

are held in abeyance till further order. On request of learned counsel for the petitioner, the copy of notification dated 30.11.2017 has been handed over to the petitioner and his signature has been obtained in the margin of order sheet as a token of receipt.


Chairman

the Tribunal. The request of the respondents for personal attendance of said two individuals alongwith Computerized CNICs was accorded. It was directed to file reply to the application. The said order partially stands in need of compliance on behalf of the petitioner because his brother Fazal Haleem is not in attendance and written reply is also awaited. It was purported on behalf of the respondents through Mr. Hidayatullah, Principal Government High School Mawazi Kalay, Bara Newly Merged District (NMD) Khyber that person in attendance with identity of Noor Haleem is actually Fazal Haleem and CNIC produced by him was procured by name of Noor Haleem. Original CNIC has been returned to the petitioner after retaining its copy, which is placed on file. His image captured on camera of cell phone of the Reader and he has been directed to prepare its hard image and produce for placing on file. When Mr. Noor Haleem was questioned about his brother Fazal Haleem, he stated that he is not in contact with him due to personal grudges. Due to the conflicting statements of parties at this juncture, it has become expedient to take the course enquiry through secret agency(s) so as to determine that jurisdiction of this Tribunal is not being misused/abused because of certain maneuvering purported against the petitioner. The Registrar shall submit this file with confidential note to send the same to appropriate Secret Agency(s) for further proceedings. The proceedings in instant execution petition

11/8/2021
12/7/2021

EP No. 71/2020

12.07.2021 Counsel for the petitioner and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Nisar Muhammad, DEO, Hidayatullah, Principal and Munwar Khan, Focal Person for the respondents present.

As far as the operative part of judgment is concerned, the same is based on arguments of the parties particularly advanced on behalf of the appellant/petitioner that the appellant was regularly performing his duty, his monthly salary was stopped. He was available for performing his duty but was prevented from performance of duty due to military operation in the area. At the time of passing of said judgment, there was no concrete proof before the Tribunal that prior to the commencement of the military operation, the appellant had been performing his duty and then was prevented from performance of duty, due to the military operation. However, the judgment of the Tribunal, as it stands now, directs for release of salary of the appellant with liberty given to respondents to conduct a proper enquiry, if the appellant is otherwise involved in any misconduct including willful absence. The respondents have submitted an application on 08.02.2021 for dismissal of the Execution Petition. Additionally, a request was made on behalf of the respondents for personal attendance of petitioner Noor Haleem and his brother Fazal Haleem before

08.02.2021

Counsel for petitioner alongwith a person disclosing his name as Noor Haleem present.

Muhammad Rasheed learned Deputy District Attorney alongwith Nisar Muhammad D.E.O and Hidayt Ullah Headmaster for respondents present.

An application for placing on file the requisite record and dismissal of the execution petition was filed. Respondents present before the Tribunal requested that petitioner Noor Haleem and his brother Fazal Haleem may be ordered to attend this Tribunal because as per their version, the person present today is one Fazal Haleem who tried to misconceive the Tribunal by stating that he is Noor Haleem.

In view of the above, learned counsel for petitioner is directed to make sure the presence of Noor Haleem and Fazal Haleem alongwith Computerized CNICs, reply to the application and arguments on 05.04.2021 before S.B.



(Rozina Rehman)
Member (J)

05.04.2021

Petitioner in person present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Nisar Mehmood DEO for respondents present.

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned to 12.07.2021 before S.B.

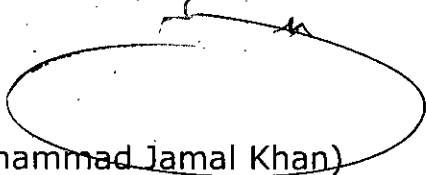


(Atiq Ur Rehman Wazir)
Member (E)

03.11.2020

Nemo for petitioner. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Nisar Muhammad, DEO (Khyber), are also present.

Implementation report not submitted. Representative of the department seeks adjournment. Adjourned to 24.12.2020 on which date to come up for implementation report before S.B.


(Muhammad Jamal Khan)
Member (Judicial)

24.12.2020

Counsel for the petitioner and Mr. Noor Zaman Khattak, District Attorney alongwith Munawar Khan, SST for the respondents present.

The representative of respondents states that a committee was constituted on 07.11.2020 to enquire into the matter. He ^{is} ~~was~~, however, not much conversant with the facts of the case.

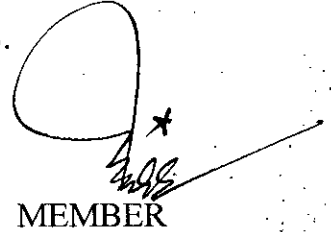
In order to move ahead with the implementation proceedings in a proper manner, respondent No. 3/DEO District Khyber shall be issued notice to personally appear on next date of hearing. His office is expected to produce record relevant for the purpose.

Adjourned to 08.02.2021 before S.B.


Chairman

18.06.2020

Counsel for the petitioner and Addl: AG for respondents present. On the last date of hearing the matter was adjourned on the strength of Reader note. The office shall, therefore, issue notices to the respondents for submission of implementation report. Adjourned. To come up for further proceedings on 04.08.2020 before S.B.


MEMBER

04.08.2020

Counsel for the petitioner and Mr. Kabirullah Khattak, Additional AG for the respondents present. Neither implementation report has been submitted so far nor representative of the department is present, therefore, notice be issued to respondent No. 3 i.e District Education Officer, District Khyber to personally attend the Tribunal and apprise the Tribunal regarding the implementation report on 17.09.2020 before S.B.


(MIAN MUHAMMAD)
MEMBER (E)

17.09.2020

Counsel for the petitioner and Addl. AG alongwith Asmatullah, Litigation Assistant for the respondents present.




The representative of respondents states that the District Education Officer, District Khyber could not make his presence before the Tribunal today due to family bereavement. He, therefore, requests for adjournment.

The proceedings are adjourned to 03.11.2020 on which date the DEO Khyber shall appear in person alongwith the implementation report.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____
Execution Petition No. 71 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	02.03.2020	<p>The execution petition of Mr. Noor Haleem submitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR 02/03/2020</p>
2-	06/03/2020	<p>This execution petition be put up before S. Bench on <u>27/03/2020</u>.</p> <p style="text-align: right;"> MEMBER</p>
	27.03.2020	<p>Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 18.06.2020 before S.B.</p> <p style="text-align: right;"> Reader</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Implementation Petition No. 71 /2020
In
Appeal No.692/2016

NOOR HALEEM

VS

EDUCATION DEPTT:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE NO.
1-	Memo of petition	1- 2.
2-	Affidavit	3.
3-	Judgment	A	4- 6.
4-	Vakalat nama	7.

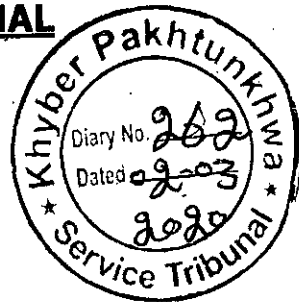
PETITIONER/APPLICANT

THROUGH:

NOOR MOHAMMAD KHATTAK
ADVOCATE

MOBILE NO.0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR



Implementation Petition No. 71 /2020
In
Appeal No.692/2016

Mr. Noor Haleem, PET (BPS-15),
GHS Mawazi Kalay, Bara, Merged area District Khyber.

..... PETITIONER

VERSUS

- 1- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director Education Merged area District, Merged area Secretariat, Warsak Road, Peshawar.
- 3- The District Education Officer, District Khyber.
- 4- The District Account Officer, District Khyber.

.....RESPONDENTS

IMPLEMENTATION PETITION FOR DIRECTING
THE RESPONDENTS TO OBEY THE JUDGMENT
DATED 02.03.2017 IN LETTER AND SPIRIT

R/SHEWETH:

- 1- That the petitioner filed Service appeal bearing No. 692/2016 before this august Service Tribunal against the inaction of the respondents by not releasing the monthly salaries of the appellant w.e.f. 01.04.2015 till date.
- 2- That the appeal of petitioner was finally heard by this august Tribunal on 02.03.2017 and was decided in favor of the petitioner vide judgment dated 02.03.2017 with the view that ***"There is no justification for stopping monthly salary of the appellant without any justification, hence we are inclined to accept the appeal in hand and direct the respondents to release the monthly salary of the appellant with effect from 01.04.2015 till date. The respondent department is however at liberty to conduct a proper inquiry if the appellant is otherwise involved in any misconduct including willful absence"***. Copy of the judgment is attached as annexure..... **A.**
- 3- That after obtaining attested copy of the judgment dated 02.03.2017 the petitioner submitted before the respondents for implementation but till date the judgment of this Tribunal

has not been implemented by the respondent in letter and spirit.

- 4- That the petitioner has no other remedy but to file this implementation petition.

It is therefore, most humbly prayed that on acceptance of this implementation petition the respondents may be directed to implement the judgment dated 02.03.2017 in letter and spirit. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the petitioner.

PETITIONER



NOOR HALEEM

THROUGH:

NOOR MOHAMMAD KHATTAK

&



**MIR ZAMAN SAFI
ADVOCATES**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Implementation Petition No. _____/2020
In
Appeal No.692/2016

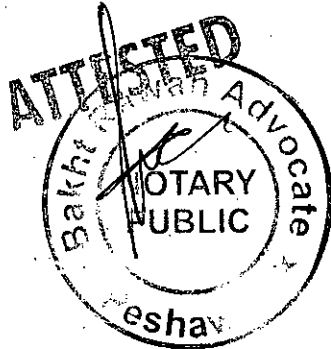
NOOR HALEEM

VS

EDUCATION DEPTT:

AFFIDAVIT

I, Noor Mohammad Khattak, Advocate on behalf of the petitioner, do hereby solemnly affirm that the contents of this **implementation petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.




NOOR MOHAMMAD KHATTAK
ADVOCATE

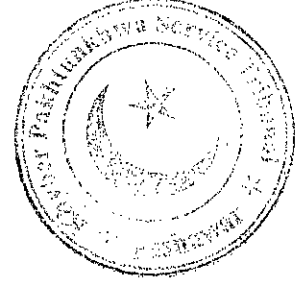
A-4

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 692/2016

Date of institution ... 28.06.2016

Date of judgment ... 02.03.2017



Noor Haleem, PET,
GHS Mawazi Kalay, Bara, Khyber Agency.

... (Appellant)

VERSUS

1. The Additional Chief Secretary FATA, FATA Secretariat, Warsak Road, Peshawar.
2. The Director Education FATA, FATA Secretariat, Warsak Road, Peshawar.
3. The Agency Education Officer, Khyber Agency.
4. The Agency Account Officer, Khyber Agency.

... (Respondents)

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF THE RESPONDENTS BY NOT RELEASING THE MONTHLY SALARIES OF THE APPELLANT W.E.F. 01.04.2015 TILL DATE AND AGAINST NOT TAKING ACTION ON THE DEPARTMENT APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

Mr. Noor Mohammad Khattak, Advocate.
Mr. Muhammad Jan, Government Pleader

.. For appellant.
.. For respondents.

MR. MUHAMMAD AAMIR NAZIR
MR. ASHFAQUE TAJ

.. MEMBER (JUDICIAL)
.. MEMBER (JUDICIAL)

ATTESTED

Khyber Pakhtunkhwa Service Tribunal

JUDGMENT

MUHAMMAD AAMIR NAZIR, MEMBER:- Noor Haleem, Physical

Education Teacher, GHS Mawazi Kalay, Bara, Khyber Agency, hereinafter called as the appellant, through instant appeal has impugned the order of the respondents vide which his monthly salaries was stopped with effect from 01.04.2015 till date. Against the impugned order appellant filed a department appeal which was not addressed within statutory period.

2. Briefly stated facts giving rise to the appeal in hand are that the appellant was appointed as Physical Education Teacher (BPS-09) in GMS Amari Kor Mohmand Agency vide order dated 22.01.2000. That since his appointment the appellant performed his duties

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quite efficiently. That due to military operation in Khyber Agency, all the schools in Khyber Agency were closed by respondent No. 3. The schools were reopened vide notification dated 18.12.2014. That in compliance with the said notification appellant joined his duty, however, salary of the appellant was stopped by the respondents with effect from 01.04.2015. That feeling aggrieved from the impugned order the appellant filed a departmental appeal which was not responded within a statutory period, hence the instant appeal.

3. We have heard the arguments of learned counsel for the appellant and Learned Government Pleader for respondents and have gone through the record available on file.

4. Learned counsel for the appellant argued before the court that despite the fact the appellant is regularly performing his duty, his monthly salary has been stopped with effect from 01.04.2015. That this act of the respondents is in violation of Article-4 & 25 of Constitution of Islamic Republic of Pakistan, 1973. That the order of respondents is based on mala fide, hence, liable to be set-aside and appellant be allowed to receive his monthly salary.

5. In rebuttal, learned Government Pleader argued before the court that the salary of the appellant has been stopped by the respondents on account of his willful absence. That the appellant is not performing his duty, therefore, he is not entitled to receive the monthly salary. That the impugned order is in accordance with law therefore, the appeal in hand be dismissed.

6. Perusal of the case file reveals that the appellant is serving as Physical Education Teacher (BPS-09) since 2000 and performed his duty at various schools. As per Notification dated 18.12.2014, the schools in Khyber Agency were closed due to military operation and after reopening of the schools, the appellant alongwith other teachers joined their duties. It is quite astonishing that the salary of the appellant has been stopped without any reason/justification. Though the respondents in their written reply pleaded that the appellant's salary has been stopped due to absence from duty, however, no proof whatsoever had been brought on record to show that the appellant had remained absent from his duty. Even if the claim of the respondent is admitted that the appellant remained

33.17

TESTED

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INTERVIEWED

[Handwritten signature]

(6)

absence from duty, the proper course was to issue a charge sheet and conduct a proper inquiry in this respect and thereafter penalize the appellant in accordance with law. There is no justification for stopping monthly salary of the appellant without any justification, hence we are inclined to accept the appeal in hand and direct the respondents to release the monthly salary of the appellant with effect from 01.04.2015 till date. The respondents department is however at liberty to conduct a proper inquiry if the appellant is otherwise involved in any misconduct including willful absent. Parties are left to bear their won costs. File be consigned to the record room.

Announced
02.03.2017

Sd/- M. Aamir Nazki,
Member

Certified to be true copy
 The Dy. Commr.
 Khayrabad, Hyderabad
 Service Tribunal,
 Hyderabad

Sd/- Ashfaqul Taj,
Member

Date of Presentation of Petition: 17-03-2017
 Number of Words: 1200
 Copying Fee: 500
 Urgent: Yes
 Total: 1050
 Name of Applicant: [Signature]
 Date of Completion of Copy: 17-03-2017
 Date of Delivery of Copy: 17-03-2017

ATTESTED
[Signature]

VAKALATNAMA

Before the KP Service Tribunal, Peshawar

_____ OF 2020

Noor Haleem

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Dept.

(RESPONDENT)
(DEFENDANT)

I/We Noor Haleem

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2020.

N. Haleem
CLIENT

ACCEPTED
NOOR MOHAMMAD KHATTAK

SHAHZULLAH YOUSAFZAI

&

MIR ZAMAN SAFI
ADVOCATES

OFFICE:

Flat No.3, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.

Phone: 091-2211391

Mobile No. **0345-9383141**

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 2524 /ST

Dated 18 / 08 / 2020


To

The District Education Officer,
Government of Khyber Pakhtunkhwa,
Khyber Khyber.

SUBJECT: - ORDER IN E.P NO. 71/2020 MR. NOOR HALEEM.

I am directed to forward herewith a certified copy of order dated 04.08.2020 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
RPESHAWAR.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 2755 /ST

Dated 23 / 09 / 2020

To


The District Education Officer,
District Khyber.

SUBJECT: -

ORDER IN EXECUTION PETITION NO. 71/2020 MR. NOOR HALEEM.

I am directed to forward herewith a certified copy of order dated 17.09.2020 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 4148 /ST

Dated 30/12/2020


To

The District Education Officer,
Government of Khyber Pakhtunkhwa,
District Khyber.

SUBJECT: - ORDER IN EXECUTION PETITION NO. 71/2020 MR. NOOR HALEEM.

I am directed to forward herewith a certified copy of order dated 24.12.2020 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

Ng.5 **RGL53904917**

For Insurance Notices see reverse.
Stamps affixed except in case of
uninsured letters of not more than
the initial weight prescribed in the
Schedule of Rates or on which
acknowledgement is due.

Received a registered
addressed to District Khyber *Stamp*

Initials of Receiving Officer *officer*

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

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

If insured.	Insurance fee Rs.	Weight	Kilo
	Name and address of sender.	Ps. (in words)	Grams

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Execution Petition No 71/20

Noor Haleem Ex –PET

.....(Petitioner)

VERSUS

District Education Officer Khyber

.....(Respondent)

Application for placing on file the record
and dismissal of subject execution petition

Respectfully Sheweth: -

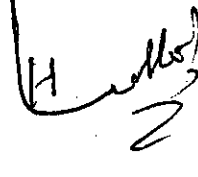
- 1) *That the subject execution petition is sub-Judice before the august Tribunal for today.*
- 2) *That vide Judgment detail 02/03/2017 in service Appeal No. 692/2016 (Annexed A), The honourable Tribunal held that the respondent department is however at liberty to conduct a proper inquiry if the appellant is involved in any misconduct including willful absent.*
- 3) *That an inquiry was conducted in this matter keeping in view the attendance register and entire relevant record and it was found that Mr Noor Haleem (Appellant) has drawn salary of PET Post vide Personal No- 00411645 and PST Post vide Personal No-*

00650496 which highlights that his appointment is a fake appointment, moreover, attendance register shows that appellant remained absent and have not performed his duty since 16-03-2015 (Copy of inquiry report and attendance register is Annexure B).

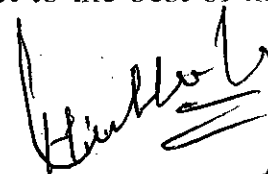
- 4) That in view of the recommendation of inquiry Officer, the competent authority issued notification dated 30-11-2017 (Annexure 'C) regarding termination of appellant alongwith directions to recover the monthly salaries illegally drawn by the appellant/fake appointee .
- ✓ 5) That Mr. Fazle Haleem appeared before this tribunal today in the subject execution and tried to misconceive the tribunal by stating that he is Noor Haleem, hence the honourable tribunal should take notice about the conduct of appellant.

✍ In view of the above submissions and record, it is prayed that the subject execution petition may please be dismissed being fake appointee and committing fraud and misrepresentation before this honourable ^{tribunal} as well as the authority.

AFFIDAVIT

(Respondent) 

I Hidayat Ullah Khan son of Nasurullah Khan Headmaster GHS Mawaz Kalay Bara District Khyber solemnly affirm and declare that contents mentioned in the application are true and correct to the best of my knowledge and nothing has been concealed.


08/02/21

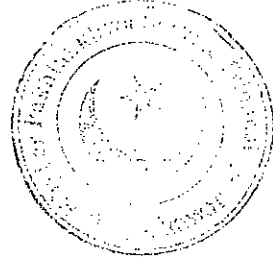
DEPONENT

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BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 692/2016

Date of institution ... 28.06.2016
Date of judgment ... 02.03.2017



Noor Haleem, PET,
GHS Mawazi Kalay, Bara, Khyber Agency.

... (Appellant)

VERSUS

1. The Additional Chief Secretary FATA, FATA Secretariat, Warsak Road, Peshawar.
2. The Director Education FATA, FATA Secretariat, Warsak Road, Peshawar.
3. The Agency Education Officer, Khyber Agency.
4. The Agency Account Officer, Khyber Agency.

... (Respondents)

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF THE RESPONDENTS BY NOT RELEASING THE MONTHLY SALARIES OF THE APPELLANT W.E.F. 01.04.2015 TILL DATE AND AGAINST NOT TAKING ACTION ON THE DEPARTMENT APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

Mr. Noor Mohammad Khattak, Advocate.
Mr. Muhammad Jan, Government Pleader

.. For appellant.
.. For respondents.

MR. MUHAMMAD AAMIR NAZIR
MR. ASHFAQUE TAJ

.. MEMBER (JUDICIAL)
.. MEMBER (JUDICIAL)

JUDGMENT

MUHAMMAD AAMIR NAZIR, MEMBER:- Noor Haleem, Physical Education Teacher, GHS Mawazi Kalay, Bara, Khyber Agency, hereinafter called as the appellant, through instant appeal has impugned the order of the respondents vide which his monthly salaries was stopped with effect from 01.04.2015 till date. Against the impugned order appellant filed a department appeal which was not addressed within statutory period.

2. Briefly stated facts giving rise to the appeal in hand are that the appellant was appointed as Physical Education Teacher (BPS-09) in GMS Amari Kor Mohmand Agency vide order dated 22.01.2000. That since his appointment the appellant performed his duties

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15/17
15/17

quite efficiently. That due to military operation in Khyber Agency, all the schools in Khyber Agency were closed by respondent No. 3. The schools were reopened vide notification dated 18.12.2014. That in compliance with the said notification appellant joined his duty, however, salary of the appellant was stopped by the respondents with effect from 01.04.2015. That feeling aggrieved from the impugned order the appellant filed a departmental appeal which was not responded within a statutory period, hence the instant appeal.

3. We have heard the arguments of learned counsel for the appellant and Learned Government Pleader for respondents and have gone through the record available on file.

4. Learned counsel for the appellant argued before the court that despite the fact the appellant is regularly performing his duty, his monthly salary has been stopped with effect from 01.04.2015. That this act of the respondents is in violation of Article-4 & 25 of Constitution of Islamic Republic of Pakistan, 1973. That the order of respondents is based on malafide, hence, liable to be set-aside and appellant be allowed to receive his monthly salary.

5. In rebuttal, learned Government Pleader argued before the court that the salary of the appellant has been stopped by the respondents on account of his willful absence. That the appellant is not performing his duty, therefore, he is not entitled to receive the monthly salary. That the impugned order is in accordance with law therefore, the appeal in hand be dismissed.

6. Perusal of the case file reveals that the appellant is serving as Physical Education Teacher (BPS-09) since 2000 and performed his duty at various schools. As per Notification dated 18.12.2014, the schools in Khyber Agency were closed due to military operation and after reopening of the schools, the appellant alongwith other teachers joined their duties. It is quite astonishing that the salary of the appellant has been stopped without any reason/justification. Though the respondents in their written reply pleaded that the appellant's salary has been stopped due to absence from duty, however, no proof whatsoever had been brought on record to show that the appellant had remained absent from his duty. Even if the claim of the respondents is admitted that the appellant remained

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ATTACHED

absence from duty, the proper course was to issue a charge sheet and conduct a proper inquiry in this respect and thereafter penalize the appellant in accordance with law. There is no justification for stopping monthly salary of the appellant without any justification, hence we are inclined to accept the appeal in hand and direct the respondents to release the monthly salary of the appellant with effect from 01.04.2015 till date. The respondents department is however at liberty to conduct a proper inquiry if the appellant is otherwise involved in any misconduct including willful absent. Parties are left to bear their won costs. File be consigned to the record room.

Announced
02.03.2017

Sd/- M. Anwar Nazki,
Member

Certified to be true copy
 E. S. ...
 Khulsi ...
 Service Tribunal,
 Peshawar

Sd/- Ashfaqul Taj,
Member

Date of Presentation 17-03-2017
 Number of Writs 1200
 Copying Fee 800
 Unpaid 200
 Total 1000
 Name of Officer
 Date of Completion of Copy 17-03-2017
 Date of Delivery of Copy 17-03-2017

2017

'B'

(3)

INQUIRY REPORT NO:02

To,

The Director of Education,
FATA, Warsak Road, Peshawar

Subject:

FAKE APPOINTMENT/OF AHMED SHAH (SST)
AND NOOR HALEEM (PET) SEARCHED OUT IN TWO SCHOOLS i-e (1) GHS
BADSHAH MIR KILLI BZK LKL (FIRST) THEN (2) GMS SPIN QABER BARA (3) GHS
MAWAZ KILLI BARA

Memo,

Reference your office Letter No: 5581-86/A-12/AHMED SHAH AFRIDI (SST) Dated Peshawar the 11/05/2015, we accomplished an earlier INQUIRY REPORT and submitted to your office on 28-07-2015 with complete details and documental proofs. The case was too much chronic and we clearly pointed out all the information's and recommendations are enough to capture this person through DCO Charsadda and should recovered all the amount paid to him. But , no positive response was occurred and the same person after stoppage of pay from one school i-e GHS Badshah Mir killi Bzk LKL, appear in another schools i-e GMS Spin Qaber Bara with another Personal No and fake CNIC.

BACKGROUND HISTORY:

As I already mentioned that this is very serious case and the culprit AHMED SHAH is very clever, cunning and hypocrite type person. He has supported by the strong mafia of illegal and corrupt people. When, we searched out him in an earlier school i-e GHS Badshah Mir Bzk LKL where he got many over payment pays through different Personal No and CNIC. The details of the information's.

(1) AHMED SHAH AFRIDI GHS BADSHAH MIR BZK LKL.

COST CENTRE: KH0131.

PERSONAL NO: 00655023.

CNIC: 17201-15000750-0.

D.O.B: 01-09-1965.

QUALIFYING SERVICE: 29 YEARS 07 MONTHS, 01 DAY.

BANK ACCOUNT NO: 8179-8.

BANK OF KHYBER PESHAWAR SADDAR NEAR BY STATE BANK OF PAKISTAN PESHAWAR.

From this school, he got a huge amount through different months in the form of over payments estimated Rs: 27,64,773/- and another fake teacher named, NOOR HALEEM (PST) was also involved in this blunder game and these two fake teachers received the above amount in Eleven months.

We, the officials of AEO office would be succeeded soon to capture the other fake teacher, NOOR HALEEM (PST) who is working in another school i-e GHS Mawaz killi Bara as (PET) and we stopped

his pay and he also did not come or attend the AEO office up to now. This is the same person who has been searched out in GHS Badshah Mir Bzk LKL as (PST). The details of NOOR HALEEM (PST) (Fake and Ghost teacher).

(2) NOOR HALEEM (PST).

PERSONAL No: 00650496.

CNIC: 17300-75007000.

D.O.B: 01-12-1968.

QUALIFYING SERVICE: 26 YEARS, 01 MONTH, 01 DAY.

BANK ACCOUNT: 212423024.

UBL HAYAT ABAD BRANCH PESHAWAR.

GHS BADSHAH MIR KILLI BZK LKL.

COST CENTRE: KH0131.

Both the above fake teachers are alive and again appeared in other schools which details would be come in the next step of INQUIRY.

PROCEDURE ADOPTED:

When, we come to know that both the fake and direct induct teachers are still working in other schools of Tehsil Bara. We continued our efforts and searched out their schools with complete details. The present AEO Khyber Mr. Abdur Rauf Shah Sahib stopped their pay and got mobile Nos of these two fake teachers and called upon to attend the AEO office as soon as possible but still they are disappeared and did not attend the office up to now.

Now, I would like to share my new information's about the posting of these two teachers are as follows.

(1) AHMED SHAH (SST) GMS SPIN QABER BARA.

PERSONAL No: 00428096.

COST CENTRE: KH067.

CNIC: 173073732266-7.

D.O.B: 26-12-1980.

QUALIFYING SERVICE: 16 YEARS – 10 MONTHS 07 DAYS.

BANK ACCOUNT: 0110126260.

ABL CHARSA DA ROAD PESHAWAR.

(2) NOOR HALEEM (PET) GHS MAWAZ KILLI BARA

PERSONAL NO: 00411645.

COST CENTRE: KH0128

CNIC: 17102-11356467.

D.O.B: 07-03-1981.

QUALIFYING SERVICE: 17 YEARS 01 MONTH 07 DAYS

BANK ACCOUNT: 12003320.

ABL TEHSIL BAZAR CHARSADE.

FACT FINDING:

Before this Inquiry, we submitted an earlier inquiry about AHMED SHAH and we also provided all the relevant documental proofs and records properly.

Now, for this inquiry, we got some important documental proofs about AHMED SHAH AND NOOR HALEEM like their new pay slips, staff statement, H/M remarks, etc. Both the teachers belongs to charsaada and Noor haleem(PET) is absent wef march-2015 and then the H/M stopped his pay and wrote application to AEO Office and Agency Account office Jamrud for action.

The present H/M of GHS Mawaz killi Bara took bold step to take into custadoy the salary cheque of NOOR HALEEM(PET) amounting Rs: 4,52928/- CHEQUE No: K-331753-Dated: 09-05-2016. The stoppage salary pay Cheque was released by FAZAL HALEEM (SST) the real brother of NOOR HALEEM (PET) who was DDO during the time of Abdul Qadir (H/M) departure/ transfer to FR Lakki and before the Arrival/posting of Hidayat Khan (H/M) taking over charge. Fazal Haleem (SST) Committed a crime to release the pay of his brother who was absent from the last one and a half year. The present AEO Khyber issued show cause Notices to both the teachers i-e AHMED SHAH (SST) and Noor Haleem (PET). But, they did not reply the show Cause Notices and they both did not appear before the INQUIRY COMMITTEE upto Now.

Similarly, FAZAL HALEEM (SST) is also looking fake and bogus because all the three teachers have the same similarities. I personally informed the H/M of the school to call upon the FAZAL HALEEM (SST) to show all his documents and testimonials one by one.

RECOMMENDATIONS:

On the bases of all details and information's I clearly came to the conclusion that the above two teachers are totally bogous/fake/Direct induct and they provided great loss to the Govt treasury. So we pointed out some recommendation to carry out for the good interest of our deptt.

1. We strongly recommend that both the fake teachers, AHMED SHAH (SST) and NOOR HALEEM (PET) should be terminated with out any delay according to E&D rules (2011).

2. The amount paid to them should be recovered through District Administration of Charsada after finding their home addresses.
3. The pay of Fazal Haleem(SST) should be stopped and his documents, first appointment order, Educational documents should be scrutinized thoroughly with out any delay.

COMMITTEE MEMBER:

Saleem Khan
(1) Mr. SALEEM KHAN WAZIR
(H/M) GHS HASIM ABAD
JAMRUD KHYBER AGENCY

TEACHER'S ATTENDANCE REGISTER

TEACH

For the month of March 2015

For

No. 9 No. 10 No. 11 No. 12 No. 13

Name: NODY Hafeem Faizullah Ghaziz Ali Shakeel Ahmad

Name: Shafiqur Reh

Designation: P.T. Qari J/C P.T.

Designation: P.S.T.

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19		do			"	Dep	11	Dep	8/30	Dep	11	Dep	8/30	Dep	11	Dep
20		do			"	Dep	11	Dep	8/30	Dep	11	Dep	8/30	Dep	11	Dep
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STATEMENT OF LEAVES TAKEN.

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This month.																
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Total.																

	Sick				Casual				Pri.				Total			
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This month.																
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Dated

Headmistress/Headmaster

Dated

TEACHER'S ATTENDANCE REGISTER

TEACHI

For the month of April, 2015

For th

No. 09 No. 10 No. 11 No. 12 No. 13

Name: Noor-Haleem					Faizullah				Amhar Ali				Shakeel Ahmad			
Designation: P.E.T					Qari				J/c				P.S.T			
Dates	Arr.	Sig.	Dep.	Sig.	Arr.	Sig.	Dep.	Sig.	Arr.	Sig.	Dep.	Sig.	Arr.	Sig.	Dep.	Sig.
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16	-do-				C leave				8	arr	12	arr	8/1	arr	12/1	arr
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22	-do-				C leave				8	arr	12	arr	8/1	arr	12/1	arr
23	-do-				C leave				8	arr	12	arr	8/1	arr	12/1	arr
24	-do-				C leave				8	arr	12	arr	8/1	arr	12/1	arr
25	-do-				C leave				8	arr	12	arr	8/1	arr	12/1	arr
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Name: Shafi-ur-Rehman				
Designation: P.S.T				
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STATEMENT OF LEAVES TAKEN.

	Sick.	Casual.	Pri.	Total	Sick.	Casual.	Pri.	Total	Sick.	Casual.	Pri.	Total	Sick.	Casual.	Pri.	Total
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	Sick.	Casual.	Pri.	Tot
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Dated: _____

Headmistress/Headmaster

Dated: _____

TEACHER'S ATTENDANCE REGISTER

TEACH

For the month of May

For t

No. 9 No. 10 No. 11 No. 12

No. 13

Name: NOOR Haleem Faizullah Shakeel Ahmad Shafi-ur-Rahman

Name: Farhaz Ali

Designation: P.T. Qari P.S.T PST

Designation: T/c

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STATEMENT OF LEAVES TAKEN.

	Sick.	Casual.	Pri.	Total	Sick.	Casual.	Pri.	Total	Sick.	Casual.	Pri.	Total	Sick.	Casual.	Pri.	Total
This month.																
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	Sick.	Casual.	Pri.
This month.			
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Dated: _____

Headmistress/Headmaster

Dated: _____

(13)

TEACHER'S ATTENDANCE REGISTER

TEACH

For the month of June

For 1

No. 9 No. 10 No. 11 No. 12

No. 13

Name: <u>Noor Haleem</u>					Name: <u>Faizullah</u>					Name: <u>Shakeel Ahmad</u>					Name: <u>Shafee-ur-Rehman</u>				
Designation: <u>DEJ</u>					Designation: <u>Qari</u>														
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Name: <u>Inhaiz Ali</u>				
Designation: <u>J/O</u>				
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Absent

Summer vacation

Primary Section summer vacation

STATEMENT OF LEAVES TAKEN.

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	Sick.	Casual.	Pri.
This month.			
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Total.			

Headmistress/Headmaster

Dated. _____

TEACHER'S ATTENDANCE REGISTER

TEACH

For the month of September 2015

For

No. 9 No. 10 No. 11 No. 12

No. 13

Name: <u>Noor Haleem</u>				Name: <u>Faizullah</u>				Name: <u>Shakeel Ahmad</u>				Name: <u>Shafiq-ur-Rahman</u>				
Designation: <u>PET</u>				Designation: <u>Qazi</u>				Designation: <u>P.S.T</u>				Designation: <u>P.S.T</u>				
Dates	Arr.	Sig.	Dep.	Sig.	Arr.	Sig.	Dep.	Sig.	Arr.	Sig.	Dep.	Sig.	Arr.	Sig.	Dep.	Sig.
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Name: <u>Jahaz Ali</u>			
Designation: <u>J/C</u>			
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STATEMENT OF LEAVES TAKEN.

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	Sick.	Casual.	Pri.
This month.			
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Dated: _____

Headmistress/Headmaster

Dated: _____

C

Agency Education Office
Khyber Agency at Jamrud

Phone. 091-5820265 Fax 091-5820265

Notification

Consequent upon the recommendation of enquiry committee Mr:Noor Haleem S/O Kamil Hussain fake PET (P.No.00411645 cast center KH0128 GHS Mawaz Killi Bara / PST P.No.00650496 cast center KH0131 GHS Bad Shah Mir Killi Landi Kotal Khyber Agency is hereby struck off from the Education roll Khyber Agency in the best interest of public service.

Head Master GHS Bad Shah Mir Lkl Khyber Agency and Head Master GHS Mawaz Killi is hereby directed to recover the monthly salaries drawn by the above named

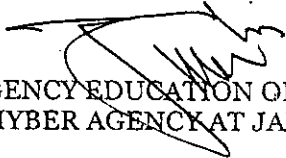
fake PET/PST which will be deposited into the Govt: treasury on Challan in case of failure you will be held responsible under E&D Rules 2011.

(MUHAMMAD JADOON KHAN)
AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD

Endst:No:7391-7401 /Struck Off/Notification Dated: 30/11/2017

Copy of the above is forwarded to:

1. Director Education FATA at Peshawar.
2. Political Agent Khyber at Peshawar.
3. Deputy Commissioner Charsada : for recovery traceable from Noor Haleem son of Kamil Hussain Village Sur Kamar Tehsil Tangi Distreict Charsada.
4. Director Information FATA.
5. AGPR Sub Office Peshawar.
6. PS to Additional Chjef Secretary FATA
7. PS to Secretary SSD FATA.
8. Agency Accounts Officer Khyber with the request to stop payment of monthly salaries to the above named fake employee.
9. Head Master GHS Mawaz Killi Bara Khyber Agency.
10. Head Master GHS Bad Shah Mir Killi Lkl Khyber Agency.
11. Office Copy.


AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD