

22.11.2022

Appellant alongwith his counsel present. Mr. Muhammad Jan,
District Attorney for the respondents present.

Arguments could not be heard due to paucity of time.

Adjourned. To come up for arguments on 10.01.2023 before the D.B.

SCANNED
KPST
Peshawar



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

10.01.2023

Counsel for the appellant present. Mr. Muhammad Riaz
Khan Paindakhel, Assistant Advocate General for the respondents
present.

SCANNED
KPST
Peshawar

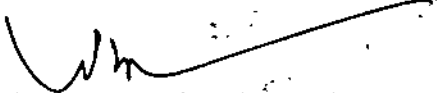
Learned Member Executive (Miss Fareeha Paul) left the court
at 11.00 A.M in order to attend a meeting in the Law Department,
Government of Khyber Pakhtunkhwa, therefore, this case is adjourned
to 07.04.2023 for arguments before the D.B.



(Rozina Rehman)
Member(J)

01.02.2022


Appellant alongwith his counsel present. Mr. Muhammad Adeel But, Addl. AG alongwith Mr. Sajid ADEO for respondents present and submitted reply/comments, which are placed on file and copy of the same is handed over to learned counsel for the appellant. To come up for rejoinder if any, and arguments before the D.B on 27.05.2022.



(Atiq-Ur-Rehman Wazir)
Member (E)

27th May, 2022

Appellant in person present. Mr. Naseer ud Din Shah, Assistant AG for respondents present.

Appellant submitted rejoinder which is placed on file. Due to general strike of the bar. Case is adjourned. To come up for arguments on 08.08.2022 before D.B.


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

8-8-22

Due to the Public holiday the case is adjourned to 22-11-22


Reader

09.08.2021

Counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted for full hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 08.12.2021 before the D.B.

Appellant Deposited/
Security & Process Fee

[Handwritten signature]
9/8/21

[Handwritten signature]
Chairman

08.12.2021

Appellant in person present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Sajid, ADEO for respondents present.

Written reply not submitted. Representative of the respondents seeks time to submit the same on the next date. Adjourned. To come up for written reply/comments on 01.02.2022 before S.B.

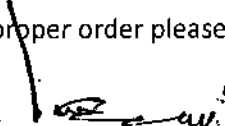
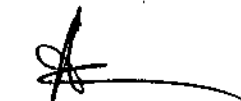
[Handwritten signature]
(MIAN MUHAMMAD)
MEMBER (E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 6568 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/06/2021	<p>The appeal of Mr. Qaisar-ur-Rehman presented today by Mr. Muhammad Adam Khan Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>10/08/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

Before The Service Tribunal Peshawar.

Appeal No. 6568 / 2021.

Qaisar ur Rahman V/S The Secy; Education Deptt; etc;

INDEX


S.No.	Description of Documents	Annexure	Pages	
			From	To
1.	Memo of Appeal with Affidavit.	-----	1	3
2.	Appointment order.	"A"		4
3.	Impugned Order.	"B"		5
4.	Deptl Appeal & postal receipt.	"C & D"		6 - 7
5.	Wakalat Nama.	---		8

Total:- 8

Dated:- 18 -06 -2021.

Appellant

(Qaisar ur Rahman)

Through:- 
Muhammad Adam Khan
Advocate High Court
at District Courts Mardan.

Before The Service Tribunal Peshawar

Appeal No. _____ / 2021.

Qaisar ur Rahman S/O Aziz ur Rahman (Village Shaheed Abad (Tambulak) Mardan (Ex-Chowkider The Govt Primary School, Shaheed Abad (Tambulak) Mardan. Appellant.

Versus

1. The Secretary, The Elementary and Secondary Education Department KPK Peshawar.
2. The Director, The Elementary and Secondary Education Department KPK Peshawar.
3. The District Education Officer (Male) , The Elementary & Secondary Education Department Mardan.

Respondents.

Appeal Under Section-4 of the Service Tribunal Act, 1974, against the order of The D.E.O / Respondent No.3 vide Endst; No. 1935-38 dated 06.03.2021, whereby the Appellant is awarded the punishment of Removal from service under the E & D Rules-2011.

FACTS:-

1. That the Appellant was appointed as Chowkider & posted in the GPS Shaheed Abad Tambulak Mardan.

(Copy Annexure-"A").

2. That the Appellant was removed from service by the DEO/Respondent No.3 vide Endst; No.1915-38 dated 06.03.2021, on the alleged charge of allowing private function/wedding ceremony with in the school Building.

(Copy Annexure-"B").

3. That grieved there-from, the Appellant preferred Appeal to The Director/Respondent No.2 on 10-03-2021 through Registered A/D post, which is not yet decided.

(Copies Annexure-"C & D").

GROUND:-

- (I) that the allegation as levelled against Appellant are incorrect, false and based on malice.
- (II) that the impugned order is illegal, void & unjustified.
- (III) that it is incorrectly mentioned in the impugned order that the same is based on inquiry report. In fact no action of any kind was taken against the Appellant under the E & D Rules,2011. Even, no Charge Sheet or Show Cause Notice was served upon Appellant, before the impugned order.
- (IV) that even if, inquiry is claimed to have been carried out, the same has no legal force. Because, Appellant was not summoned to participate therein. Thus, he is condemned unheard.
- (V) that the enquiry, even if, conducted on the back of Appellant is illegal and the same has no legal force.
- (VI) that Appellant is jobless through-out.
- (VII) that Appellant seeks leave of this Hon,ble Tribunal to claim further grounds also.

It is prayed that on acceptance of this Appeal, setting-aside the impugned order, the Appellant may be ordered to be re-instated into service with all back & service benefits.

The costs of this Appeal may also be awarded in favour of Appellant against the Respondents.

Dated:-

Appellant

(Qaisar Ur-Rahman)

Through:-

Adam
Muhammad Adam Khan
Advocate, Mardan.

AFFIDAVIT

I, Qaisar ur Rahman/the Appellant, do hereby stated on solemn affirmation that the contents of the above Appeal are true and correct to the best of my knowledge and belief and nothing is concealed from this Honourable Tribunal.

Deponent: _____

(Qaisar ur Rahman)

Qaisar ur Rahman
18/06/2021



Attested
By
Adnan Khan

NOTIFICATION

Consequent upon the approval given by the Department Selection Committee in the meeting held on 08.01.2015, the following candidates are hereby appointed in BPS-I (Rs.4800-150-9300) per month plus usual allowances in the school noted against each against vacant Class-IV posts with the terms and conditions mentioned below:-

S #	Name/Father Name	Address	School Where appointed	PK	Remarks
1.	Aaqib Javed S/O Shahid	Qasim Toru	GHSS Qasim	25	Against NCP Lab attendant
2.	Shah Zeb S/O Jehan Zeb	Qasim Toru	GHSS Qasim	25	Against NCP Chowkdiar
3.	Muhammad Ibrahim S/O Arsala Khan	Qasim Toru	GHSS Qasim	25	Against NCP N/qasid
4.	Muhammad Ibrar S/O Bakht Pur Khan	Qudrat Killi Mardan	GMS Qudrat Killi	23	Against NCP Sweeper post
5.	HaibiULLAH S/O Khalid Khan	Qudrat Killi Mardan	GMS Qudrat Killi	23	Against NCP N/Qasid post.
6.	Sajjad Ali S/O Sher Wali	Rorya Jadeed	GPS Rorya Jadeed	23	Against NCP Chowkidar pos
7.	Waheed S/O Parshad Khan	Ghalla Dher	GPS Ghalla Dher No.2	24	Against vacant post of chowli in the deceased son quota
8.	Qaisarur Rehman S/O Azizur Rehman	Shaheed Abad Tambulak	GPS Shaheed Abad Tambulak	23	Against NCP Chowkidar pos

TERMS AND CONDITIONS:

1. Their services will be considered regular but without pension and gratuity in terms of section 19 of the Khyber Pukhtoon Khwa Civil Servants Act 1973 as amended vide Khyber Pukhtoonkhwa (amendment) act 2005.
2. They should join their posts within 15 days of the issuance of this notification. In case of failure to join the post within 15 days of the issuance of this notification, their appointment will expire automatically and subsequent appeal etc shall be entertained.
3. They will be on probation for a period of one year extendable for another one year.
4. They will be governed by such rules and regulation as may be issued from time to time by the Government.
5. Charge reports should be submitted to all concerned.
6. The Principals/Headmasters and SDEOs (M) concerned would furnish a certificate to the effect that the candidate has joined the post or otherwise after 15 days of the issue of their posting.
7. The age limit for the above post is 18-40 years.
8. They will produce health and age certificate from the Medical Superintendent of DHQ Hospital Mardan.
9. Their pay is released if their CNIC and connected documents are verified and found correct.
10. Their services can be terminated at any time in case their performance is found un-satisfactory. In case of misconduct they will be proceeded under the rules framed from time to time.
11. Their services are liable to termination on one month's notice from either side. In case of resignation without notice 1 month's pay and allowance will be forfeited to the Government.
12. No TA/DA and TG is allowed to the appointees for joining their duties.

(HANIF ULLAH FAROOQI)
DISTRICT EDUCATION OFFICER
(MALE) MARDAN.

Dated 12/1/2015.

Endst: No. 246/8
Copy forwarded to the:-

1. P.S. to Minister E & S Education Khyber Pukhtoon Khwar Peshawar.
2. P.S Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. P.A. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. Principals/Headmasters concerned.
5. SDO (M) Primary Mardan and Takht Bhai.
6. District Comptroller of Accounts Mardan.
7. Candidate Concerned.

DISTRICT EDUCATION OFFICER
(MALE) MARDAN



OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) MARDAN



Attested
By
Adnan Ikh

☎ & ☎ 0937-933151 , ✉ deomalemardan@gmail.com

OFFICE ORDER

In light of the inquiry report, Mr. Qaisar Rahman Chowkidar GPS Shaheed Abad Tambulak is hereby removed from service under E&D rules 2011, with immediate effect due to negligence towards his duties by allowing private function/wedding ceremony within the premises of school building.

(DR. MUHAMMAD IDREES)
DISTRICT EDUCATION OFFICER (MALE)
MARDAN

Endst. No: 1000-28

Dated: 06/03/2021

Copy to the-

1. PS to Secretary E & S E, Khyber Pakhtunkhwa, Peshawar
2. PA to Director E & S E, Khyber Pakhtunkhwa, Peshawar
3. PA to Deputy Commissioner, Mardan
4. Sub Divisional Education Officer, Mardan
5. District Monitoring Officer(EMA) Mardan
6. Assist: Sub Divisional Education Officer, Mardan Khas
7. Official concerned

DISTRICT EDUCATION OFFICER (MALE)
MARDAN

06/03/2021

Annexure C

To

The Director,
E.S.E. Department,
P E S H A W A R

Attested
By
Adam Khan

THROUGH PROPER CHANNELS

Sub:- APPEAL AGAINST THE ORDER OF THE GEO(MAR),
MARDAN, VIDE ENDORSEMENT No. 1935-3904/EE
06.03.2021.

Sir,

With reference to the captioned order, whereby
I am awarded with the penalty of Removal from Service.

It is submitted that the impugned order is
illegal, void and unjustified. The same is untenable
under the Law.

It is submitted that the allegations as
levelled against me are incorrect and false. I have
never committed the alleged offence.

Even, no action of any kind under the P.S. Rules
2011 is taken before passing the impugned order.
Hence, the impugned order is void and the same is liable
to be set-aside.

It is requested that setting aside the impugned
order, I may kindly be re-instated into service, with all
benefits,

Yours Obediently,

(QALBAR RAHMAN)
Ex-Chowkidar
G.P.S. Shaheed Abed
(Tambulak) Mardana

Dated: 10.03.2021.

Address:
Tambulak, Shaheed Abed, Mardana

Page-7

Annexure D⁷⁴

Attested
Mc
Adamsche

No.1031 For Ins Stamp addressed except unincurred loss of not more than the limit herein prescribed in the Post Office Guide or on which no acknowledgement is due.

Rs. 50
AD 50

Received in registered addressed to _____
Date Stamp _____

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

Insured for Rs. (in figures) _____ (in words) _____

Insurance fee Rs. _____ (in words) _____ Kilo Grams _____

Name and address of sender _____
10-03-74

VAKALAT NAMA

In the Court of Service Tribunal Peshawar

Appeal No. _____ of 2021

Qaisar Ur Rehman

(Petitioner)
(Plaintiff)
(Appellant)

VERSUS

The Secy, Education Deptt,

(Respondent)
(Defendant)

I/we Qaisar Ur Rehman the
above noted Petitioner do

hereby appoint and constitute **Muhammad Adam Khan, Advocate Mardan** as
Counsel in subject proceedings and authorize him to appear, plead etc., compromise, withdraw or
refer to arbitration for me/us, as my/our Advocate in the above noted matter, without any liability
for his default and with the authority to engage/appoint any other Advocate/Counsel at my/our
behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated: 18.06.2021

AWP Bar Council

ADVOCATE
High Court

ADAM KHAN

No. BC - 09-0600

A. Jahan
Secretary's Signature

Father's Name: BADSHAH QURESHI
Address: VILL. GOANR GARNI DIST. MARDAN
Office Tel: 0931-330132 Fax: 0931-330133
Enrolment Date L.C. 03/08/1978
Enrolment Date H.C. 11/05/1980
Place of Practice: MARDAN
Date of Birth: 04/04/1948
Blood Group: B+ve
N.C. No: 16102-1612813

N.W.F.P. BAR COUNCIL

(Signature of Client)
Qaisar Ur Rehman

Adam Khan
Accepted

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No: 6568/2021

Qaisar Ur Rehman S/O Aziz Ur Rehman(village Shaheed Abad Tambulak)
Chowkidar Government primary School Shaheed Abad Tambulak Mardan.

(Appellant)

Versus

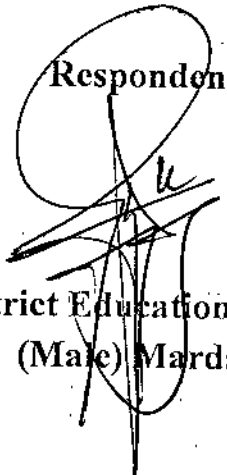
The Secretary of (E & SE) Education, KPK Peshawar, & Others.

(Respondents)

INDEX

S.NO	DESCRIPTION OF DOCUMENTS	ANNEXURES	PAGES	
1.	Para wise comments along with affidavit		01	04
2.	Copy of Suspension order	"A"	--	05
3.	Copy of Inquiry Report	"B"	06	09
4.	Copy of Removal Order	"C"	---	10

Respondent


District Education Officer
(Male) Mardan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No: 6568/2021

Qaisar Ur Rehman S/O Aziz Ur Rehman(Village Shaheed Abad Tambulak)
Chowkidar Government Primary School Shaheed Abad Tambulak Mardan.

(Appellant)

Versus

The Secretary of (E & SE) Education, KPK Peshawar, & Others.

(Respondents)

Para Wise Comments On Respondents 1 to3

Respectfully Sheweth,

PRELIMINARY OBJECTIONS:

1. That the appellant has got no cause of action as well as locus standi to file the instant appeal, hence the appeal is liable to be dismissed
2. That the instant appeal is badly time barred, hence liable to be dismissed
3. That the appellant has not come to this Honorable Tribunal with clean hands.
4. That the appellant has concealed the material facts from this Honorable Tribunal, hence the appeal is liable to be dismissed.
5. That the appellant i-e Mr. Qaisar khan Ex-Chowkidar at GPS Shaheed Abad Tambulak Mardan is hereby Suspended from Govt Service with immediate effect due to negligence towards his duty.
6. That the appellant has allowed Private function/wedding Ceremony in the School building, and the Committee has constituted to conduct inquiry in the instant case and submit the report. (Copy of Order is as Annexure A)
7. That the inquiry Officer has submitted inquiry report and stated that a dance party was held in GPS Shaheed Abad Tambulak on 05-03-2021 and its video got viral on Social media. The local police has taken action and the culprits were arrested.
8. That the Inquiry Officer stated that it is the responsibility of the School Chowkidar to be vigilant and responsible for the security of the school building and the the inquiry officer has recommended that the said Chowkidar may be removed from service.(Copy of Inquiry is as Annex-B)
9. That the respondent has completed after all the codal formalities, and the appellant has removed from service. (Copy of removal Order is Annexure-C)

FACTS:


1. Para No 1 Pertains to record, hence need no comments.
2. Para No 2 Pertains to record, hence need no comments.
3. Para No 3 Pertains to record, hence need no comments.

The detail grounds as under:

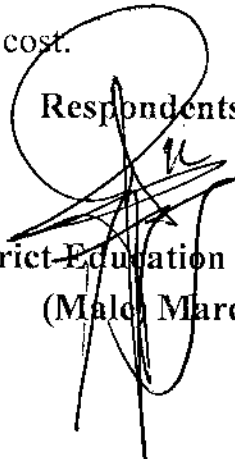
GROUND:

- I. Para No I is incorrect, baseless as the action is taken against the appellant according to law and rules, the allegation against the appellant is that, he has allowed a Private function/wedding Ceremony in the School building, and a dance party was held in GPS Shaheed Abad Tambulak on 05-03-2021 and its video got viral on Social media. The local police has taken action and the culprits were arrested, due to which the appellant has removed from service, hence denied.
 - II. Para No II is incorrect, baseless as the order of the respondent is legal, valid and justified, hence denied.
 - III. Para No III is incorrect, baseless as the order of the respondent is on the basis of the Inquiry report which is clear in the recommendation of the inquiry officer and the inquiry officer has recommended that the said Chowkidar may be removed from service, hence denied.
- (Copy of Inquiry is as Annexure-B)**
- IV. Para No IV is incorrect, baseless as the respondent being a responsible Govt Officer acted according to law, and the inquiry officer has collected the real facts of the instant matter as well as viral in social media, hence denied.
 - V. Para No V is incorrect, baseless as the inquiry officer visited his school and the Chowkidar has already given his statement to the inquiry officer which is mentioned in the inquiry report. The inquiry is not conducted on the back of the appellant, therefore it is legal and according to law, hence denied.
 - VI. Para No VI Pertains to record, however due to his negligence and acts, hence need no comments.
 - VII. Para No VII the respondents seek permission to raise additional grounds at the time of arguments.

It is therefore humbly prayed that in the light of above facts, the appeal may please be dismissed with cost.


Director of (E&SE)
Education KPK, Peshawar


Secretary of (E&SE)
Education, KPK Peshawar


Respondents
District Education Officer
(Malek Mardan)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No: 6568/2021

Qaisar Ur Rehman S/O Aziz Ur Rehman(village Shaheed Abad Tambulak)
Chowkidar Government primary School Shaheed Abad Tambulak Mardan.

(Appellant)

Versus

The Secretary of (E & SE) Education, KPK Peshawar, & Others.

(Respondents)

AFFIDAVIT

I, Mr. Sajid Khan Litigation Officer Education Department Mardan do hereby solemnly affirm and declare that the contents of Para Wise Comments submitted on behalf of respondents are true to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

Deponent


Sajid Khan

16101-6005318-5

Annex A

(5)

(Handwritten mark)

OFFICE OF THE DISTRICT EDUCATION OFFICER(MALE) MARDAN

OFFICE ORDER

Mr. Qaisar Rahman chowkidar GPS Shaheed Abad Tambulak Mardan is hereby suspended from Govt Service with immediate effect due to negligence towards his duties by allowing private function/wedding ceremony within the jurisdiction of school building, till further orders.

Furthermore, the following committee is constituted to conduct inquiry in the instant case and submit the report by today, i.e 06-03-2021.

1. Mr. Javid Iqbal Principal GHS-Khadi Killi.
2. Mr. Tahir Shah ASDEO(M) circle Madran khass

(Dr. Muhammad Idrees)

DISTRICT EDUCATION OFFICER
(MALE) MARDAN

Endst:No. 1922-23 /P.F/Dated: 06-03 /2021

Copy forwarded to the:-

1. Director E&SE Khyber Pakhtunkhwa, Peshawar.
2. Deputy commissioner Mardan
3. Officers concerned.
4. SDEO(M) Mardan.

(Handwritten signature)
DISTRICT EDUCATION OFFICER
(MALE) MARDAN
06/03/2021

(7)

(8)

FINDINGS:

1. A private function/wedding ceremony/dance party was allowed in the premises of the school on 05/03/2021 at 10PM.
2. It shows the negligence and misconduct of Chowkidar towards his duties.
3. The sanctity of the school was trampled.
4. The school is a sacred place and is only to be used for teaching-learning process
5. It is responsibility of the school Chowkidar to be vigilant and be responsible for the sanctity of the school building.

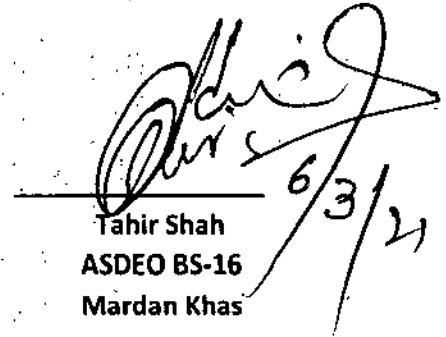
RECOMMENDATION:

It is recommend that the said chowkidar Mr. Qaisar Rahman may be *removed from service* in light of rules framed under E & D Rules 2011.



Javed Iqbal
Principal BS-18
GHSS Khadi Killi

6/3/2021



Tahir Shah
ASDEO BS-16
Mardan Khas

6/3/21

2021-03-06 - میان بنام انکوائری آفیسر

(P)

میں تبصرہ کیا وہ عزیز الہی کا گھر کے اقرار کرنا ہوں۔

کہ آج رات مورخہ 2021/03/05 کو سکنہ ماہار میں

سیرے سالے کے سب سے کا سادی خانہ آباد قرار پائی تھی۔

ہم سب کو والے اور بزرگ رحمان (سادی

میں شریک رکھے تھے۔ گھر میں صرف سعاد ولد

سیف الرحمن کو گھر میں چھوڑا گیا۔ صدر آمان اللہ (PTA)

اور سلیم ولد سعید صاحب بھی آج رات سادی قرار پائی تھی۔

صدر (PTA) آمان اللہ اور سلیم نے سعاد نے مجھے سعاد

ولد سیف الرحمن سے کہنے دیے۔ سادی میں پہان پہنان

آئے ہیں۔ ہم ادھر کچھ وقت کھلا بیٹھا دینے میں

صدر (PTA) آمان اللہ اور سلیم کے کہنے پر سعاد نے

سکول کے کامیاں لائے۔ کیم وائس کو بنا

مذکورہ صدر آمان اللہ اور سلیم نے جو نہیں سکول کو گھولا

تو ہم انوں کی بجائے اپنے ساتھ گھر سے گھرا لے آئے تھے

اور گھرا رکھے۔ جو نہیں ہمیں نہ بنا۔ میں نور اللہ

گھرا کو سزا دے گا، فائل

2) بیان بنام محبت صاب انٹرویو انیسر مہاب

اداب لکھنا 1

صاب والا آج مورخہ 2021-03-06 کو میں بی۔ بی۔ ڈی۔ ڈی۔

حاربا لکھا۔ کہ مجھے اپنے افسران بالا صدر ASDEO

اور DEC صاب کے طرف سے کال اور اطلاع

آیا۔ کہ 9PS سٹیڈیٹیوٹ مددگار مورخہ

2021-03-05 کو رات دس بجے حیرتوں نے

میرا کاتھونگ کیا ہوا ہے۔ صاب والا

رات کا جو کدواری تو جو کدواری کا کام ہے

پہلا میں اس مگرے میں کسی قسم

کا تعلق میں لکھا ہوں

پہلا حاجی گروائی جو کدواری کے نام ہے

ایسا نامبندار سیرا علی PSHT - 9PS سٹیڈیٹیوٹ

ملکہ مددگار



**OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) MARDAN**



☎ & 📠 0937-933151 , 📧 deomalemardan@gmail.com

OFFICE ORDER

In light of the inquiry report, Mr. Qaisar Rahman Chowkidar GPS Shaheed Abad Tambulak is hereby removed from service under E&D rules 2011, with immediate effect due to negligence towards his duties by allowing private function/wedding ceremony within the premises of school building.

**(DR. MUHAMMAD IDREES)
DISTRICT EDUCATION OFFICER (MALE)
MARDAN**

Endst:No: 1935-38

Dated: 06/03/2021

Copy to the-

1. PS to Secretary E & S E, Khyber Pakhtunkhwa, Peshawar
2. PA to Director E & S E, Khyber Pakhtunkhwa, Peshawar
3. PA to Deputy Commissioner, Mardan
4. Sub Divisional Education Officer, Mardan
5. District Monitoring Officer(EMA) Mardan
6. Assist: Sub Divisional Education Officer, Mardan Khas
7. Official concerned

**DISTRICT EDUCATION OFFICER (MALE)
MARDAN**

**INQUIRY AGAINST MR. QAISAR RAHMAN CHOWKIDAR GPS
SHAHEED ABAD TAMBULAK**

INQUIRY OFFICER:

1. Mr. Javed Iqbal Principal BS-18 GHSS Khadi Killi Chairman
2. Mr. Tahir Shah ASDEO(Mardan Khas) BS-17 Member

Date: 06/03/2021

BACKGROUND

A dance party was held in GPS Shaheed Abad Tambulak on 05/03/2021 at 10:00 PM and its video got viral on social media. The local police has taken a prompt action and the culprits were arrested. The Chowkidar is already suspended on the report of ASDEO (Mardan Khas).

PROCEDURE:

In compliance of the office order of DEO Endst No: 1922-23 dated 06/03/2021, we both the inquiry officers have visited GPS Shaheed Abad Tambulak to probe into the matter. Statements of the head teacher and Chowkidar were recorded.

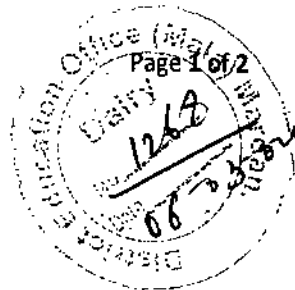
CHOWKIDAR STATEMENT:

The chowkidar Mr Qaisar Rahman stated that "I was attending a marriage ceremony of my brother-in-law at Mayar. During our absence two local villagers Mr. Aman Ullah and Saleem S/O Saeed came to our house and took the keys from my nephew (Mr. Saad S/O Saif Ur Rahman). They convinced him to allow their guests to sit in school. As the guests entered the school, they started a dance party. When I came to know, I stopped them immediately and locked the school"

HEAD TEACHER STATEMENT:

The head teacher stated that "He was busy in the training of PD day. In the meanwhile the ASDEO (Mardan Khas) called me and I went to the school. A dance party was held in my school at 10:00PM on 05/03/2021. I have no concern with the said incident and I will try my best to avoid such happenings in future".

[Handwritten Signature]
6/3/21



[Handwritten Signature]
6/3/21

Do the needful as per inquiry
recommendation of the officers.
ASDEO (Secondary)

Before The Service Tribunal Peshawar.

Appeal No: 6568/2021.

Qaisar Ur Rahman V/S The Education Deptt; etc;

Rejoinder on Behalf of Appellant.

Pry ; Objection:-

All the preliminary objections are incorrect, false & self made. Denied.

GROUNDS:-

- I. Incorrect, false and bifurcated Denied. The alleged dancing was being celebrated in the street out-side the school. But, the same is incorrectly shown in-side the school. The matter would have come to light, in case, proper inquiry had been conducted.
- II. Incorrect & false. Denied. The enquiry cannot be conducted without charge sheet etc;
- III. Incorrect & false. Denied. The statement as alleged on behalf of Appellant was not deposed by him. But, the inquiry officer had dictated the same to the Head Master of his own choice. While, the inquiry report is also incompetent. One of the Enquiry officers i.e; The ASDEO (Mardan Khas) has played multiple roles. He was the

complainant as well as, the Enquiry Officer. The committee had no authority to propose the punishment. Moreover, all the proceedings were carried-out in a speedy manner within only one day period.

IV. to VI. Incorrect & false. Denied. In case of inquiry, issuance of charge-sheet etc; was necessary.

VII. No need to reply.

VIII. that the Appellant is jobless through-out.


It is prayed that on acceptance of this Appeal, setting aside the impugned ordered, the Appellant may be ordered to be reinstated into service with full benefits.

Dated.27.05.2022.

Appellant


(Qaisar Ur Rahman)

Through:-

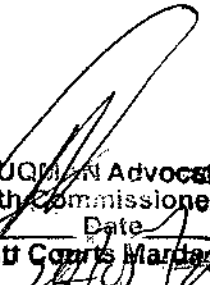

Muhammad Adam Khan
Advocate, Mardan

AFFIDAVIT

I, Qaisar ur Rahman S/O Aziz ur Rahman Village Shaheed Abad (Tambulak) Mardan do hereby state on solemn affirmation that the contents of this Rejoinder are true and correct to the best of my knowledge and belief.

Deponent


(Qaisar Ur Rahman)


Advocate
Oath Commissioner
No. _____ Date _____
Dist Court Mardan