

1. District Education Officer Dir Lower.
2. District Accounts Officer Dir Lower.
3. Mr. Principal GHS Siawarghar Dir Lower.
4. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.