

05.07.2021

Petitioner with counsel and Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Kashif Munir, Litigation Officer and Mr. Waheed Khan, Asst: AO for respondents present.

Representative of the respondents submitted compliance report, according to which judgment under execution has been implemented. There is no need to further pursue the execution petition and is filed. File be consigned to the record room.

Announced:
05.07.2021


Chairman

E.P No. 284/2019

24.03.2021

Counsel for the petitioner present. Mr. Muhammad Rasheed, Deputy District Attorney alongwith M/S Kashif Munir, Litigation Officer, Bahadar Zaman, Assistant and Abdul Shakoor, Assistant Accounts Officer, for the respondents present.

In pursuance of order sheet dated 22nd February 2021, the department has initiated internal correspondence which doesn't seem sufficient for execution. The department is therefore, directed to submit final and complete implementation report, as last chance, on 25.05.2021 before S.B at Camp Court D.I.Khan.

Application for
friction of principal
seat, accepted.
Filed for 05/07/21



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)
CAMP COURT D.I.KHAN

21.12.2020

Due to Pandemic of Covid-19, the case is adjourned to
22.02.2021 for the same.

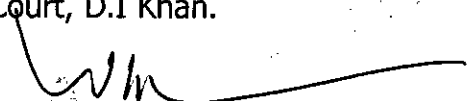

Reader

22.02.2021

Petitioner with counsel present.

Noor Zaman Khattak learned District Attorney for
respondents present.

Petitioner was reinstated into service on 26.03.2019 and
the back benefits were conditioned with the final outcome of
De-novo inquiry. Now, an inquiry has been conducted and
recommended reinstatement of the petitioner with previous
seniority as well as back benefits. In the situation,
respondents are directed to issue a revised reinstatement
order showing previous seniority as well as back benefits of
the petitioner. To come up for proper implementation report
on 24.03.2021 before S.B at Camp Court, D.I Khan.


(Atiq ur Rehman Wazir)
Member (E)
Camp Court, D.I Khan

22.09.2020

Counsel for petitioner present.

Mr. Usman Ghani, District Attorney for respondents present.

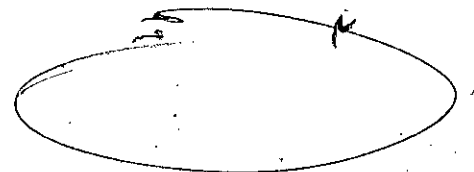
As per record petitioner has been reinstated and proper inquiry was also conducted copy whereof was produced by learned counsel for petitioner and even then, salary was not released. Today none is available on behalf of respondents in order to apprise the court in respect of back benefits and salary of the petitioner. As such notice be issued to the respondents and learned District Attorney is directed to make sure presence of the representative of respondents but not below grade-17. Adjourned. To come up for further proceedings on 27.10.2020 before S.B at Camp Court D.I Khan



(Rozina Rehman)
Member (J)
Camp Court, D.I Khan

27.10.2020

Petitioner is present in person. Mr. Muhammad Jan, Deputy District Attorney for the respondents is also present. Learned Deputy District Attorney request for further time to contact the respondents. Time is given. Adjourned to 21.12.2020 on which date to come up for further proceedings before S.B at Camp Court, D.I.Khan.



(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT D.I.KHAN

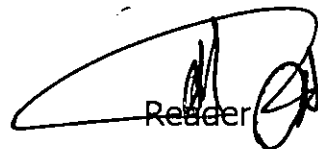
24/8/2020

Due to COVID-19 the case is adjourned. To come up for the same 21/4/2020 at Camp Court, D.I Khan


Reader

21/4/2020

Due to COVID-19 the case is adjourned. To come up for the same 22/9/2020 at Camp Court, D.I Khan


Reader

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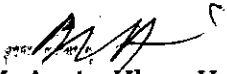
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27.01.2020

Petitioner in person and Mr. Usman Ghani, District Attorney alongwith Mr. Kashif Munir, Litigation Officer for the respondents present. Petitioner requested for adjournment on the ground that his counsel is not available today. Adjourned to 24.02.2020 for further proceeding before S.B at Camp Court D.I.Khan.


(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

24.02.2020

Counsel for the petitioner and Mr. Ziaullah, Deputy District Attorney for the respondents present. Representative of the department is absent, therefore, notices be issued to the respondents with the direction to direct the representative to attend the court on the next date positively. To come up for further proceeding on 24.03.2020 before S.B at Camp Court D.I.Khan.


(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

24.09.2019

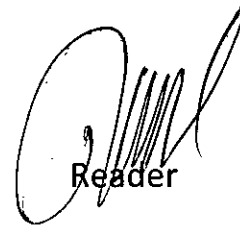
Learned counsel for the petitioner present. Mr. Farhaj Sikandar learned Deputy District Attorney alongwith Mukhtiar Alam Superintendent present and submitted copy of office order dated 14.09.2019 in relation to the implementation of judgment in question, copy of which order handed over to the petitioner. Learned counsel for the petitioner however seeks adjournment. Adjourn. To come up for further proceedings on 23.10.2019 before S.B at Camp court, D.I.Khan.



Member
Camp Court, D.I.Khan.

23/10/2019

Since tour to D.I.Khan has been cancelled .To come for the same on 25/11/2019.



Reader

25.11.2019

Petitioner in person and Mr. Ziaullah, Deputy District Attorney for the respondents present. Petitioner submitted objection petition which is placed on record. Petitioner also requested for adjournment on the ground that his counsel is not available today due general of Khyber Pakhtunkhwa Bar Council. Case to come up for further proceeding on 27.01.2020 before S.B at Camp Court D.I.Khan.



(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

24.09.2019

Learned counsel for the petitioner present. Mr. Farhaj Sikandar learned Deputy District Attorney alongwith Mukhtiar Alam Superintendent present and submitted copy of office order dated 14.09.2019, copy of which is available with the petitioner. Learned counsel for the petitioner seeks adjournment to furnish written objection against the said order. Adjourn. To come up for further proceedings on 23.10.2019 before S.B at Camp Court, D.I.Khan.

Member
Camp Court, D.I.Khan.

FORM OF ORDER SHEET

Court of _____

Execution Petition No. _____ /2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	22/07/2019	<p style="text-align: center;">The Execution Petition submitted by Mr. Alamgir Khan by Mr. Muhammad Tariq Qureshi Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2-	26-07-2019	<p style="text-align: center;">This Execution Petition be put up before S. Bench, on <u>26-08-2019</u></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
26.08.2019		<p style="text-align: center;">Counsel for the petitioner Mr. Shaikh Iftikhar-ul-Haq, Advocate present and submitted Vakalatnama, which is placed on file. Notice be issued to the respondents for implementation report for 24.09.2019 before S.B at Camp Court D.I.Khan.</p> <p style="text-align: right;"><i>MA</i> (Muhammad Amin Khan Kundi) Member Camp Court D.I.Khan</p>

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR.

CM No. 284 /2019

in

Appeal No. 306/2017

Alamgir

(Appellant)

VERSUS

Govt: of Khyber Pakhtunkhwa & others


(Respondents)

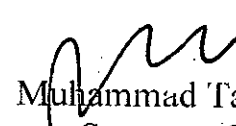
INDEX

S. No	Particular Of Documents	Annexure	Page
1.	Implementation Application	1-2
2.	Affidavit	3
3.	Copy of Judgment/orders of this Hon'ble Court	A	4-8
4.	Copy of an application given to the Respondent for compliance	B	9
5.	Wakalat Nama		10

Dated: 21.07.2019

Appellant/Applicant


Alamgir
Through


Muhammad Tariq Qureshi
Advocate Supreme Court of Pakistan.

①

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

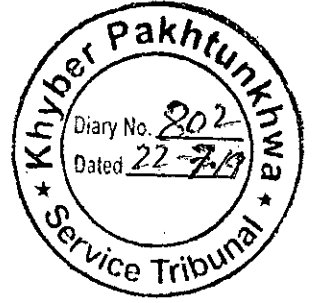
PESHAWAR.

E.P. 284/19

CM No. 284 /2019

in

Appeal No. 306 / 2017



Alamgir son of Jahangir Khan resident of Gandhi Khan Khel, Tehsil and District Lakki Marwat.

.....*Appellant / Petitioner*

Vs

1. Govt: of Khyber Pakhtunkhwa through Secretary Education, Peshawar.
2. Director (E&S) Education Department, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Director Establishment (E&S), Education Department KPK, Peshawar.
4. District Education Officer (Male) Lakki Marwat.
5. Nazir Ahmad presently District Education Officer (Male) Lakki Marwat.
6. Sub: Divisional Education Officer, (Male), Lakki Marwat.
7. Deputy Commissioner, Lakki Marwat.
8. District Accounts Officer, Lakki Marwat.

.....*Respondents*

APPLICATION FOR IMPLEMENTATION OF ORDERS / JUDGMENT

DATED 26.03.2019 PASSED IN SERVICE APPEAL NO. 306/2017

Respectfully Sheweth:

1. That, applicant had resorted this Hon'ble Court through Service Appeal No. 306/2017 wherein he got relief with the disposed of the said appeal vide Order No. Nil dated 26.03.2019. Copy of Judgment/orders of this Hon'ble Court are Annexed herewith as Annexure "A"
2. That, after obtaining the attested copies of the said Judgment, the appellant / petitioner served the Respondents with the Judgment at stake and demanded for the compliance of the Judgment / orders, but each time, the Respondents,

②

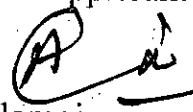
either on one pretext or the other, hoodwinked the applicant and since the date of announcement of Judgment, the applicant is running here and there for the compliance of the said Judgment on the nods and pretexts of Respondents but respondents are reluctant to comply the order of this Honorable Court within a stipulated time. Copy of an application given to the Respondent for compliance is Annexed herewith as Annexure "B".

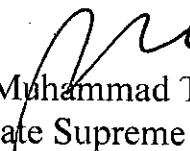
3. That, as per judgment of this Honorable Court, the respondents are duty bound to reinstate the petitioner before inquiry and will conclude inquiry within ninety days from the date of receipt copy of this Honorable Court. The time has been lapsed but till now respondents have not reinstate the petitioner nor conducted inquiry. They did not comply the order of this Honorable Court. The demand of the applicant is legal and liable to be fulfilled with immediately but Respondents are ignoring his demands for their lustful demands/intentions.
4. That, being unhappy, hopeless and discouraged from the behavior of the Respondents, the applicant approached again to this Hon'ble Court.

It is, therefore, humbly prayed that Respondents may kindly be directed with strict orders for compliance of the Judgment in question in its true sense, letter and spirit and reinstate the petitioner with all back benefits, along with any other relief deeming fit.

Dated: 21.07.2019

Appellant/Applicant


Alamgir
Through


Muhammad Tariq Qureshi
Advocate Supreme Court of Pakistan.

3

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR.

CM No. _____/2019

in

Appeal No. 306/2017

Alamgir

(Appellant)

VERSUS

Govt: of Khyber Pakhtunkhwa & others

(Respondents)

AFFIDAVIT

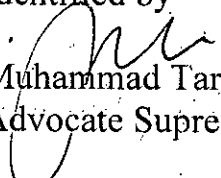
I, Alamgir son of Jahangir Khan resident of Gandi Khan Khel, Tehsil and District Lakki Marwat hereby solemnly affirm and declare that the contents of instant Service Appeal are true and correct to the best of my knowledge and belief. Nothing has been concealed from this Honorable Court.

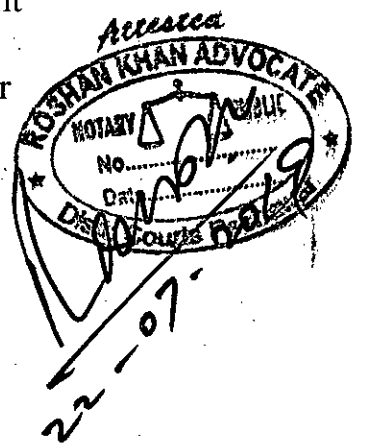


Deponent

Alamgir

Identified by


Muhammad Tariq Qureshi
Advocate Supreme Court of Pakistan.



(4)

A



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

(Service Appeal No. 306/2017)

Khyber Pakhtunkhwa Service Tribunal

Case No. 322

Dated 04-4-2017

Alamgir son of Jahangir Khan resident of Gandhi Khan Khel, Tehsil and District Lakki Marwat.

Appellant

Vs

1. Govt: of Khyber Pakhtunkhwa through Secretary Education, Peshawar.
2. Director (E&S) Education Department, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Director Establishment (E&S), Education Department KPK, Peshawar.
4. District Education Officer (Male) Lakki Marwat.
5. Sub: Divisional Education Officer, (Male), Lakki Marwat.
6. Deputy Commissioner, Lakki Marwat.
7. District Accounts Officer, Lakki Marwat.

Respondents

SERVICE APPEAL U/S 4 KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT AGAINST THE ORDER OF DISTRICT EDUCATION OFFICER, LAKKI MARWAT VIDE LETTER NO.9001-08, DATED 24/12/2016 WHEREBY APPELLANT WAS DISMISSED FROM SERVICE.

PRAYER:

ON THE ACCEPTANCE OF INSTANT SERVICE APPEAL, IMPUGNED ORDERS OF DISTRICT EDUCATION OFFICER (MALE) LAKKI MARWAT DATED: 24/12/2016 MAY KINDLY BE SET ASIDE AND APPELLANT MAY VERY GRACIOUSLY EXONERATED FROM ALL THE CHARGES LEVELLED AGAINST HIM AND RESTORE THE APPELLANT ON HIS OLD POSITION I.E THE POST OF PST WITH ANY OTHER APPROPRIATE REMEDY WHICH THIS COURT DEEM FIT FOR THE SACK OF JUSTICE.

ATTESTED

EXAMINED
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

ATTESTED

led to-day
Registrar
9/4/17

5 1



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT, D.I.KHAN.

Service appeal No. 306/2017

Date of institution ... 04.04.2017
Date of decision 26.03.2019

Alamgir son of Jahangir Khan, resident of Gandhi Khan Khel, Tehsil and
District Lakki Marwat. ... (Appellant)

Versus

Government of Khyber Pakhtunkhwa -through Secretary Education,
Peshawar and others. (Respondents)

Present

Sheikh Iftikhar-ul-Haq,
Advocate ... For appellant.

Mr. Farhaj Sikandar,
District Attorney ... For respondents.

MR. HAMID FAROOQ DURRANI, ... CHAIRMAN
MR. AHMAD HASSAN, ... MEMBER.

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

1. Instant appeal is directed against the order of District Education
Officer (Male) Lakki Marwat/respondent No. 4, whereby, the appellant
was awarded major penalty of dismissal from service with immediate

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ATTESTED

(6)

effect. The appellant is also aggrieved of order dated 22.03.2017 vide which his departmental appeal was rejected by respondent No. 3.

2. It is the case of appellant that on 01.07.2016 he was transferred, while serving as PST GPS Kotka Ahmad Khan to GPS Kotka Amand. He took charge and joined his duty at Kotka Amand on 07.07.2016. Proceedings were initiated against him on account of absence from duty and advertisement to that effect was published in newspaper on 17.11.2016. The appellant submitted a reply/explanation on 05.12.2016, wherein, it was noted that he was regularly performing his duty in GPS Kotka Amand Khan from 01.09.2016. It was explained that at the time of assumption of charge on 07.07.2016 the school was closed for summer vacation till August, 2016. His explanation/reply was not considered satisfactory and the impugned order was passed on 24.12.2016.

3. We have heard learned counsel for the appellant and learned District Attorney on behalf of the respondents.

On the last date of hearing the respondents were directed to furnish necessary documents including the enquiry report as mentioned in the impugned order. One Mukhtiar Alam, ADEO(Establishment) office of the DEO(Mate) Lakki Marwat appeared before the Tribunal today and

ATTESTED

EXAMINED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ATTESTED

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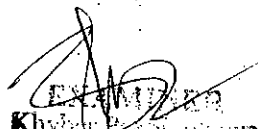
categorically stated that he was not in possession of the enquiry report as no enquiry had taken place in the matter.

4. The perusal of record including the copy of attendance register of teachers, prima-facie, suggests that the appellant had performed duty in GPS Kotka Amand Khan in the Months of September, October, November and December, 2016. Overleaf of the attendance for December 2016 there is a report by Head Teacher GPS Kotka Amand Khan to the effect that the appellant had taken over charge in the said school on 07.07.2016 and was ever-since performing duty there. In the stated circumstances when there was allegation of absence against the appellant and denial of the same, purportedly through documentary evidence, the case of appellant was of a nature wherein pro & contra evidence was required to be recorded. More-so, when the proceedings culminated to dismissal of appellant from service. It is unequivocally noted in the impugned order dated 24.12.2016 that the enquiry committee constituted for the purpose had examined the charge, evidence on record, explanation of accused official and had submitted the report which was considered by the competent authority. The non-availability of enquiry report on record and the statement of ADEO before the Tribunal would clearly suggest that the order passed against the appellant was unfounded.

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ATTESTED


Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

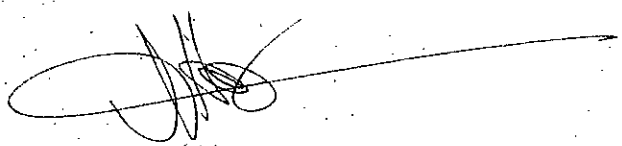
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(B)

It was not supported by evidence or record of enquiry, hence was whimsical or, to say the least, conjectural.

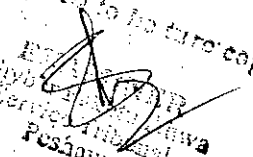
5. In view of the above, we allow the appeal in hand and set aside the impugned order dated 24.12.2016. The respondents shall, however, be at liberty to conduct proper enquiry against the appellant in accordance with law and conclude the same within ninety days from the date of receipt of copy of instant judgment. The appellant shall be provided opportunity of defending his cause in the proceedings. The issue of back benefits in favour of the appellant shall follow the outcome of proceedings taken against him.

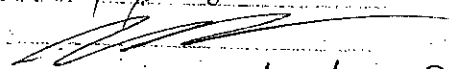
Parties are left to bear their respective costs. File be consigned to the record room.


(Ahmad Hassan)
Member


(Hamid Farooq Durrani)
Chairman
Camp Court, D.I.Khan.

ANNOUNCED
26.03.2019

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Petition	01-04-19
Number of Words	2000
Copying Fee	12-00
Urgent	2-00
Total	14-00
Name of Applicant	
Date of Completion of Case	01-04-19
Date of Delivery of Judgment	01-04-19

ATTESTED

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10

Mr. Murtaza S.
20/4/2018

To

The District Education Officer,
(Male) Lakki Marwat.

Subject:

ARRIVAL REPORT IN PERSUANCE OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL JUDGMENT DATED
26/3/2019, ON SERVICE APPEAL NO 306/2017.

Respected Sir,

With due respect it is stated that I was dismissed from service on 24/12/2016. Which was challenged in Khyber PakhtunKhwa Service Tribunal Peshawar and the honorable Tribunal set aside the impugned order dated 24/12/2016. So my arrival report is submitted for your kind honor please.

Your are therefore requested that my arrival report please be accepted.

Note: Photo Copy of Khyber Pakhtunkhwa judgment dated 26/3/2019 on Service appeal No 306/2017 is attached.

Dated 05-09-2019

عالمگیر خان
Alamgir Khan PST

S/O Jehangir Khan
GPS Kotka Amand Gandhi Khan Khel

ATTESTED

قیمت 50 روپے	23372			
ایڈوکیٹ: محمد طارق فریدی سہیل کوٹلی آف باریکٹس		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل/ ایسوسی ایشن نمبر:				
رابطہ نمبر: 03008868804				

بعدالت جناب: سروسز کمپنیز لمیٹڈ صدر عدالت پشاور



مخاطب: <u>عالمگیر</u>	دعویٰ: <u>اپیل</u>
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:
باعت تحریر آئکہ	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام پشاور کیلئے محمد طارق فریدی سہیل کوٹلی مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سندر ہے

عالمگیر صاحب کوٹلی
11201-5868804 بند

المرقوم: 21/7/2019
 العواہ شد عالمگیر
 مقام پشاور کے لیے منظور ہے۔

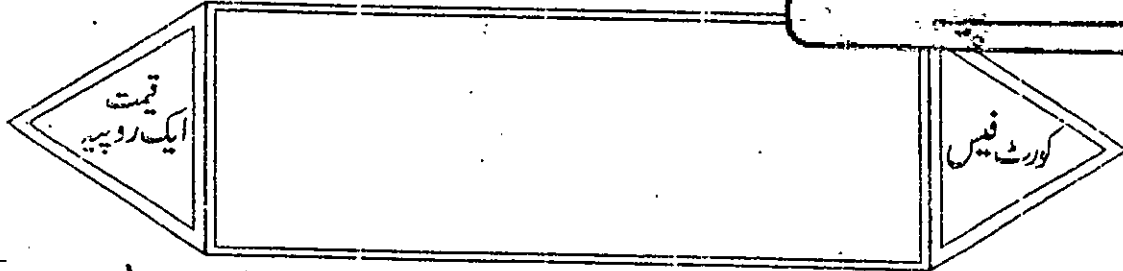
N.W.F.P. BAR COUNCIL

SH. IFTIKHAR UL HAQ
Advocate High Court
N.I.C. 12201-03157-0-9
S.No 1355

Issuing Authority

وکالت نامہ



Petitioner (Alamgir) vs. Respondent (K.P.K Service Tribunal)

Alamgir vs Est.

No 284/19 Execution Petition

باعث تخریر آنکہ

Sh. Iftikhar ul Haq

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے پیروی و جوابدہی برائے پیشی یا تصفیہ مندرجہ مقام کو حسب ذیل شرائط پر وکیل مقرر کیا ہے، کہ میں ہر پیشی پر خود یا ذریعہ اختیار خالص روز و رات، حاضر ہوتا ہوں گا۔ اور ہر وقت پکارے جانے قدرے وکیل صاحب موصوف کا اطلاع دیکر حاضر ہوں گا۔ اور مقدمہ میرا غیر حاضر کی وجہ سے کسی طرح پر نہیں رہے گا۔ اور جو صاحب موصوف اس کے کی طرح آمد و آمدوں کے، نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بعد از تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بعد از تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر مقام پکھری کے علاوہ اور ہر جگہ ساعت ۱۱ بجے یا بعد از تعطیل یا پکھری کے اوقات کے آگے پیچھے نہیں ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار ہوں گے۔ واسطے کسی معاوضہ کے ادا کرنے یا نکلانہ دہانی کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ جو کوئی ساختہ پرواض صاحب موصوف کی طرف سے خود منظور قبول ہوگا۔ اور صاحب موصوف کو مرضی دعویٰ یا جواب دعویٰ یا درخواست اجراءے ڈگری و نظر ثانی اہل کرائی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرانے اور ہر قسم کارروائی وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم سے ایمان دینے اور اس پر تاشی یا تاشی نامہ و فیصلہ بر حلف کرنے، اقبال دہانی کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ ہیران از پکھری صدر پیروی مقدمہ مذکورہ نظر ثانی و وکیل و گمانی و برآمدگی مقدمہ یا منوشی ڈگری یا طرف یا درخواست حکم انتہائی یا قریبی یا کرناری قبل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط امانت علیٰ طبعہ و عین پیروی کا اختیار ہوگا اور تمام ساختہ پرواض صاحب موصوف کی طرف سے خود منظور قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اہل یا گمانی یا دیگر معاملہ مقدمہ مذکورہ کی دوسرے وکیل یا پیروں کو اپنے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے۔ جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جانب اتواء ہوگا، وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری نہیں تاریخ پیشی سے پہلے ادا نہ کرے گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں ہر کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے۔ تاکہ مستدر ہے۔
مورخہ 28 مارچ 2019ء

مضمون وکالت نامہ سن لیا ہے۔ اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

العبد العبد العبد

Attested
Accepted
Sh. Iftikhar ul Haq

خدمتِ صبا عزت مآب چیئرمین سپریم ٹریبیونل پاکستان اسلام آباد



عزیزانہ درخواست نمبر 1 والیس کیلئے

صبا علی!

گزارش حسب ذیل

یہ کہ من سائل نے عدالت انجناب سے EP No 289/2019
in S. ANo 306/17 ریف 07/05 2021

کو حوصلہ ہوئی

یہ کہ عدالت عالیہ انجناب سے احکامات کی روشنی میں کلمہ تعلیم
منع کی صورت سے انہوں نے بجالی، حکمانہ پر دوشن اور بقایا جات کی
مد میں واجبات کی ادائیگی یعنی بنا کر من سائل کے تحفظات دور
کر دیئے ہیں۔

سید من سائل عدالت انجناب سے جمع کردہ درخواست پر دائری

والیس لینا چاہتا ہوں۔ اور ذمہ داران کے خلاف مزید کوئی
عدالتی کارروائی نہیں کرنا چاہتا۔ (نقول و شمار 14-17) ہمراہ درخواست دیکھئے

ریف 10.9.2021

put up to the worthy chairman
with relevant execution Petition

البار

11201-5842078-1
10/9/2021

Dear Sir
عالمگیر خان دار خیا بلبر خان سولہ کنڈی خاں
IPS No 4 کنڈی خاں خیل منوع کی صورت



**Office of The District Education Officer
Male Lakki Marwat**

Ph: (0969)538291 email: emislakki@yahoo.com
www.facebook.com/deomaleLakki, www.twitter.com/deo_m_lakki

No. 1394 Dated. 02-09-2021

NOTIFICATION.

1. **WHEREAS**, Mr. Alamgir Khan was working against the post of PST BPS-12 at GPS Kotka Amand Khan Behtani and reported vide SDEO (Male) Lakki Marwat letter bearing No.614 dated. 27-05-2014 on account of his habitual absentee from official duty.
2. **AND WHEREAS**, Before the dismissal, the competent authority issued first absentee notice vide No.614 dated. 27-05-2014, second notice No.1507 dated. 25-11-2014, Explanation No.4206 dated 16-09-2015 and final show cause notice issued through daily Mashriq dated. 15 October 2015 with the directions to resume his official duty and submit the cogent reason of his willful absentee, but he did not join his official/school duty nor appear before the competent authority i.e (District Education Officer).
3. **AND WHEREAS**, in pursuance to the above this office issued an office order of his demotion to lower post PST BPS-12 vide this office No.52-61 dated. 14-01-2016 at adjust him at GPS Kotka Ahmand Khan Behtani.
4. **AND WHEREAS**, In the light of inquiry committee recommendations this office issued his "Dismissal from Service" vide No.9001-08 dated. 24-12-2016, on account of absentee from official/school duty.
5. **AND WHEREAS**, Mr. Alamgir Khan Ex-PST submit a Service Appeal before the Honourable Khyber Pakhtunkhwa Service Tribunal Peshawar under S.A No.306/17 against E&SE Department.
6. **AND WHEREAS**, the Honourable Khyber Pakhtunkhwa Service Tribunal Peshawar passed the judgment on 26-03-2019 in favour of the appellant with full back benefits and placed him in the seniority list of PST at S.No.117A notified vide this office No.3274-78 dated. 18-06-2021.
7. **NOW THEREFORE**, in view of the above the undersigned, being competent authority, is pleased to withdraw the demotion order issued vide this office No.52-61 dated. 14-01-2016 in respect of Mr. Alamgir Khan PST GPS No.4 Gandhi Khan Khel from the date of re-instatement issued vide this office No.10760-67 dated. 14-09-2019, in best interest of public.

District Education Officer
(Male) Lakki Marwat.

Even No. & Date.

Copy to the:-

1. Secretary to Govt. of Khyber Pakhtunkhwa Elementary & Secondary Education Department.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
4. District Accounts Officer, Lakki Marwat.
5. District Monitoring Officer, Lakki Marwat.
6. SDEO (Male) Serai Naurang.
7. Teacher concerned.
8. Master file.

District Education Officer
(Male) Lakki Marwat.



OFFICE OF THE DISTRICT EDUCATION OFFICER
MALE LAKKI MARWAT

Ph & Fax:(0969)538291, Email: emislakki@yahoo.com, Facebook: www.facebook.com/deomalelakki

NOTIFICATION:

Consequent upon the recommendation of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No: SO (PE) 4 - 5 /SSRC/ Meeting/2012/Teaching Cadre dated 13/11/2012 ammended vide Notification No: SO (PE) 4 - 5 /SSRC/Meeting/ 2012/Teaching Cadre/2017 dated 30/01/2018, the Competent Authority (District Education Officer Male Lakki Marwat) is pleased to promote the following Senior Primary School Teacher (SPST) B-14 of District Lakki Marwat to the post of **Primary School Head Teacher (PSHT) B-15 (16120-1330-56020)**, plus usual allowances as admisable on regular basis under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with immediate effect.

S.#	Srty#	Name of Official	Present School	Proposed School
1.	87 (a)	Alamgir Khan	GPS No.4 Gandhi Khan Khel	Attached at GPS No.1.Gandi Khan Khel due to severe threat to his life due to enmity.

TERMS & CONDITIONS:

- He will remain on probation in terms of Section 6(2) of the Khyber Pakhtunkhwa Civil Servant Act 1973 read with Rule 15(1) & (2) of the Khyber Pakhtunkhwa Govt. Servant (Appointment, Promotion & transfer) Rules 1989 for a period of one year extendable to further one year if not terminated through a specific order.
- His inter-se-Seniority on lower post will remain intact.
- He should join their posts within 15 days of the issuance of this order. In case of failure, His promotion will expire automatically and no subsequent appeal etc shall be entertained.
- Promotion is subject to the condition that if the certificates/documents of the candidate is found bogus/ fake/ forged/ tempered, then he will be proceeded under the law.
- Charge reports should be submitted to all concerned.
- No TA/DA is allowed for joining his duty.

DISTRICT EDUCATION OFFICER
(MALE) LAKKI MARWAT

Endst: No: 4800-05 /SPST.to PSHT/Promotion, dated: 09 /09/2021

Copy forwarded for information and necessary action to the: -

1. Director E&SE Khyber Pakhtunkhwa, Peshawar
2. Sub-Divisional Education Officer Serai Naurang
3. District Accounts Officer LakkiMarwat,
4. District Monitoring Officer Lakki Marwat
5. AP DEMIS Local Office
6. Official Concerned.

DISTRICT EDUCATION OFFICER
(MALE) LAKKI MARWAT

D. I. Khan

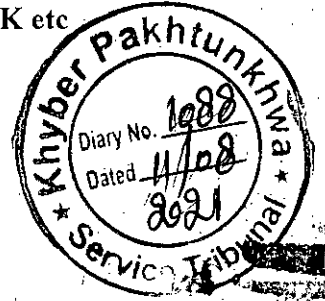
BEFORE KHYBER PAKHTONKHTWA SERVICE TRIBUNAL,
PESHAWAR.

Alamgir

Versus

Govt of KPK etc

EXECUTION PROCEEDING



Put up to the court with relevant ex-parte

Reader
11/8/2021

COMPLIANCE REPORT

That the instant report is the outcome of the process initiated upon the court orders dated: 22-02-2021 and dated: 24-03-2021, vide which we the answering respondents were directed to submit final and complete implementation report before this Hon'ble Court regarding the releasing / issuing petitioner's salary along-with back benefits and his seniority including his previous seniority.

That in pursuance of orders a committee was constituted by the respondent No.4 to inquire the petitioner's seniority including his previous seniority in PST seniority list. After constituting a committee inquiry in respect of petitioner's seniority and also considering the previous seniority of the petitioner, the committee recommended that the petitioner Mr. Alamgir (BPS-12) stands at serial No. 117 (a) in the District Seniority List of PST, which was duly notified through order / notification dated: 18-06-2021 by the respondent No.4. **(Copy of Notification is annexed herewith)**

Furthermore in compliance of above said orders of this Honourable court in respect of salary along-with back benefits the competent authority / respondent No.6 issued order to pay the petitioner back benefits from 1-01-2017 to 31-05-2021 and salary from 01-06-2021 **(Copy of detail of salary and back benefits in shape of Form Pay-2 and pay slip of petitioner are annexed herewith)**

That the answering respondents have fully complied with the orders of this Hon'ble Court. The petitioner is re-instated, his previous seniority is considered in his service and his salary along-with back benefits is released /

paid to the petitioner. The petitioner is duly informed about the implementation of orders.

That the Answering Respondents tenders an unconditional apology for any omission or commission which might lead this Hon'ble Court to form an opinion that we the answering respondents have been in any manner responsible for violating or disregarding this Hon'ble Court's orders and place them at the mercy of this Hon'ble Court.

District Education Officer (Male)

Lakki Marwat



Office of The District Education Officer
Male Lakki Marwat

Phone & Fax: (0969)538291, Email: emislakki@yahoo.com
www.facebook.com/deomaleLakki; www.twitter.com/deo_m_lakki

No. 3274-79 / Misc Date 18/06/2021

Notification:

In order to implement the judgment of Honourable Service Tribunal Peshawar dated 22-02-2021 in respect of the reinstatement of Mr Alamgir PST with previous seniority as well as back benefits, a committee constituted by this office submitted recommendation at S. No. 2 about the Seniority Position and the competent authority is pleased to notify the Seniority of Mr Alamgir PST (BPS-12) as stands at 117(a) in the District Seniority List of PST.

Sd-
District Education Officer
(Male) Lakki Marwat

Even No. & Date

1. Assistant Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar
2. Deputy District Education Officer Male Lakki Marwat
3. District Accounts Officer Lakki Marwat
4. Sub Divisional Education Officer Male Serai Naurang
5. Teacher concerned

[Signature]
District Education Officer
(Male) Lakki Marwat

BEFORE KHYBER PAKHTONKHTWA SERVICE TRIBUNAL,
PESHAWAR.

C.O.C No. _____/2020

In Execution Petition No.284/2019.

Alamgir s/o Jahangir Khan r/o Gandhi Khan Khel, District LakkiMarwat.
Applicant

Versus

1. District Education Officer, LakkiMarwat.
2. Deputy District Education Officer, LakkiMarwat.
3. Sub-Divisional Education Officer, LakkiMarwat.
4. District Account Officer, LakkiMarwat.

Respondents

APPLICATION UNDER SECTION 3 OF THE
قاری CONTEMPT OF COURT ACT, 2003 ALONGWITH
OTHER ENABLING LAWS OR PROVISIONS, FOR
INITIATING CONTEMPT OF COURT
PROCEEDINGS AGAINST RESPONDENTS FOR
WILLFULLY DISREGARDING THE ORDERS
DATED; 22-02-2021 & 24-03-2021 OF THIS
HON'BLE TRIBUNAL AND TO PUNISH THEM IN
ACCORDANCE WITH LAW.

Respectfully Sheweth!

1. That the applicant filed above cited Execution Petition No. 284 /2019for implementation of order 26-03-2019 in service appeal No.306/2017 of this HonourableTribunal wherein the service appeal was disposed of inapplicant'sfavour and the respondents were directed to re-instate the applicant along-with all back benefits. (Copies of Appeal No.306/2017,

order in appeal dated: 26-03-2019 and Execution petition are Annexure A, B & C)

2. That during the above said execution proceedings the respondents linger on the matter in one pretext or the other. The respondents also initiated deno inquiry proceedings against the applicant just to delay and defeat the applicant's legal rights, whereof the applicant suffer mental torture and agony.
3. That this Hon'ble Court / tribunal again and again directed the respondents to comply with the orders of yhisHon'ble Tribunal but the respondents adopted delaying tactics and later-on issued order of re-instatement of applicant but the seniority of applicant was disturbed.
4. That through order dated: 22-02-2021 and as a last chance through order dated 24-03-2021 this Hon'ble Tribunal clearly directed the respondents to issue revised reinstatement order showing previous seniority along-with all back benefits and submit complete implementation report on 25-05-2021. But the respondents despite of the clear directions of this Hon'bleTribunal, have willfully disobeyed the order of this Hon'bleTribunal by not issuing such like order and only paper work is done by the respondents only to avoid any punitive orders of this Hon'ble Tribunal. Neither salary is paid to the applicant nor are back benefits provided as per direction of this Hon'ble Tribunal. **(Copies of orders dated: 22-02-2021 & 24-03-2021 are Annexure- D & E)**
5. That the respondents have blatantly disregarded the clear directions of this Hon'bleTribunal and have in fact flouted the process of law by their naked misuse of power.
6. That the above noted contemptuous behavior of the respondents on one side made mockery of the orders of this Tribunal and on the other side increased the agonies and miseries of the applicant. So in such a situation how a contemnor could be spared as on one way they are not taking care of the orders and on the other way they are about to deprive the applicant from his legal rights.

7. That in prevailing circumstances and facts mentioned above the respondents did not deserve any leniency; their contemptuous attitude is crystal clear and need no inquiry or recording of evidence and they are liable for punishment.
8. That this Hon'ble Tribunal has ultimate powers to initiate contemptuous proceedings for violation of its orders and the same is acknowledged by the Lahore High Court in 2012 PLC (CS).

It is, therefore, most respectfully prayed that on acceptance of this application, this Hon'ble Tribunal may be pleased to:-

- I. Initiate the contempt proceedings against the respondents.
- II. To punish the respondents in accordance with law for failing to comply with the directions of the Hon'ble Tribunal.
- III. Any other relief deemed appropriate in the circumstances of the case may also be granted.

Dated:-05/07/2021

Applicant

Alamgir

Through Counsel:-

Advocate High Court

BEFORE KHYBER PAKHTONKHTWA SERVICE TRIBUNAL,
PESHAWAR.

C.O.C No. _____/2021

In Execution Petition No.284/2019.

ALAMGIR
VS

D.E.O, LAKKI MARWAT AND OTHERS

افسوس **AFFIDAVIT**

I, Alamgirs/o Jahangir R/O Gandhi Khan Khel Tehsil & District LakkiMarwat, do hereby solemnly affirm and declare upon oath that the contents of the petition are true and correct to the best of my knowledge & belief and nothing has been concealed or withheld there from.

Identified By;

Deponent

Advocate High Court

BEFORE KHYBER PAKHTONKHTWA SERVICE TRIBUNAL,
PESHAWAR.

C.O.C No. _____/2021

IN

In Execution Petition No.284/2019.

ALAMGIR

VS

D.E.O, LAKKI MARWAT AND OTHERS

MEMO OF ADDRESSES

APPLICANT:

Alamgir s/o Jahangir Khan r/o Gandhi Khan Khel, District LakkiMarwat.

Applicant

Versus

RESPONDENTS

- 1) District Education Officer, LakkiMarwat.
- 2) Deputy District Education Officer, LakkiMarwat.
- 3) Sub-Divisional Education Officer, LakkiMarwat.
- 4) District Account Officer, LakkiMarwat.

Applicant

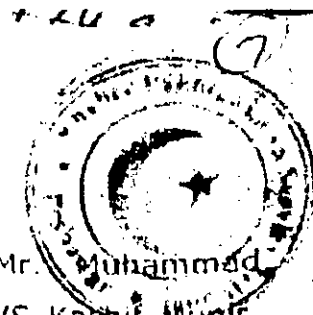
Dated:-05/07/2021

Applicant

Alamgir

Through Counsel:-

Advocate High Court



11/03/2021

Counsel for the petitioner present. Mr. Muhammad Rasheed, Deputy District Attorney alongwith M/S Kasim Munir, Litigation Officer, Bahadar Zaman, Assistant and Abdul Shakoor, Assistant Accounts Officer, for the respondents present.

In pursuance of order sheet dated 22nd February 2021 the department has initiated internal correspondence which doesn't seem sufficient for execution. The department is therefore, directed to submit final and complete Implementation report, as last chance, on 25.05.2021 before S.B at Camp Court D.I.Khan.

(Handwritten signature)

(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)
CAMP COURT D.I.KHAN

Date of Presentation of Application	30/3/21
Number of ...	800
Number of ...	4/10/
Number of ...	4/1/
Number of ...	
Date of Completion of Copy	30/3/21
Date of Delivery of Copy	30/3/21

Certified to be true copy
(Handwritten signature)
M. I. KHAN
CAMP COURT D.I.KHAN

(1)



8

GOVERNMENT OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Case No. 284/2019

In

Appeal No. 306/2017



Applicant son of Jahangir Khan resident of Canal Kham Khel, Tehsil and District Lakki Marwat.

Appellant / Petitioner

Vs

- 1. Government of Khyber Pakhtunkhwa through Secretary Education, Peshawar.
- 2. Director (F&S) Education Department, Khyber Pakhtunkhwa, Peshawar.
- 3. Director, Director Establishment (F&S), Education Department KPK, Peshawar.
- 4. District Education Officer (Male) Lakki Marwat
- 5. District Assistant District Education Officer (Male) Lakki Marwat.
- 6. Senior District Education Officer, (Male), Lakki Marwat
- 7. Deputy Commissioner, Lakki Marwat.
- 8. District Accounts Officer, Lakki Marwat.

Respondents

APPLICATION FOR IMPLEMENTATION OF ORDERS / JUDGMENT

DATED 26.03.2019 PASSED IN SERVICE APPEAL NO. 306/2017

Respectfully Sheweth

1. That, applicant had resorted this Hon'ble Court through Service Appeal No. 306/2017 wherein he got relief with the disposed of the said appeal vide Order No. Nil dated 26.03.2019. Copy of Judgment/orders of this Hon'ble Court are Annexed herewith as Annexure "A"

That, after obtaining the attested copies of the said Judgment, the appellant / petitioner served the Respondents with the Judgment at stake and demanded for the compliance of the Judgment / orders, but each time, the Respondents,

Handwritten notes and signatures on the left margin.

21.12.2020

Due to Pandemic of Covid-19, the case is adjourned to
22.02.2021 for the same.



Reader

22.02.2021

Petitioner with counsel present.

Noor Zaman Khattak learned District Attorney for respondents present.


Petitioner was reinstated into service on 26.03.2019 and the back benefits were conditioned with the final outcome of De-novo inquiry. Now, an inquiry has been conducted and recommended reinstatement of the petitioner with previous seniority as well as back benefits. In the situation, respondents are directed to issue a revised reinstatement order showing previous seniority as well as back benefits of the petitioner. To come up for proper implementation report on 24.03.2021 before S.B at Camp Court, D.I Khan.

(Atiq ur Rehman Wazir)
Member (E)
Camp Court, D.I Khan

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

①



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

(Service Appeal No. 306/2017.)

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 322

Dated 04-4-2017

Alamgir son of Jahangir Khan resident of Gandi Khan Khel,
Tehsil and District Lakki Marwat.

.....Appellant

Vs

1. Govt. of Khyber Pakhtunkhwa through Secretary Education,
Peshawar.
2. Director (E&S) Education Department, Khyber Pakhtunkhwa,
Peshawar.
3. Deputy Director Establishment (E&S), Education Department
KPK, Peshawar.
4. District Education Officer (Male) Lakki Marwat.
5. Sub: Divisional Education Officer, (Male), Lakki Marwat.
6. Deputy Commissioner, Lakki Marwat.
7. District Accounts Officer, Lakki Marwat.

.....Respondents

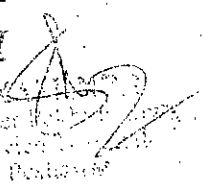
SERVICE APPEAL U/S 4 KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT AGAINST THE ORDER OF
DISTRICT EDUCATION OFFICER, LAKKI MARWAT
VIDE LETTER NO.9001-08, DATED 24/12/2016 WHEREBY
APPELLANT WAS DISMISSED FROM SERVICE.

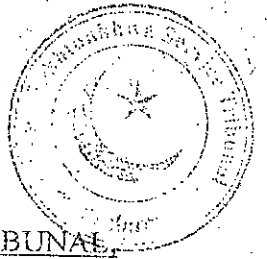
PRAYER:

led to-day
Registrar
4/4/17

ON THE ACCEPTANCE OF INSTANT SERVICE APPEAL,
IMPUGNED ORDERS OF DISTRICT EDUCATION
OFFICER (MALE) LAKKI MARWAT DATED: 24/12/2016
MAY KINDLY BE SET ASIDE AND APPELLANT MAY VERY
GRACIOUSLY EXONERATED FROM ALL THE CHARGES
LEVELLED AGAINST HIM AND RESTORE THE
APPELLANT ON HIS OLD POSITION I.E THE POST OF
PST WITH ANY OTHER APPROPRIATE REMEDY WHICH
THIS COURT DEEM FIT FOR THE SACK OF JUSTICE.

ATTESTED


Registrar



1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT, D.I.KHAN.

Service appeal No. 306/2017

Date of institution ... 04.04.2017
Date of decision 26.03.2019

Alamgir son of Jahangir Khan, resident of Gandhi Khan Khel, Tehsil and District Lakki Marwat. ... (Appellant)

Versus

Government of Khyber Pakhtunkhwa through Secretary Education, Peshawar and others. ... (Respondents)

Present

Sheikh Iftikhar-ul-Haq,
Advocate

... For appellant.

Mr. Farhaj Sikandar,
District Attorney

... For respondents.

MR. HAMID FAROOQ DURRANI,
MR. AHMAD HASSAN,


... CHAIRMAN
... MEMBER.

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

1. Instant appeal is directed against the order of District Education Officer (Male) Lakki Marwat/respondent No. 4, whereby, the appellant was awarded major penalty of dismissal from service with immediate

ATTESTED


CHAIRMAN
Khyber Pakhtunkhwa
Service Tribunal
Peshawar


effect. The appellant is also aggrieved of order dated 22.03.2017 vide which his departmental appeal was rejected by respondent No. 3.

2. It is the case of appellant that on 01.07.2016 he was transferred, while serving as PST GPS Kotka Ahmad Khan to GPS Kotka Amand. He took charge and joined his duty at Kotka Amand on 07.07.2016. Proceedings were initiated against him on account of absence from duty and advertisement to that effect was published in newspaper on 17.11.2016. The appellant submitted a reply/explanation on 05.12.2016, wherein, it was noted that he was regularly performing his duty in GPS Kotka Amand Khan from 01.09.2016. It was explained that at the time of assumption of charge on 07.07.2016 the school was closed for summer vacation till August, 2016. His explanation/reply was not considered satisfactory and the impugned order was passed on 24.12.2016.

3. We have heard learned counsel for the appellant and learned District Attorney on behalf of the respondents.

On the last date of hearing the respondents were directed to furnish necessary documents including the enquiry report as mentioned in the impugned order. One Mukhtiar Alam, ADEO(Establishment) office of the DEO(Male) Lakki Marwat appeared before the Tribunal today and


ATTESTED


 Khairul Haq
 Service Tribunal,
 Peshawar

categorically stated that he was not in possession of the enquiry report as no enquiry had taken place in the matter.

4. The perusal of record including the copy of attendance register of teachers, prima-facie, suggests that the appellant had performed duty in GPS Kotka Amand Khan in the Months of September, October, November and December, 2016. Overleaf of the attendance for December 2016 there is a report by Head Teacher GPS Kotka Amand Khan to the effect that the appellant had taken over charge in the said school on 07.07.2016 and was ever-since performing duty there. In the stated circumstances when there was allegation of absence against the appellant and denial of the same, purportedly through documentary evidence, the case of appellant was of a nature wherein pro & contra evidence was required to be recorded. More-so, when the proceedings culminated to dismissal of appellant from service. It is unequivocally noted in the impugned order dated 24.12.2016 that the enquiry committee constituted for the purpose had examined the charge, evidence on record, explanation of accused official and had submitted the report which was considered by the competent authority. The non-availability of enquiry report on record and the statement of ADEO before the Tribunal would clearly suggest that the order passed against the appellant was unfounded.

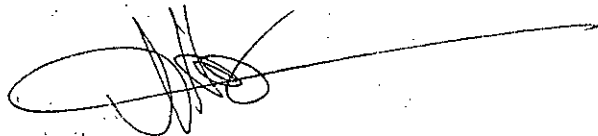
ATTESTED



Khyber Pakhtunkhwa
Service Commission
Peshawar

It was not supported by evidence or record of enquiry, hence was whimsical or, to say the least, conjectural.


5. In view of the above, we allow the appeal in hand and set aside the impugned order dated 24.12.2016. The respondents shall, however, be at liberty to conduct proper enquiry against the appellant in accordance with law and conclude the same within ninety days from the date of receipt of copy of instant judgment. The appellant shall be provided opportunity of defending his cause in the proceedings. The issue of back benefits in favour of the appellant shall follow the outcome of proceedings taken against him.

Parties are left to bear their respective costs. File be consigned to the record room.


(Ahmad Hassan)
Member


(Hamid Farooq Durrani)
Chairman
Camp Court, D.I.Khan.

ANNOUNCED
26.03.2019

Certified to be true copy

Pusaawar

Date of Presentation 01/04/19
Number of Pages 2000
Copying Fee 1200
Urgent 2-00
Total 1400
Name of Applicant
Date of Completion of 01/04/19
Date of Delivery of 01/04/19

**BEFORE KHYBER PAKHTONKHTWA SERVICE TRIBUNAL,
PESHAWAR.**

Alamgir

Versus

Govt of KPK etc

EXECUTION PROCEEDING

COMPLIANCE REPORT

That the instant report is the outcome of the process initiated upon the court orders dated: 22-02-2021 and dated: 24-03-2021, vide which the answering respondents were directed to submit final and complete implementation report before this Hon'ble Court regarding the releasing / issuing petitioner's salary along-with back benefits and his seniority including his previous seniority.

That in pursuance of orders a committee was constituted by the respondent No.4 to inquire the petitioner's seniority including his previous seniority in PST seniority list. After constituting a committee inquiry in respect of petitioner's seniority and also considering the previous seniority of the petitioner, the committee recommended that the petitioner Mr. Alamgir (BPS-12) stands at serial No. 117 (a) in the District Seniority List of PST, which was duly notified through order / notification dated: 18-06-2021 by the respondent No.4. **(Copy of Notification is annexed herewith)**


Furthermore in compliance of above said orders of this Honourable court in respect of salary along-with back benefits the competent authority / respondent No.6 issued order to pay the petitioner back benefits from 1-01-2017 to 31-05-2021 and salary from 01-06-2021 **(Copy of detail of salary and back benefits in shape of Form Pay-2 and pay slip of petitioner are annexed herewith)**

That the answering respondents have fully complied with the orders of this Hon'ble Court. The petitioner is re-instated, his previous seniority is considered in his service and his salary along-with back benefits is released /



paid to the petitioner. The petitioner is duly informed about the implementation of orders.

That the Answering Respondents tenders an unconditional apology for any omission or commission which might lead this Hon'ble Court to form an opinion that we the answering respondents have been in any manner responsible for violating or disregarding this Hon'ble Court's orders and place them at the mercy of this Hon'ble Court.


District Education Officer (Male)
+ **Lakki Marwat**





Office of The District Education Officer
Male Lakki Marwat

Phone & Fax: (0969)538291, Email: emislakki@yahoo.com,
www.facebook.com/deomaleLakki, www.twitter.com/deo_m_lakki

No. 3274-78 /Misc Date 18-06-2021

Notification:

In order to implement the judgment of Honourable Service Tribunal Peshawar dated 22-02-2021 in respect of the reinstatement of Mr Alamgir PST with previous seniority as well as back benefits, a committee constituted by this office submitted recommendation at S. No. 2 about the Seniority Position and the competent authority is pleased to notify the Seniority of Mr Alamgir PST (BPS-12) as stands at 117(a) in the District Seniority List of PST.

sd-
District Education Officer
(Male) Lakki Marwat

Even No. & Date

1. Assistant Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar
2. Deputy District Education Officer Male Lakki Marwat
3. District Accounts Officer Lakki Marwat
4. Sub Divisional Education Officer Male Serai Naurang
5. Teacher concerned

[Signature]
District Education Officer
(Male) Lakki Marwat

Sub-Divisi

FOR THE MONTH 05/2021DDO Code: LK-6682Personal No: 00198212Grade /Scale PST 12

Regular Pay

Regular Code	Description	Am
0001	Basic Pay	
1000	House Rent Allowance 70%	
1210	Conveyance Allowance	
1300	Medical Allowance	
1516	Dress Allowance	
1567	Washing Allowance	
1833	Integrated Allowance	
1505	Charge Allowance	
2148	Adhoc Allowance 2013	
2199	Adhoc Allowance 2015	
2211	Adhoc Allowance 2016 10%	
2224	Adhoc Allowance 2017 10%	
2247	Adhoc Allowance 2018 10%	
2264	Adhoc Allowance 2019 10%	
	Gross Pay	
30	GP Fund	
3501	Benevolent Fund	
3990	EEF KPK	
4004	Ret; Benefit & Death Comp;	
	Total Deduction	
	Net Pay	

OFFICE OF THE Sub-Divisional Education Officer (Male) Serai Naurang

Page

FOR THE MONTH 05/2021

Date:

DDO Code LK-6682

Personal No: 00198212

Employee Name: AI AMGIR KHAN

CNIC No: 11201-5842078-1

Grade /Scale PST 12

GPS NO.4 GANDI KHAN KHEL

Regular Pay			Adjustment			Remarks
Regular Code	Description	Amount Rs.	Arrear Code	Description	Amount Rs.	
0001	Basic Pay	27,720	5801	Basic Pay	1,303,940	
1000	House Rent Allowance 30%	1,961	5002	HRA	90,200	
1210	Conveyance Allowance	2,856	5011	C.A	148,512	
1300	Medical Allowance	1,500	5012	M.A	78,000	
1516	Dress Allowance	-	5013	D.A	-	
1567	Washing Allowance	-	5014	W.A	-	
1833	Integrated Allowance	-	5285	Intg. A	-	
1505	Charge Allowance	-	5022	Charge. A	-	
				AR-2010	9,000	
2148	Adhoc Allowance 2013	575	5309	ARA 13	29,900	
2199	Adhoc Allowance 2015	389	5954	ARA 15	20,228	
2211	Adhoc Allowance 2016 10%	1,994	5975	ARA 16	103,688	
2224	Adhoc Allowance 2017 10%	2,772	5975	ARA 17	118,680	
2247	Adhoc Allowance 2018 10%	2,772	5322	ARA 18	89,352	
2264	Adhoc Allowance 2019 10%	2,772		ARA 19	58,872	
	Gross Pay	45,311		Total	2,050,372	
30	GP Fund	2,220		GP FUND	111,006	
3501	Benevolent Fund	1,200		B.FUND	26,080	
3990	EEF KPK	125		EEF KPK	600	
4004	Ret; Benefit & Death Comp;	600		RB & DC	30,600	
	Total Deduction	4,145		Total Ded;	170,286	
	Net Pay	41,166		Net Arrear	1,880,086	

① DEO کو رولنگ کی ضرورت کے آرڈر کی تاریخ 10/07/2021 سے 14/09/2021 تک سلیڈنگ کو ریانسٹ کیا گیا ہے۔ آرڈر رولنگ ہے۔
 27/47/2019 تا 31/05/2021 کے مابین DEO کو رولنگ کی ضرورت کے آرڈر کی تاریخ 24/05/2021 سے 27/47/2019 تک رولنگ کی ضرورت ہے۔
 DEO کو رولنگ کی ضرورت کے آرڈر کی تاریخ 24/05/2021 سے 27/47/2019 تک رولنگ کی ضرورت ہے۔
 DEO کو رولنگ کی ضرورت کے آرڈر کی تاریخ 24/05/2021 سے 27/47/2019 تک رولنگ کی ضرورت ہے۔
 DEO کو رولنگ کی ضرورت کے آرڈر کی تاریخ 24/05/2021 سے 27/47/2019 تک رولنگ کی ضرورت ہے۔

SDEO (Male)

Naurang Distt: Lakki

Prepared By

Audit/Checked By

Entered/Verified By

S#: 1

Lakki

P Sec:001 Month:June 2021
LK6682 -Govt. Primary Schools(Male)
GOVT PRIMARY SCHOOLS(MALE)
NTN:
GPF #:
Old #:

Pers #: 00198212 Buckle:
Name: ALAMGIR KHAN
PRIMARY SCHOOL TEACHER
CNIC No.15677318837
GPF Interest Free
12 Active Temporary

LK6682 -

PAYS AND ALLOWANCES:

0001-Basic Pay	27,720.00
1000-House Rent Allowance	1,961.00
1210-Convey Allowance 2005	2,856.00
1300-Medical Allowance	1,500.00
2148-15% Adhoc Relief All-2013	575.00
2199-Adhoc Relief Allow @10%	389.00
2211-Adhoc Relief All 2016 10%	1,994.00
2224-Adhoc Relief All 2017 10%	2,772.00
2247-Adhoc Relief All 2018 10%	2,772.00
Gross Pay and Allowances	2,095,683.00

DEDUCTIONS:

IT Payable	0.00	Deducted	100765.00	TAX:(3609)	100,765.00
GPF Balance	113,226.00			Subrc:	2,220.00
3501-Benevolent Fund					1,200.00
3990-Emp.Edu. Fund KPK					125.00
4004-R. Benefits & Death Comp:					600.00
6001-Adj Benevolent Fund					28,080.00
6075-Adj GPF					111,006.00
6204-Adj. Emp.Edu. Fund KPK					600.00
6217-Adj R. Ben & Death Comp:					30,600.00

Total Deductions

275,196.00

1,820,487.00

Lakki

S#: 2

P Sec:001 Month:June 2021

12 Active Temporary

LK6682 -

PAYS AND ALLOWANCES:

2264-Adhoc Relief All 2019 10%	2,772.00
5002-Adjustment House Rent	90,200.00
5011-Adj Conveyance Allowance	148,512.00
5012-Adjustment Medical All	78,000.00
5309-Adj. 15% Adhoc Allowance	29,900.00
5322-Adj Adhoc Relief All 2018	89,352.00
5336-Adj Adhoc Relief All 2019	58,872.00
5898-Adj. Adhoc Allowance 50%	9,000.00
5964-Adj Adhoc Relief All 2015	20,228.00
Gross Pay and Allowances	2,095,683.00

DEDUCTIONS:

IT Payable	0.00	Deducted	100765.00		
GPF Balance	113,226.00			Subrc:	275,196.00
Total Deductions					275,196.00

1,820,487.00

S#: 3

P Sec:001 Month:June 2021

12 Active Temporary

LK6682 -

PAYS AND ALLOWANCES:

5975-Adj Adhoc Relief All 2016	103,688.00
5990-Adj Adhoc Relief All 2017	118,680.00
5801-Adj Basic Pay	1,303,940.00
Gross Pay and Allowances	2,095,683.00

DEDUCTIONS:

IT Payable	0.00	Deducted	100765.00		
GPF Balance	113,226.00			Subrc:	

Total Deductions

275,196.00

1,820,487.00

D.O.B

07.10.1977

19 Years 06 Months 003 Days

LFP Quota:

NATIONAL BANK OF PAKNBP SERAI NAURANG
5591-2



بخدمت جناب چیئرمین سروس ٹریبونل خیبر پختونخوا ایشاور

درخواست برائے معطل کرنے حکمانہ ڈینو انکوآری بابت عالمگیر پی ایس ٹی

جناب عالی! گزارش حسب ذیل ہے۔

1. یہ کہ عدالت آنجناب میں من سائل نے سروس اپیل نمبر 306/17 تاریخ فیصلہ 26/03/2019 پر من وعن عمل نہ ہونے پر ذمہ داران / افسران محکمہ تعلیم کے خلاف Execution petition No 289/19 دائر کر رکھی ہے جو کہ زیر سماعت عدالت آنجناب ہے اور جس میں آئندہ تاریخ پیشی مقرر ہے۔ (نقل آرڈر شیٹ لف ہے)
 2. یہ کہ مورخہ 26/03/2019 کے احکامات کی روشنی میں ڈی ای او مردانہ لکی مروت حسب ضابطہ پرنسپل خالد وہاب صاحب، پرنسپل شریف اللہ صاحب اور ہیڈ ماسٹر عمر جان صاحب کی زیر نگرانی ڈینو انکوآری مکمل کروا چکے ہیں۔ (نقل انکوآری لف ہے)
 3. یہ کہ افسران محکمہ تعلیم مورخہ 24/03/2021 کو بروئے عدالت آنجناب حاضر ہوئے۔ یہ کہ دوران کاروائی عدالت آنجناب نے احکامات کے بجا آوری نہ کرنے پر نہ صرف ناراضگی کا اظہار کیا بلکہ مورخہ 25/05/2021 کو عدالتی احکامات کی بجا آوری کر کے حتمی رپورٹ پیش کرنے کے لیے آخری موقع فراہم کیا۔ (آرڈر شیٹ لف ہے)
 4. یہ کہ عدالتی احکامات کو نظر انداز کر کے اور روز اول کی طرح بدینتی پر مبنی ڈینو انکوآری کے لیے پرنسپل وجیہہ اللہ صاحب کو انکوآری افسر مقرر کر کے مورخہ 04/06/2021 کو ڈی ای او آفس مردانہ لکی مروت میں طلب کر کے ایک عدت تحریری سوالنامہ حوالہ کیا۔ نیز بروقت جواب جمع کرنے کی ہدایت کی۔ (سوالنامہ لف ہے)
 5. اللہ تعالیٰ کو حاضر ناظر جان کر تحریر کرتا ہوں کہ مورخہ 24/03/2021 کے بعد سے لیکر تاحال من سائل حکام بالا / دفتری اہلکاران کی نہ صرف منت سماجت کر چکا ہوں بلکہ سختے تحائف بھی حوالہ کر چکا ہوں لیکن افسران / دفتری اہلکاران من سائل کو مزید تعاون پر آمادہ کروانے کے لیے مختلف قسم کے تاخیری حربے استعمال کر کے نہ صرف من سائل کو بنیادی حقوق سے محروم کر رہے ہیں؛ بلکہ عدالت آنجناب کے قیمتی وقت کو ضائع کر رہے ہیں چونکہ EP NO. 289/19 زیر التوا ہے اور آخری مراحل میں ہے۔
- لہذا استدعا ہے کہ من سائل کے خلاف ہونے والی حکمانہ ڈینو انکوآری زیر نگرانی پرنسپل وجیہہ اللہ خان بجکم ڈی ای او مردانہ لکی مروت نہ صرف معطل فرمایا جاوے بلکہ عدالتی احکامات کو پس پشت ڈالنے، عدالت آنجناب کو قیمتی وقت ضائع کرنے اور من سائل سے ناجائز مطالبات منوانے پر اہلکاران و افسران کے خلاف تادیبی کاروائی عمل میں لائی جائے۔

مورخہ 7/06/2021

عالمگیر خان
چیئرمین سروس ٹریبونل
جی پی ایس نمبر 4 گنڈی ضلع لکی مروت

11201-5842078-1

03003898131

Put up to the court with
relevant execution petition

Neander

7/6/2021

Transferred to Pakistan
Be fixed subject to notice to parties
10/6/2021

سوال نام:

نام عالمگیر خان PST PS پر پورہ پٹیالہ تحصیل حکومت

عالمگیر خان
PST

سوال نمبر 1: 16.09.2015 کو SDEO(M) کی رپورٹ کے مطابق آپ نے پٹیالہ ڈسٹرکٹ میں پورہ پٹیالہ تحصیل میں کون کون سی عہدہ داروں کی فہرست فراہم کی ہے؟

سوال نمبر 2: 5 اکتوبر 2015 کو اخبار میں آپ کو شوکار ٹوٹا دیا گیا ہے حالانکہ آپ اسی دن کو شوکار رہتے ہیں۔ پٹیالہ ڈسٹرکٹ میں آپ کی فہرست فراہم کی ہے۔ آپ کی فہرست میں کون کون سے عہدہ داروں کی فہرست فراہم کی ہے؟

سوال نمبر 3: 27.11.16 کو روزنامہ مشرق نامہ 04.12.16 کو روزنامہ مشرق نامہ میں آپ کی فہرست فراہم کی ہے۔ حالانکہ انہی دنوں میں آپ کی فہرست فراہم کی ہے۔ آپ کی فہرست میں کون کون سے عہدہ داروں کی فہرست فراہم کی ہے؟

سوال نمبر 4: 05.12.2016 کو آپ DEO(M) کی فہرست فراہم کی ہے۔ حالانکہ 24.12.16 کو آپ کی فہرست فراہم کی ہے۔ آپ کی فہرست میں کون کون سے عہدہ داروں کی فہرست فراہم کی ہے؟

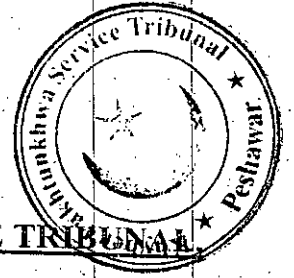
سوال نمبر 5: 04.12.2016 کو آپ کی فہرست فراہم کی ہے۔ حالانکہ 24.12.16 کو آپ کی فہرست فراہم کی ہے۔ آپ کی فہرست میں کون کون سے عہدہ داروں کی فہرست فراہم کی ہے؟

عالمگیر خان



04.06.2016

①



BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

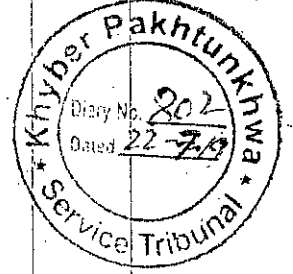
E.P. 284/19

PESHAWAR.

CM No. 284 /2019

in

Appeal No. 306 / 2017



Alamgir son of Jahangir Khan resident of Gandhi Khan Khel, Tehsil and District Lakki Marwat.

.....*Appellant / Petitioner*

Vs

1. Govt: of Khyber Pakhtunkhwa through Secretary Education, Peshawar.
2. Director (E&S) Education Department, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Director Establishment (E&S), Education Department KPK, Peshawar.
4. District Education Officer (Male) Lakki Marwat.
5. Nazir Ahmad presently District Education Officer (Male) Lakki Marwat.
6. Sub: Divisional Education Officer, (Male), Lakki Marwat
7. Deputy Commissioner, Lakki Marwat.
8. District Accounts Officer, Lakki Marwat.

.....*Respondents*

*Sooneh
22/7/19*

APPLICATION FOR IMPLEMENTATION OF ORDERS / JUDGMENT

DATED 26.03.2019 PASSED IN SERVICE APPEAL NO. 306/2017

Respectfully Sheweth:

1. That, applicant had resorted this Hon'ble Court through Service Appeal No. 306/2017 wherein he got relief with the disposed of the said appeal vide Order No. Nil dated 26.03.2019. Copy of Judgment/orders of this Hon'ble Court are Annexed herewith as Annexure "A"

ATTESTED

**EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar**

That, after obtaining the attested copies of the said Judgment, the appellant / petitioner served the Respondents with the Judgment at stake and demanded for the compliance of the Judgment / orders, but each time, the Respondents,

21.12.2020 Due to Pandemic of Covid-19, the case is adjourned to
22.02.2021 for the same.



Reader

22.02.2021 Petitioner with counsel present.

Noor Zaman Khattak learned District Attorney for respondents present.

Petitioner was reinstated into service on 26.03.2019 and the back benefits were conditioned with the final outcome of De-novo inquiry. Now, an inquiry has been conducted and recommended reinstatement of the petitioner with previous seniority as well as back benefits. In the situation, respondents are directed to issue a revised reinstatement order showing previous seniority as well as back benefits of the petitioner. To come up for proper implementation report on 24.03.2021 before S.B at Camp Court, D.I Khan.

(Atiq ur Rehman Wazir)
Member (E)
Camp Court, D.I Khan


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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

24.03.2021

Counsel for the petitioner present. Mr. Muhammad Rasheed, Deputy District Attorney alongwith M/S Kashif Munir, Litigation Officer, Bahadar Zaman, Assistant and Abdul Shakoor, Assistant Accounts Officer, for the respondents present.

In pursuance of order sheet dated 22nd February 2021, the department has initiated internal correspondence which doesn't seem sufficient for execution. The department is therefore, directed to submit final and complete implementation report, as last chance, on 25.05.2021 before S.B at Camp Court D.I.Khan.



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)
CAMP COURT D.I.KHAN

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

26-5-2021

Date of Presentation of Application _____
 Number of Words 800
 Copying Fee, 10-
 Urgent 4
 Total 14-
 Name of Copyist [Signature]
 Date of Completion of Copy 26-5-2021
 Date of Delivery of Copy 26-5-2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT, D.I.KHAN.

Service appeal No. 306/2017

Date of institution ... 04.04.2017
Date of decision 26.03.2019



Alamgir son of Jahangir Khan, resident of Gandhi Khan Khel, Tehsil and District Lakki Marwat. (Appellant)

Versus

Government of Khyber Pakhtunkhwa through Secretary Education, Peshawar and others. ... (Respondents)

Present

Sheikh Iftikhar-ul-Haq,
Advocate ... For appellant.

Mr. Farhaj Sikandar,
District Attorney ... For respondents.

MR. HAMID FAROOQ DURRANI, ... CHAIRMAN
MR. AHMAD HASSAN, ... MEMBER.

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

1. Instant appeal is directed against the order of District Education Officer (Male) Lakki Marwat/respondent No. 4, whereby, the appellant was awarded major penalty of dismissal from service with immediate

ATTESTED

**Khyber Pakhtunkhwa
Service Tribunal
Peshawar**

24.03.2021

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In pursuance of order sheet dated 22nd February 2021, the department has initiated internal correspondence which doesn't seem sufficient for execution. The department is therefore, directed to submit final and complete implementation report, as last chance, on 25.05.2021 before S.B at Camp Court D.I.Khan.

(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)
CAMP COURT D.I.KHAN

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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JUDGMENT

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EXCUTER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

effect. The appellant is also aggrieved of order dated 22.03.2017 vide which his departmental appeal was rejected by respondent No. 3.

2. It is the case of appellant that on 01.07.2016 he was transferred, while serving as PST GPS Kotka Ahmad Khan to GPS Kotka Amand. He took charge and joined his duty at Kotka Amand on 07.07.2016. Proceedings were initiated against him on account of absence from duty and advertisement to that effect was published in newspaper on 17.11.2016. The appellant submitted a reply/explanation on 05.12.2016, wherein it was noted that he was regularly performing his duty in GPS Kotka Amand Khan from 01.09.2016. It was explained that at the time of assumption of charge on 07.07.2016 the school was closed for summer vacation till August, 2016. His explanation/reply was not considered satisfactory and the impugned order was passed on 24.12.2016.

3. We have heard learned counsel for the appellant and learned District Attorney on behalf of the respondents.

On the last date of hearing the respondents were directed to furnish necessary documents including the enquiry report as mentioned in the impugned order. One Mukhtiar Alam, ADEO(Establishment) office of the DEO(Male) Lakki Marwat appeared before the Tribunal today and

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EXAMINER
Khayber Pakhtunkhwa
Service Tribunal
Peshawar

categorically stated that he was not in possession of the enquiry report as no enquiry had taken place in the matter.

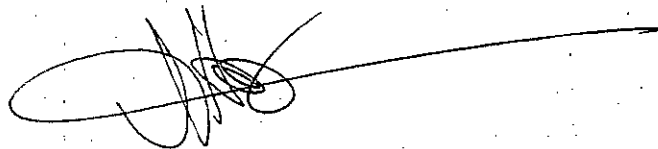
4. The perusal of record including the copy of attendance register of teachers, prima-facie, suggests that the appellant had performed duty in GPS Kotka Amand Khan in the Months of September, October, November and December, 2016. Overleaf of the attendance for December 2016 there is a report by Head Teacher GPS Kotka Amand Khan to the effect that the appellant had taken over charge in the said school on 07.07.2016 and was ever-since performing duty there. In the stated circumstances when there was allegation of absence against the appellant and denial of the same, purportedly through documentary evidence, the case of appellant was of a nature wherein pro & contra evidence was required to be recorded. More-so, when the proceedings culminated to dismissal of appellant from service. It is unequivocally noted in the impugned order dated 24.12.2016 that the enquiry committee constituted for the purpose had examined the charge, evidence on record, explanation of accused official and had submitted the report which was considered by the competent authority. The non-availability of enquiry report on record and the statement of ADEO before the Tribunal would clearly suggest that the order passed against the appellant was unfounded.

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 EXAMINER
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It was not supported by evidence or record of enquiry, hence was whimsical or, to say the least, conjectural.

5. In view of the above, we allow the appeal in hand and set aside the impugned order dated 24.12.2016. The respondents shall, however, be at liberty to conduct proper enquiry against the appellant in accordance with law and conclude the same within ninety days from the date of receipt of copy of instant judgment. The appellant shall be provided opportunity of defending his cause in the proceedings. The issue of back benefits in favour of the appellant shall follow the outcome of proceedings taken against him.

Parties are left to bear their respective costs. File be consigned to the record room.



(Ahmad Hassan)
Member



(Hamid Farooq Durrani)
Chairman
Camp Court, D.I. Khan.

ANNOUNCED
26.03.2019

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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Unpaid	4/-
Total	26/-
Number of Copies	2
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Office of The District Education Officer
Male Lakki Marwat

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www.facebook.com/deomaleLakki, www.twitter.com/deo_m_lakki

OFFICE ORDER:

In compliance of the Judgment of Khyber Pakhtunkhwa, Service Tribunal Peshawar dated. 26-03-2019, delivered in service appeal No.306/2017, the competent authority is pleased to re-instate **Mr. Alamgir Khan PST BPS-12 at GPS No.4 Gandhi Khan Khel w.e.f. 26-03-2019** (Date of judgment of Khyber Pakhtunkhwa Service Tribunal) without back benefits.

2. De-novo proceedings shall be initiated against him in due course of time. The issue of back benefits shall be decided by the Department after final outcome of such de-novo proceedings.

3. The SDEO (Male) Serai Naurang, is also directed to prepare duplicate service book of the above named teacher.

District Education Officer
(M) Lakki Marwat

Endst No 10760-67 Dated 14 / 09 / 2019

Copy to the:

1. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Accounts Officer Lakki Marwat.
4. District Monitoring Officer Lakki Marwat.
5. Deputy District Education Officer (M) Local Office.
6. SDEO (Male) Serai Naurang.
7. PA to DEO (M) local office.
8. Official concerned.


District Education Officer
(M) Lakki Marwat