

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

Service Appeal No.893/2022

Mashal Khan


Versus

District Education Officer (M) and others

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Dated: 14-11-22


**DISTRICT EDUCATION OFFICER
(M), LAKKI MARWAT.**
Respondent No. 1

du-

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

Service Appeal No.893/2022

Mashal Khan

Versus

District Education Officer (M) and others

Para wise comments on behalf of Respondent No-1, 2 & 3.


Respectfully Sheweth:

Preliminary Objections:

- A.** The appeal is wholly incompetent and untenable.
- B.** The appellant has not come to the Hon'ble tribunal with clean hands.
- C.** The appeal is filed by the petitioner with mala-fide intent.
- D.** The appeal suffers from exaggeration and mis-statement.
- E.** The appellant has no locus standi and cause of action.
- F.** That the appellant is barred from preferring instant appeal, because he is guilty of concealment of actual facts.
- G.** The appellant has not come to the Hon'ble Tribunal with clean hands. The appeal also suffers from mis-statement and concealment of facts and as such the appellant is not entitled to any relief.
- H.** That the appeal of the appellant is barred by law and limitation.

REPLY ON FACTS:

1. That Para No.1 is correct to the extent that the petitioner was appointed as PST. But during 2021 appellant was



reported by ASDEO and SDEO concerned to the competent authority about his in-efficiency vide letter No. 954 dated. 19-7-2021. **(Copy of complaint, reports from SDEO and letter to DEO concerned are annexed as A, B1-B2 and C)**

2. That Para-02 is correct to the extent that SDEO concerned paid a surprise visit but due to in-efficiency of the appellant SDEO concerned submitted report wherein mentioned that school enrollment decrease from the number of 63 to 13. **(Report already annexed as C).**
3. That Para No.3 is correct. The appellant rightly served with the Show Cause notice due to misconduct and in-efficiency. **(Show Cause notice annexed as D).**
4. That Para No. 4 is replied as, the competent authority constituted a committee to scrutinize the show-cause notice served to the appellant vide office order No.4753-56 Dated. 4-09-2021. **(Office order and Minutes of the meeting are annexed as E& F).**
5. That Para No. 5 is replied as that the competent authority provided an opportunity to appellant for personal hearing vide No. 5433-41 Dated. 20-09-2021 along with relevant record of the school. After being heard in person and unsatisfactory reply to show-cause notice the competent authority imposed major penalty of compulsory retirement. **(Copy of Letter Dated. 20-9-2021, Attendance sheet, Minutes of the meeting dated. 24-09-2021 and Notification Dated. 6-10-2021 are annexed as H, H, I & J)**
6. That Para No.6 is incorrect. The appellant has not approached to the office of DEO Male Lakki Marawat for pre-mature retirement.

7. That Para No. 7 is correct to the extent that Respondent No. 2 forwarded the appeal of the appellant but the same was replied by the competent authority vide office No. 7815 dated. 31-12-2021. **(letter Annexed as K).**
8. That Para No.9. The appellant's compulsory retirement is in accordance with law. The instant appeal is illegal and filed to pressurize department, therefore is liable to be dismissed.

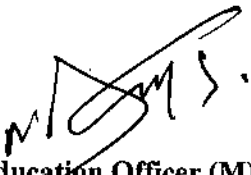
REPLY ON GROUNDS:

- a) That Para-A is incorrect. Moreover, the appellant is treated in accordance with law and after adopting proper procedure and rules the appellant was removed from service.
- b) That Para-B is incorrect. No such notification of premature retirement received to the office moreover, the appellant did not approach to the competent authority for pre-mature retirement.
- c) That Para-C is incorrect. The appellant is treated in accordance with law and after adopting proper procedure and rules the competent authority imposed major penalty of compulsory retirement.
- d) That Para-D is incorrect. The competent authority provided an opportunity to appellant for personal hearing vide No. 5433-41 Dated. 20-09-2021 along with relevant record of the school. After being heard in person and unsatisfactory reply to show-cause notice the competent authority imposed major penalty of compulsory retirement under the rules and policy.

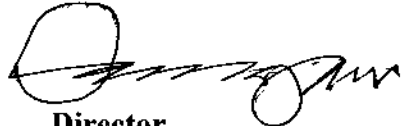
e) That Para-E. It is submitted that the order is made in accordance with law. Moreover, the respondent acted in accordance with law and policy.


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

Dated: 14-11-2022


District Education Officer (M)
Lakki Marwat.
Respondent No. 1

Distt: Edu: Officer
(M) Lakki Marwat


Director
E&SE Department, Peshawar
Respondent No.2


Secretary
Government of KPK
E&SE, KP Peshawar
Respondent No.3

AFFIDAVIT

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

~~Kashif Munir~~
Deponent

ATTESTED
Zahid Ullah Khan Marwat
Oath Commissioner
Distt. Courts, Peshawar
11-22

Q A

محرمیت جناب سب ڈائریکٹ ایجوکیشن آفیسر (پردانہ) علی مروت
بوسالمت ایسٹ سب ڈائریکٹ ایجوکیشن آفیسر صاحب سرکل ٹنڈل
عنوان درخواست برائے لمڈینٹ بابت شمال خان PSHHT GPS نمبر انگریز
جناب عالی

موڈ بانڈ ٹرانزیکشن ہے۔ کہ ہمارے گاؤں انگریز میں صرف $\frac{2}{3}$ پرائی کنوژر ہیں۔ جو کہ ایک گاؤں
اور دوسرا گاؤں کے قریب میں واقع ہیں۔
جناب عالی! GPS نمبر انگریز میں کئی سال پہلے للباد کی تعداد تقریباً 100 تھی۔ لیکن جب شمال خان HT
اس سکول تبدیل ہوا ہے۔ اسی دن سے بچوں کی تعداد دین بدن کم ہوتی جا رہی ہے۔ کیونکہ ایک تو وہ
ڈیوٹی نہیں کرتا ہے۔ ایسا موٹر مار چلاتا ہے۔ دوسری طرف بچوں کیساتھ اس کا رویہ نازیبا ہے۔ اس کے علاوہ
جب بچے سکول آتا ہے۔ تو بچوں کو ایک لفظ بھی نہیں پڑھاتا ہے۔ جس کے وجہ آج ہمارے سکول GPS نمبر
انگریز کی تعداد للباد 100 کے بجائے 12 پر مشتمل ہیں۔ اگر حکم نے فوری طور پر اس کا تبادلہ
نہیں کیا۔ تو جلد ہی شمال خان PSHHT کی وجہ سے سکول بند ہو جائیگا۔ جو کہ ایک ناقابل برداشت
انداز ہوگا۔

جناب والا۔ پچھلے سال بھی شمال خان PSHHT کے خلاف لمڈینٹ دستر لکھا میں جمع کیا تھا۔ لیکن نا حال
اس پر کوئی عمل درآمد نہیں ہوا ہے۔ اب چونکہ ایک بار پھر پر زور اپیل کرتے ہیں۔
کہ خدا راہ اس ہیڈ ماسٹر سے چھٹا را جائے۔ اور والدین کو اچھا چارج پر قبور نہ لیا جائے۔
لہذا اب صاحبان سے التماس ہے۔ کہ ہمارے گاؤں کے لغت آبادی پر مشتمل معلوم بچوں کے حال پر خصوصی
رحم کر کے شمال خان PSHHT کو یہاں سے تبدیل کر کے کسی دوسرے ایانت دار استاد کے تبدیلی کے
احکامات صادر فرما کر مشورہ فرمادیں۔

تاجات دغا گورینے
مورخہ 05-12-2020

ذوالفقار علی
ذوالفقار خان سندھ انگریز
دارفندہ صاحب محلہ خان
رقم خرد خان
11201-0120103-5
11201-3031464-9
#0940-3794832

شفیع اللہ شفیع اللہ
11201-6333238-5
محمود بیاضی
خرد ریاس
11201-9086229-3
جاوید خان جادید خان
11201-7267065-4

کابل پرائیڈ - ① DEO (پردانہ) مروت
② TDC مروت
③ ڈائریکٹ ایجوکیشن

(P.T.O)


From: ASDEOCC (7) Bi 03/03/2021
To: SDEOM Lakki

subject: Report against PSHI GPs No 2011
Aghzarkhel.
R/Sir,
Report:

مشال خان PSHI GPs لکڑا کے خلاف در دفعہ کلینک موصول ہوا
رپورٹ میں نے بحیرہ ASDEOCC سکول بنا کا وزیر کیا، 06/2/2021

سنگھ کی انٹرنیٹ 13 تھا۔ میں دزٹ کے دوران عرف و کعباد موجود پائے
جو کہ بہت افسوسناک بات ہے۔ میں نے آڈیٹ کو بتایا کہ افسر صدر کی رسی
زیادہ آبادی میں یہ تعداد نہیں ہے۔ جو افسر صدر اپنے میں تعداد کعباد
تقریباً 350 ہے۔ ڈیوٹی آڈیٹ نے 2020-2021 کا نوٹس اسکا کہیں گیا جو کہ بہت
جور میں آڈیٹ نے کیا کہ تعداد میرا کام نہیں ہے
میں نے آڈیٹ کو بتایا کہ آپ کے خلاف گارڈ وائر کا کلینک ہے کہ
وہ گارڈ چلا رہے ہیں اور اپنا ٹیکس کار چلا رہے ہیں۔ انہوں نے یہ کہ
تیس چھٹی کے بعد گارڈ چلا رہے ہیں۔

سبزا دفتر سبزا کو کلینک اور اس کے فرسٹ ہے۔


ASDEOCC
06/2/2021

X

تعمیرت جناب سب ڈویژن کے ایجوکیشن آفیسر (پردانہ) نئی ٹروٹ
لو سٹاٹ سب ڈویژن کے ایجوکیشن آفیسر صاحب سہ ماہی ٹرینر
؟ عنوان درخواست برائے لمینٹ بابت شمال خان PSHT GPS فہرا انگریز
جناب عالی

موڈ بانڈ نژادش ہے۔ گدیہمارے گاؤں انگریز میں صرف 2/3 پرائمری سکولز ہیں جو کہ ایک گاؤں کے
اور دوسرا گاؤں کے قریب میں واقع ہیں۔
جناب عالی GPS فہرا انگریز میں کئی سال پہلے

یہی سکول تبدیل ہوا ہے۔ اسی دن سے بچوں کی تعداد دن بدن کم ہوتی جا رہی ہے۔ لیکن جب شمال خان PSHT
ڈیوٹی نہیں کرتا ہے۔ ایسا موٹر مار جلاتا ہے۔ دوسری طرف بچوں کیساتھ اس کا رویہ نازیبہا ہے۔ اس کے علاوہ
جب بھی سکول آتا ہے۔ تو بچوں کو ایک لفظ بھی نہیں پڑھاتا ہے۔ جس کی وجہ سے آج ہمارے سکول GPS فہرا

انگریز کی تعداد گلاب 100 کے بجائے 12 پر مشتمل ہیں۔ اگر حکم سے فوری طور پر اس کا تبادلہ
ہو گا۔ پچھلے سال بھی شمال خان PSHT کے خلاف لمینٹ دائر تھا۔ لیکن تا حال
تبادلہ والا۔ پچھلے سال بھی شمال خان PSHT کے خلاف لمینٹ دائر تھا۔ لیکن تا حال

شمال خان PSHT کو یہاں سے تبدیل کر کے کسی دوسرے دیانت دار استاد کے بتویں کے
تعداد فرما کر مشورہ فرمادیں۔

تقاضات دعا گور بندے
تاریخ 05-12-2020
محمد ریاض
11201-4986229-3
شفیع اللہ
11201-6333238-5
جماد یہ خان
11201-7267065-1
الذافر رضا بھگوان
11201-0120103-5
DEO (پردانہ) ٹروٹ
11201-3031464
#094
DEO ٹکی ٹروٹ
ڈاکٹر محمد عابد
11201-3031464

(P.T.O)

کام میں آج کا دن
سدا حوی سے

PART II - REMARKS
For Statistics, see page

61

9PS ~~ASD~~ Highze khel no. 2

26 ⁰⁵ / 2021

3
 سکول بندا کاوز کیا گیا 12 طلبہ
 موجود تھا۔ مجموعی تعداد 13 ہے
 19-20 کو سکول بندا کاوز کیا گیا تھا
 21-22 کو سکول بندا کاوز کیا گیا تھا
 23-24 کو سکول بندا کاوز کیا گیا تھا
 25-26 کو سکول بندا کاوز کیا گیا تھا
 27-28 کو سکول بندا کاوز کیا گیا تھا
 29-30 کو سکول بندا کاوز کیا گیا تھا
 31 کو سکول بندا کاوز کیا گیا تھا
 اس کے علاوہ 32 طلبہ بھی ہیں
 جن کی تعداد 63 ہے جو کہ کم ہو کر 13
 رہ گیا ہے۔ اساتذہ (معلمین) کی طرف سے
 کئی باتیں کرائی گئی ہیں۔ سکول میں
 30 طلبہ ہیں۔
 ASD سے درخواست ہے کہ اس سے
 سکول سکول اٹھوانے سے اس میں
 سکول بٹھانے کو شکایت ہے۔ اس کے
 کو بار بار درخواست کی گئی ہے لیکن وہ
 سکول سکول سے کام لے رہا ہے۔
 دیکھیں کہ سکول کے 110 سے 120 طلبہ ہیں
 جو کہ آٹھ سے زیادہ نہیں ہے، نہ ہی کسی
 میں ذکر ہے۔

PART II — REMARKS
For Statistics, see page

"Action taken by the School Authorities"

Remarks

کیشن ٹیسٹ 2018 کا ریٹارڈ درجہ
اور اسے جاری رکھا جائے۔
" طلبہ کو سوالات پر جواب دینے میں تیزی سے
اور سہولت سے جواب دینے کی ترغیب دی جائے۔
" 4 تا 5 نمبر کے سوال پر علم کو صرف دیکھ کر
کے بجائے Exercise فورٹ بک میں دیکھ کر
"۔" تجویز کی گئی اور efficiency میں
ASDEO اور PSHT سہولت سے جاری رکھی۔

ab

26/05/2021

PART II - REMARKS
For Statistics, see page

Remarks

Statement of GPS Agh Zarkhal N
dated: - 3/6/2021

پست
خان نائب
PST

آج سکول ہذا 7:30 AM پر ورتک گیا۔ سکول
ہذا میں جو کچھ موجود تھا 1910 سکول
ہذا میں توڑ گیا 55 ٹکڑے موجود تھے۔

7:50 AM پر سکول سے چلا گیا۔ PSHI +
نائب مدرس 7:50 تک نہیں آئے تھے۔

بہت دستوں ہوا کیونکہ PSHI موکل ہے
اور سکول ٹائٹینڈ کا کوئی خیال نہیں رکھتا
ہے۔ کچھ بادل افسران بالائی پڑاؤ سے

باوجود اپنا روپہ تبدیل نہیں کرتا ہے اور
بلکہ مسلسل غفلت اور لاپرواہی کا

مظاہرہ کرتے ہیں۔ یہی وجہ ہے کہ
سکول اور بروز کمرز ہوتا چلا جاتا ہے

عین ممکن ہے کہ اس لئے () کی غفلت
کیوں سے سکول merge ہو جائے

ہذا آئندہ بار پھر PSHI کو ہدایت کی جائے
ہے کہ اپنا روپہ درست کریں۔ تعداد طلبہ

پڑھانے کی کوشش کریں۔ خود خوفی سے
کام میں۔ PSHI کو اعتماد میں لیں

اور تعداد طلبہ پڑھانے کی کوشش کریں
GPS 2/6/2021

ASPE 4
3/6/2021

4 6-C
OFFICE OF THE
SUB-DIVISIONAL EDUCATION OFFICER

73

MALE Lakki Marwat
Email: sdeomlakki@gmail.com

No: 954 dated 15/07/2021

D. A

2
28/7/21

To

The District Education Officer,
(Male) Lakki Marwat.

SUBJECT: IN-EFFICIENCY OF PSHT AND PST GPS AGHZER KHEL NO.1.

Memo:-

The undersigned visited the school on 26-05-2021 on the Telephonic Complaint by Parents submitted the hard copy to ASDEO (C).

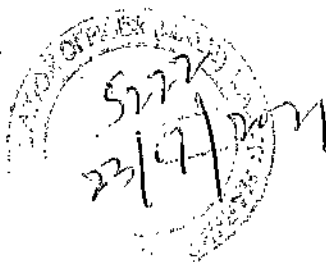
1. The school enrolment decreased from 63 to 13 only.
2. The PTC fund Rs. 33000/- is transferred to the school in December, 2020 but no meeting regarding the amount was recorded in the PTC register.
3. The cash book was maintained upto 2018 while the PSHT stated that the Rs.33000/- received in Dec, 2020 has been utilized without any record on cash book.
4. There was only 01 student in 4th class and only 1st lesson exercise of English book was noted in the school Note Book.

ASDEO (C) submitted his report along with the complaint by parents.

The complaint states that the PSHT has a private car and uses it as earning source and has no attention to his duty and school.

The undersigned log book remarks, ASDEO (C) report along with original complaint is submitted with the remarks, there is total in-efficiency on the part of PSHT & his Naib/PST as well. As the parents have shifted their children to GPS NO.2 Aghzer Khel (01 KM away). Both the teachers be proceed under in-efficiency please.

Sub-Divisional Education Officer
(Male) Lakki Marwat



127 D 75

**OFFICE OF THE DISTRICT EDUCATION OFFICER
MALE LAKKI MARWAT**

(0969) 3291, emistakki@yahoo.com, www.facebook.com/deomale, www.twitter.com/dc2_lakki

SHOW CAUSE NOTICE

I, **Zahoor Khan District Education Officer (Male) Lakki Marwat**, as Competent Authority, under Khyber Pakhtunkhwa Government servant (Efficiency & Discipline) Rules, 2011, do hereby serve you, **Mashal Khan PSHT GPS No.1 Aghzar Khel**.

I am satisfied that you have committed the following acts/omissions specified in rules-3 of the specified rules:-

1. Lack of School Affairs.
2. Miss conduct, Inefficiency.
2. In terms of Rule-5 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011, I, as Competent Authority, dispense with the inquiry and serve you with a show cause notice under Rule-7 of the ibid Rules.
3. As a result thereof, I, as Competent Authority, have tentatively decided to impose upon you the Minor/Major penalty under Rule-4 (a) & (b) of the Khyber Pakhtunkhwa government Servants (Efficiency & Discipline) Rules, 2011:-
4. You are therefore required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
5. If no reply to this notice is received within seven days or not more than of fifteen days of its delivery, it shall be presumed that you have no defense to put in; and in that case and ex-parte action shall be taken against you.

Mashal Khan PSHT
GPS Aghzar Khel No.1.

3

COMPETENT AUTHORITY
District Education Officer
(M)Lakki Marwat

3

District Education Officer
(M)Lakki Marwat

B 8-E



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

OFFICE ORDER:

The competent authority is please to constitute the scrutiny committee, comprising of the following officers for scrutinizing the Show Cause Notices, served by this office in various cases as well as the Replies, submitted by all concerned in this regard.

- | | | |
|----|---|----------|
| 1. | Muhammad Ilyas DDEO - Male Lakki Marwat | Chairman |
| 2. | Sher Nawaz Principal GHSS Landiwah | Member |
| 3. | Abdur Rehman Rashid SDEO-Male Naurang | Member |
| 4. | Qadir Shah SDEO-Male Lakki | Member |

It is further stated that meeting of the above committee will be held on Wednesday, 08 September, 2021 in office of the Deputy District Education Officer (Male) Lakki Marwat, District Complex Town, Taja Zai.

TORs:

1. The committee will scrutinize all the Show Cause Notices.
2. The committee will root out the reasons for Show Cause Notices.
3. The committee will submit its recommendations to the competent authority for further process.

DISTRICT EDUCATION OFFICER
(MALE) LAKKI MARWAT

Dated: 04/09/2021

ndst: No. 4753-56

Copy for information to the:

1. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
2. All members of the committee.
3. All DAs of local office with the directions to assist the Scrutiny Committee.
4. Master File.

DISTRICT EDUCATION OFFICER
(MALE) LAKKI MARWAT

14 Q-F
DETAIL REPORT VIDE DEO MALE LAKKI MARWAT LETTER NO. 4753-56 DATED 04-09-2021 REGARDING PENDING DISCIPLINARY ACTIONS IN THE OFFICE OF THE DEO MALE LAKKI MARWAT

MEETING HELD ON 08-09-2021 AT 10 AM IN THE OFFICE OF THE DISTRICT EDUCATION OFFICER MALE LAKKI MARWAT

The following participants attended the meeting:

- | | |
|--|--|
| 1. Muhammad Ilyas Khan Deputy District Education Officer | Chairman |
| 2. Sher Nawaz Principal GHSS Landiwah | Member (Absent due to covid-19 Positive) |
| 3. Abdur Rehman Rashid SDEO Male Serai Naurang | Member |
| 4. Qadir Shah SDEO Male Lakki Marwat | Member |

After the recitation of Holy Quran the committee discuss the matter in the light of the DEO Male Lakki Marwat order No mentioned above. Dealing Assistant Concerned presented the office file related to the case. The files are examined by the committee. Das also submitted certificates which are annexed.

DETAIL SUMMARY OF ACTION TAKEN / PENDING / UNDER PROCESS

Sl#	Name	Dastir	School	Action Taken	Final Status	File Name / VOLL	Committee Remarks
1.	Abdur Rashid	SPST	GPS Bag ban Lakki	1. Show cause notice issue 2. Reply of show cause notice received 3. called for personal hearing vide DEO Letter No: 2807 dated 27-05-2021 through Mr. Naseer V. Principal GHSS Dara Pezu dated 02-06-2021, however he has shown his unavailability for the task assigned. 4. his reply to the explanation called is awaited.	Personal hearing under process	Complaint file VOLL-7	The competent Authority is requested to decide upon the request of Naseer Khan. <i>Abdul Bary um HTM</i>
2.	Yousaf Jan	SPST	GPS Zer Janu	1. Absent report received from SDEO Lakki No.936 dated 12-07-2021 2. Explanation Called	Under process	Complaint file VOLL-7	Sub Division may be directed to coordinate with teacher concerned for timely submission of reply. <i>?</i>
3.	Nisar Ali	PSHT	GPS PA yaw Zar Bhattani	1. Absent notice issue to home/school Address 2. Final notice issued through daily news paper 3. Reply Submitted 4. show Cause served.	Under process	Complaint file VOLL-8	May please be called for personal hearing. <i>Phrasing is done.</i>

S. No.	Name	Designation	School	Location/Block	Current Status	File Name/No.	Committee Remarks
4.	Mushtaq Khan	PST	GPS No.1 Aghzar Khel	1. Show Cause Issue 2. Reply Submitted	Under process	Complaint file Voll-8	May please be called for personal hearing along with PTC Record and Cash book and ASDEO Concerned. <i>OK</i>
5.	Mashal Khan	PSHT	GPS No.1 Aghzar Khel	1. Show Cause Issue	Under process	Complaint file Voll-8	May please be called for personal hearing along with AWR, Student Attendance Register, PTC Record, Cash book and ASDEO Concerned. <i>OK</i>
6.	Abdul Qayum	PST <i>PSHT</i>	GPS Wanda Banochi	1. complaint received from SDEO 2. charge sheet issued 3. inquiry conducted 4. Show Cause Issue	Personal Hearing	Complaint file Voll-6	Censure with directions to improve efficiency and increase school enrollment. <i>OK</i>
7.	Samar Gul	PSHT	GPS Wanda Abdullah	1. absent report received from SDEO 2. Absent notice issue to home / school address 3. Final notice issue through daily newspaper. 4. Reply submitted	Suspended from service till the decision of the case vide No.2819-21 dated 27-05-2021	Complaint file Voll-2	The Case is in court. No action can be taken till the decision of the court. <i>OK</i>
8.	Taj Muhammad	PST	GPS Tall Khan Abba Khel	1. report received from SDEO 1050 dated 12-08-2021 2. Show Cause Issue 3. Reply submitted	Under process	Complaint file Voll-2	As per Report of ASDEO, he <i>OK</i> may be censured.
9.	Sharif Ullah	PST	GPS Gul Zadeen Bragi	1. absent report received from SDEO 2. Absent notice issue to home / school address 3. Reply submitted 4. Letter to SDEO FOR DISCIPLINARY action	Under Process <i>Copy sent to SDEO</i>	Complaint file Voll-3	The concerned teacher was on contract for one year which is already expired. The said teacher is seriously ill. The competent Authority may decide the case accordingly.
10.	Inam Ullah	SPST	GPS Bachken Ahmad Zai	1. absent report received from SDEO 2. charge sheet issued 3. inquiry conducted 4. inquiry completed 5. letter for personal hearing issued	Personal hearing under process	Complaint file Voll-3	Failed to appear for personal hearing. The competent authority may decide the case as per available record/ <i>OK</i>

	Name	Desig	School	Action taken	Current Status	File Name/ Vol	Comments/Remarks
				1. Reply received from Gul Malook Chowkidar on 29-06-2021			
38.	Farhat Ullah	Chowkidar	GHS Kotka Hayat Ullah	1. Complaint received from Head Master GHS Kotka Hayat Ullah NO.87 dated 21-06-2021 1. Show cause issued	Under Process	Complaint File Vol -IV	Both HM and Chowkidar be Immediately called for personal hearing along with relevant record.
39.	Usman Ghani	Chowkidar	GPS Muhammad Jan Landiwah	1. Letter Received from SDEO Lakki No. 1116 Dated 25-08-2021 1.	Under Process	Complaint File Vol -IV	Show notice be issued.
40.	Muhammad Shoaib	Chowkidar	GPS Sher Zaman Tabi Murad	1. Letter Received from SDEO Lakki No. 1131 Dated 25-08-2021 1.	Under Process	Complaint File Shoaib	Absentee notice under process

Member
10/09/2021
Abdur Rehman Rashid
SDEO Male Serai Naurang

Member
10/9/2021
Qadir Shah
SDEO Male Lakki Marwat

Chairman
Muhammad Ilyas Khan
Deputy District Education Officer

c/bd.
Complaint
1-X-021.

7-9

9

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

Phone & Fax: (0969)538291, Email: emislakki@yashoo.com
www.facebook.com/deomale Lakki, www.twitter.com/deo_m_lakki

No. 5333-41 /Misc Date: 20 / 09 / 2021

To

1. Mr Nisar Ali PSHT GPS Piozar Betanni
- ✓ 2. Mr Mushtaq Khan PST GPS No. 1, Aezer Khel
- ✓ 3. Mr Mashal Khan PSHT GPS No. 1, Aezer Khel
4. Mr Inam Ullah SPST GPS Bachkan Ahmadzai
5. Mr Ahmad Jan PST GPS Ghati Michen Khel
- ✓ 6. Mr Waheed Ullah TT GHSS Kheru Khel Pacca
7. Mr Ishaq Ahmad GMS Ghazi Khel
- ✓ 8. Headmaster GHS Kotka Hayatullah
- ✓ 9. Mr Farhat Ullah GHS Kotka Hayat Ullah

Subject: Personal Hearing

Memo,

Reference minutes of Scrutiny Committee meeting submitted to this office on 10-09-2021, you are hereby directed to attend the office of the undersigned along with relevant record on 23rd September 2021 at 01:00 PM for personal hearing before a committee headed by the undersigned and comprised of Deputy DEO Male Local Office, SDEO Male Lakki Marwat and SDEO Male Serai Naurang.

3

District Education Officer
(Male) Lakki Marwat

Even No. & Date

Copy to the;

1. Deputy District Education Officer Male Lakki Marwat) with directions to ensure
2. SDEO Male Lakki Marwat) their attendance in DEO Male Office on 23-09-2021
3. SDEO Male Serai Naurang) for personal hearing of above cited employees.

3

District Education Officer
(Male) Lakki Marwat

H- 13 - H
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ATTENDANCE SHEET

Personal hearing of Officials in light of this office Notification No. 5433-41 dated 20-09-2021 held on September 24, 2021, At O/O the District Education Officer (Male) Lakki Marwat

S.No	Name	Designation	School	Contact No	Signature
1.	Fayhat Ullah	chowkidar	GMS Kotka Hayat Ullah		
2.	Mashaal Khan	PSHT	GMS NO.1 Kherd	034396944	
3.	M. Mushdag	PST	CIPS No.1 Kherd	03445025423	
4.	Wahid ul Kahlan	IT	GMS Kherd	0344-9349631	
5.	Ahmad Tan	PST	GMS Ghati Michan Kherd	0345-9779718	
6.	Ghous Ullah	SPST	GMS m7 Deekhan Hamalzi	0336-5911457	— ABSENT —
7.	Nisar Ali	PSHT	GMS Pinyar Bhattari		— ABSENT —
8.	Yshaq Ahmad		GMS Ghat Kherd		— ABSENT —
	/	/	/	/	/

Member
Ahdur Rehman Rashid
SDEO (Male) Serai Naurang
24/09/21

Member
Sachin Shah
SDEO (Male) Lakki Marwat
24/09/21

Member
Muhammad Ilyas Khan
Deputy DEO (Male) Lakki Marwat

Chairman
Zahoor Khan
DEO (Male) Lakki Marwat
24-09-21


18-13-11 MINUTES OF THE MEETING

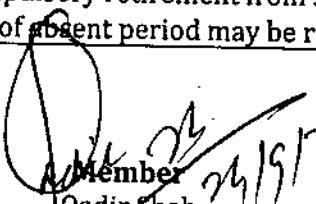
A meeting of the personal hearing committee notified vide No. 5433 dated 20-9-2021 was held in DEO Male Office Town Tajazai on 24-09-2021 under the Chairmanship of District Education Officer Male Lakki Marwat.


- | | |
|---|------------|
| 1. Zahoor Khan
D.E.O (M) Lakki Marwat | (Chairman) |
| 2. Muhammad Ilyas Khan
Deputy D.E.O (M) Lakki Marwat | (Member) |
| 3. Qadir Shah
SDEO (Male) Lakki Marwat | (Member) |
| 4. Abdur Rehman Rashid
SDEO (Male) Serai Naurang | (Member) |

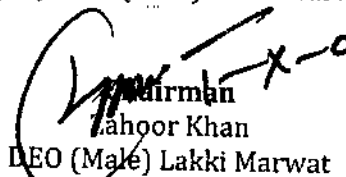
The meeting started with recitation from Holy Quran. The chairs welcomed all the participants and brief the members about the committee purpose. The Personal hearing Committee initiated the process and decided as per below detail.

S.No	Name of Official	Remarks/Decision
1	Farhat Ullah Chowkidar GHS Kotka Hayat Ullah	<ul style="list-style-type: none"> Heard in person in the Office of DEO (M). Reply is satisfactory Affidavit be submitted for further compliance to duty. May be exonerated.
2	Mashal Khan PSHT GPS No.1 Aghzar Khel	<ul style="list-style-type: none"> Heard in person in the Office of DEO (M). Reply is not satisfactory Compulsory retirement is proposed.
3	Mushtaq Khan PST GPS No.1 Aghzar Khel	<ul style="list-style-type: none"> Heard in person in the Office of DEO (M). Reply is partially satisfactory May be censured.
4	Waheed Ullah TT GHSS Kheru Khel Pacca	<ul style="list-style-type: none"> Heard in person in the Office of DEO (M). Reply is partially satisfactory May be censured.
5	Ahmad Jan PST GPS Ghati Michen Khel	<ul style="list-style-type: none"> Heard in person in the Office of DEO (M). Reply is partially satisfactory Charges are proved. May be censured.
6	Inam Ullah PST GPS No.1 Bachkan Ahmad Zai	<ul style="list-style-type: none"> Failed to appear before the committee. Clearly intimated through ASDEO/PSHT of the school via school order book signed by all staff of the school including hm. Compulsory retirement from service is proposed.
7	Ishfaq Ahmad PET GMS Ghazi Khel	<ul style="list-style-type: none"> Failed to appear for the personal hearing, however his reply is submitted. Strict warning letter be issued as he is contract employee.
8	Nisar Ali PSHT GPS Piyozar Bettani	<ul style="list-style-type: none"> Failed to appear for the personal hearing. Written reply submitted. Reply is not satisfactory. Recent report of ASDEO also reflects that he is till inefficient and remain habitual absent. Compulsory retirement from service is proposed. Pay of absent period may be recovered through DDO concerned.


Member
Abdur Rehman Rashid
SDEO (Male) Serai Naurang
24/09/2021


Member
Qadir Shah
SDEO (Male) Lakki Marwat


Member
Muhammad Ilyas Khan
Deputy DEO (Male) Lakki Marwat


Chairman
Zahoor Khan
DEO (Male) Lakki Marwat

18-5-



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

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

21
DFA
Srt-1

NOTIFICATION:-

1. WHEREAS, Mr. Mashal Khan PSHT GPS No.1 Aghzar Khel Lakki Marwat was proceeded under the Khyber Pakhtunkhwa Govt. Servants Efficiency & Discipline (E&D) Rules-2011 for his habitual willful absence from official duty as per report of SDEO (Male) Lakki Marwat vide his letter bearing No. 954 dated.19-05-2021.
2. AND WHEREAS, The District Education Officer (Male) Lakki Marwat, served a show cause notice upon the cited official through school address, with the directions Lack of School affairs, misconduct, in efficiency, after that he submit its reply to this office, and give an opportunity of personal hearing to the aforesaid teacher vide this office No.5433-41 dated. 20-9-2021 to defend the Lack of School affairs, misconduct, in efficiency before the competent authority. But he failed to the competent authority to justify his Lack of School affairs, misconduct, in efficiency.
3. AND NOW THEREFORE, keeping in view the above facts and office record, the competent authority (District Education Officer Male Lakki Marwat) in exercise of powers conferred upon him under section 9 of Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules-2011 read with Rule-4 (1) (b) (ii), is satisfied and is pleased to impose Major Penalty of "Compulsory Retirement" upon Mr. Mashal Khan PSHT GPS No.1 Aghzar Khel Lakki Marwat with immediate effect.

Endst No. 6042-46 Dated 06/10/2021
 District Education Officer (Male) Lakki Marwat

- Copy to the:-
6. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
 7. District Monitoring Officer (EMA), Lakki Marwat.
 8. District Accounts Officer, Lakki Marwat.
 9. SDEO (Male) Lakki Marwat.
 10. Mr. Mashal Khan Ex-PSHT GPS No.1 Aghzar Khel Lakki Marwat.

District Education Officer (Male) Lakki Marwat

No. 340

RGL68746478

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Weight in words _____

Kilo Grams _____

Date Stamp _____

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Office of The District Education Officer
Male Lakki Marwat

Ph: (0969)538391 email: emlakki@yuhoo.com
www.facebook.com/deomalelakki, www.twitter.com/deo_m_lakki

No. 7815 Dated. 31-12-2021

To,

The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa Peshawar.

Subject:-

DEPARTMENTAL APPEAL/ UNDER RULE-4 OF THE SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER 6042-46 DATED. 06-10-2021 PASSED BY THE D.E. (MALE) LAKKI MARWAT WHEREBY THE APPELLANT HAS COMPULSORY BEEN RETIRED FROM SERVICE.

With reference to your office letter bearing No.8969/F.No. Appeal for Re-Instatement in service district Lakki Marwat dated. 12-11-2021, on the subject cited above.

It is submitted that:-

1. Mr. Mashal Khan Ex-PSHT GPS No.1 Aghzar Khel Lakki Marwat was found willful absent from school duty as reported by Sub-Divisional Education Officer (Male) Lakki Marwat vide his letter bearing No. 954 dated. 19-05-2021 (Copy of ASDEO report along with covering memo of SDEO annexed as "A & B").
2. In pursuance to the above, this office served a show cause notice on the appellant, (Copy annexed as "C"), under the Khyber Pakhtunkhwa Efficiency & Discipline Rules-2011 with the allegations 1. Lack of interest school affairs 2. Miss conduct, 3. Inefficiency.
3. Furthermore, the competent authority provided an opportunity of personal hearing to the appellant but he failed to justify the above cited allegations.
4. In view of the above and as per Rule-9 of KP Govt. Servants (Efficiency & Discipline) Rules-2011, the competent authority (District Education Officer Male Lakki Marwat) in exercise of power conferred under section 9 of Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules-2011 imposed Major Penalty of "Compulsory Retirement" upon Mr. Mashal Khan Ex-PSHT GPS No.1 Aghzar Khel Lakki Marwat from the date of absence. (Copy attached as Annexure "D").
5. It is added that all codal formalities/procedure as prescribed in KP Govt. Servants (Efficiency & Discipline) Rules-2011 were fulfilled prior to issuance of the compulsory retirement of appellant.

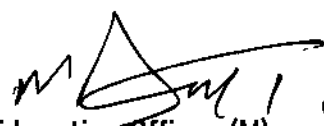
Keeping in view the above facts, it is requested that the departmental appeal in respect of the above cited appellant may please be rejected being devoid of facts/merit and time barred.

District Education Officer
(Male) Lakki Marwat.

Ref: No. 1317
Dt: 31/12/2021

AUTHORITY

Mr. Kashif Munir Litigation Officer O/O the District Education Officer (Male) Lakki Marwat is hereby authorized to Submit Reply in Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar in S.A 893/2022 Titled Mashal Khan Versus Government of Khyber Pakhtunkhwa on behalf of the undersigned.


District Education Officer (M)
Lakki Marwat


Distt: Edu: Officer
(M) Lakki Marwat

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. 893/2022

Mashal Khan

versus

DEO (M) & Others

REJOINDER**Respectfully Sheweth.****PRELIMINARY OBJECTION**

All the Preliminary Objections from A to H are illegal and incorrect. No reason in support of the same is ever given as to why appeal is incompetent, untenable, unclean hand, malafide, exaggeration, misconduct, no locus standi, cause of action, barred from appeal, guilty of concealment of actual facts, unclean hands, mis-statement, concealment and barred by law and limitation.

ON FACTS

1. Admitted correct to the extent of appointment, promotion and posting in GPS No. Azhar Khel. As for as complaint is concerned, he gave good results to the department. Now a days everyone tries to admit sons / daughters in private schools. It was the duty of the respondents to transfer him from the school on first complaint, if any.
2. Admitted correct to the extent of conversation and as for as decrease in number of students, the same was not due to inefficiency of appelland but parents gives preference to their children to admit them in private schools.
3. Admitted correct by the respondents regarding service of Show Cause Notice and as for as misconduct and inefficiency is concerned, the matter nowhere attract misconduct etc.
4. Not replied the para of the appeal by the respondents to its contents i.e. reply to the Show Cause Notice. Some altercation took place regarding decrease in number of students which was replied as stated above.

5. Admitted correct to the extent of penalty of compulsory retirement from service but the procedure was not adopted for the same as enumerated in the rules.
6. Not correct. Appeal against any penalty is submitted to appellate authority. The representation of appellant to the appellate authority be treated as integral reply to the para of appeal / reply.
7. Not correct. The para of the reply is not replied to the contents of the para of appeal because in comments fresh plea of willful absence was taken and not of less number of students in the school.
8. Not replied by the respondents to the contents of para of appeal. Compulsory retirement was converted into premature retirement by the department.

GROUNDS:

All the grounds of the appeal are legal and correct while that of the reply are illegal and incorrect. The same are re-affirmed once again.

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

Mashal Khan

Appellant

Through

Saadullah Khan Marwat

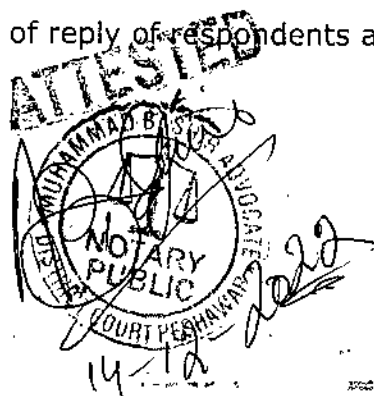
Saadullah Khan Marwat

Advocate,

Dated: 13-12-2022

AFFIDAVIT

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



Mashal Khan

DEPONENT

11201-31156863