

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Appeal No. 24/2019

Date of Institution ... 27.12.2018

Date of Decision ... 17.12.2020

Ihsan-Ul-Haq, SCT, GHSS Drosh Chitral. ... (Appellant)

VERSUSThe Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
... (Respondents)Present:MR. NASIR MAHMOOD,
Advocate

--- For Appellant.

MR. KABIR ULLAH KHATTAK,
Additional Advocate General

--- For respondents.

MR. MIAN MUHAMMAD,
MR. HAMID FAROOQ DURRANI--- MEMBER(Executive)
--- CHAIRMANJUDGEMENT.

MIAN MUHAMMAD, MEMBER:- Through this service appeal under Section-4 of the Khyber Pakhtunkhwa Services Tribunal 1974, office order dated 18.10.2018 of the respondent No.1 dismissing departmental appeal against penalty of deduction of one increment imposed vide office order dated 08.01.2018, has been challenged and remedy sought to set aside the same.

FACTS.

02. Brief facts of the case are that appellant has been serving as SCT in Government Higher Secondary School Drosh, Chitral. Respondent No.4 (DEO(M)) Chitral initiated disciplinary proceedings against the appellant when a report was submitted by the DMO (District Monitoring Officer) for allegation of absenteeism

and irregularities on 24.05.2017. An enquiry committee was constituted on 25.08.2017 to conduct enquiry into the charges/statement of allegations. The enquiry Committee conducted departmental enquiry against the appellant and submitted its report on 25.09.2017. As a result of findings of the enquiry committee minor penalty of "deduction of one increment" was awarded vide office order dated 08.01.2018. The appellant preferred departmental appeal to respondent No.1 (Director Elementary & Secondary Education Peshawar) on 14.02.2018 which was rejected vide office order dated 18.10.2018, hence the instant service appeal on 27.12.2018.

ARGUMENTS.

03. The learned counsel for the appellant at the very outset of his arguments contended that the appellant was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and during the course of enquiry proceedings, the enquiry committee did not bother to record his statement. The impugned penalty of deduction of one increment is neither in correspondence to nor in consonance with the dictates of F.R-29 because a specific time has not been mentioned while awarding the impugned penalty. On point of limitation, he could not be able to produce evidence with plausible reason(s) to justify the delay except his plea that the delay was caused due to the far flung areas and closure of Lowari Top. It was assailed that the fundamental right of the appellant has been denied and ends of justice have not been met, therefore, the impugned order is liable to be set aside.

04. On the other hand, learned Additional Advocate General representing the official respondents raised preliminary objection on limitation and argued that the departmental appeal being time barred, the service appeal subsequently is also time

barred and no plausible reason(s) for delay in the condonation application of the appellant, has been given to substantiate and justify the delay. In support of and strengthening his argument, he relied on 2009 SCMR 1435. He also contradicted the plea of learned counsel for the appellant that he has unblemished and clean service record throughout his career and substantiated his argument with plethora of documentary evidence reflecting negatively on the service conduct and performance of the appellant. He concluded his arguments on the point that the minor penalty of deduction of one increment imposed on the appellant is a lenient view taken by the respondent-department and relief has already been given to the appellant. As all codal formalities have been fulfilled before awarding the penalty, therefore, the service appeal may be dismissed.

 CONCLUSION.

05. We have heard the pro and counter arguments of the learned counsels for the parties, gone through the available record and scrutinized all the connected documents minutely where-after have arrived at the following conclusion.

06. It is evident from the available record that adequate rather ample opportunity of self defense was provided to the appellant by the enquiry Committee. However, he refused to reply or record his statement before the enquiry Committee. He, rather in his reply to the show cause notice dated 23.12.2017 raised a novel question that "As I was and am unaware about any complaint against me. Therefore, I could not give any statement to the Committee. That was not a false pretext and cannot be termed 'misconduct'. Both the teachers were much juniors to me in service and equal of my Scale." So, on this point he refused to avail the opportunity provided for defence before the inquiry committee and was thus responsible for his own conduct. As regard the issue of limitation involved in the instant appeal, it is obvious that the

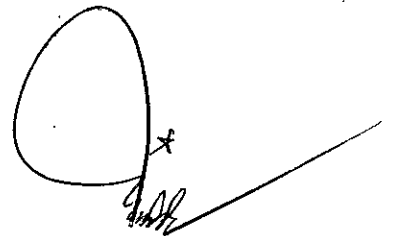
impugned order was passed on 08.01.2018 and the appellant preferred and instituted departmental appeal to the appellate authority on 14.02.2018 which was rejected on 18.10.2018 consequent upon which Service Appeal was filed on 27.12.2018. In this regard the appellant was under legal obligation to have produced credible evidence but he failed to impeach the credulity through production of any such evidence thus proving sufficient cause which concomitantly prevented him from having timely recourse to the court of law being a legal impediment in the way.

07. As a sequel to the above, the appeal being time barred and devoid of merits is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.


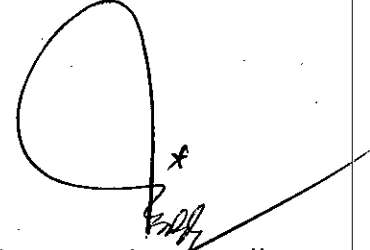
ANNOUNCED
17.12.2020



(HAMID FAROOQ DURRANI)
CHAIRMAN



(MIAN MUHAMMAD)
MEMBER(E)

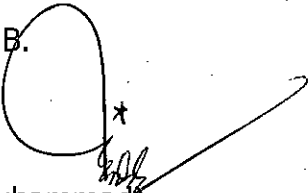
S.No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	17.12.2020	<p><u>Present.</u></p> <p>Mr. Nasir Mahmood, ... For Appellant Advocate</p> <p>Mr. Kabir Ullah Khattak, ... For respondents Additional Advocate General</p> <p>Vide our detailed judgment of today consisting of four pages placed on file, the appeal being time barred and devoid of merits is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.</p> <p><u>ANNOUNCED</u> 17.12.2020</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  Chairman </div> <div style="text-align: center;">  (Mian Muhammad) Member (E) </div> </div>

24/19

26.11.2020

Mr. Nasir Mahmood Advocate/counsel for the appellant
and Mr. Kabirullah Khattak, Addl. AG for the respondents
present.

Arguments heard. To come up for order on 17.12.2020
before this D.B.


(Mian Muhammad)
Member(E)


Chairman

29.01.2020

Junior to counsel for appellant and Addl. AG for the respondents present.


Former requests for adjournment due to general strike of the Bar. Adjourned to 31.03.2020 for arguments before the D.B.


Member


Member

31.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 22.06.2020 before D.B.


Reader

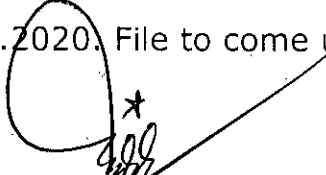
22.06.2020

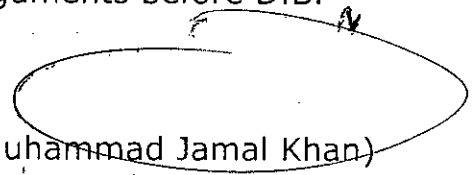
Due to public holiday on account of COVID-19 the case is adjourned for the same on 09.09.2020 before D.B.


Reader

09.09.2020


Mr. Hayat Ullah, Advocate for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present. Learned counsel submitted that his senior namely, Nasir Mehmood, Advocate is busy in the Hon'ble Peshawar High Court, Peshawar. He requested for adjournment. Request is accepted. The appeal is adjourned to 26.11.2020. File to come up for arguments before D.B.


(Mian Muhammad)
Member (Executive)


(Muhammad Jamal Khan)
Member (Judicial)

02.08.2019

None for the appellant present. Mr. Usman Ghani, District Attorney for respondents present. Written reply of respondent no.5 not submitted. Fresh notice be issued to the respondent no.5 for submission of written reply by way of last chance. Case to come up for written reply/comments of respondent no. 5 on 17.09.2019 before S.B.


(Ahmad Hassan)
Member

17.09.2019

Counsel for the appellant and Addl. AG for respondents No. 1 to 4 present. Nemo for respondent No. 5.

Respondents No. 1 to 4 have already submitted parawise comments and placed on record. Respondent No. 5 has not furnished written reply/comments. The appeal is, therefore, posted to D.B for arguments on 26.11.2019. The appellant may submit rejoinder, within a fortnight, if so advised.


Chairman

26.11.2019

Learned counsel for the appellant present. Mr. Riaz Paindakhiel learned AAG present. Learned counsel for the appellant submitted rejoinder which is placed on file and seeks adjournment. Adjourn. To come up for arguments on 29.01.2020 before D.B.


Member


Member

30.04.2019 Counsel for the appellant and Mr. Usman Ghani District Attorney alongwith Muhammad Wali Khan, Assistant for the respondents No. 1 to 4 present.

Reply on behalf of respondents No. 1, 2, 3 and 4 has been submitted. The same is placed on record. Learned District Attorney requests for time to procure reply of respondent No. 5.

Adjourned to 20.06.2019 on which date reply/comments of respondent No. 5 shall positively be submitted.


Chairman

20.06.2019

None present on behalf of the appellant. Mr. Kabirullah Khattak, Additional AG for the respondents present. Written reply on behalf of respondents No. 1 to 4 has already been submitted. Neither written reply on behalf of respondent No. 5 submitted nor representative of the department is present therefore, notice be issued to respondent No. 5 with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned. Case to come up for written reply/comments on behalf of respondent No. 5 on 02.08.2019 before S.B.


(Muhammad Amin Khan Kundi)
Member


24/2019


07.02.2019

Counsel for the appellant present.

Contends, inter-alia, that throughout the departmental proceedings against the appellant specific allegations could not surface while he was imposed upon penalty of deduction of one increment. He referred to the show cause notice, wherein, it was noted that on account of irregularity and absenteeism enquiry was conducted against the appellant on 25.08.2017 while, on the other hand, the impugned order dated 08.01.2018 suggested that he was proceeded against on account of irregularity. In the said context, specific allegations were neither made against the appellant nor he was confronted with the same. The impugned order is liable for setting aside on that score alone, it was added.

In view of the averments made at the bar and the available record instant appeal merits admission for regular hearing. Admit. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 29.03.2019 before S.B.


Appellant Deposited
Security & Process Fee


Chairman

29.03.2019

Learned counsel for the appellant present. Written reply not submitted. Muhammad Owais Assistant representative of the respondent department present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 30.04.2019 before S.B.


Member

07.02.2019

Counsel for the appellant present.

Contends, inter-alia, that throughout the departmental proceedings against the appellant specific allegations ~~against him~~ could not surface ^{while} ~~although~~ he was imposed upon penalty of deduction of one increment. He referred to the show cause notice, wherein, it was noted that on account of irregularity and absenteeism enquiry was conducted against the appellant on 25.08.2017 while, on the other hand, the impugned order dated 08.01.2018 suggests ^{ed} that he was proceeded against on account of ~~the~~ irregularity. In the said context, specific allegations were neither ~~made~~ ^{made} against the appellant nor he was confronted with the same. The impugned orders ^{are} ~~is~~ liable for setting aside on that score alone, it was added.

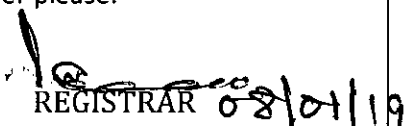

In view of the averments made at the bar and ^{the} available record instant appeal merits admission for regular hearing Admit. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 29.03.2019 before S.B.

Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 24/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/1/2019	<p>The appeal of Mr. Ihsan-ul-Haq resubmitted today by Mr. Nasir Mehmood 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 08/01/19</p>
2-	16-1-19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>07-2-19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Ihsan-ul-Haq SECT Teacher GHSS Drosh Chitral resubmitted today i.e. on 27.12.2018 is incomplete on the following score which is returned again to the counsel for the appellant for completion and resubmission within 15 days.

The authority to whom the departmental appeal was made/preferred has not been made/arrayed a necessary party.

No. 2465 /S.T,

Dt. 28-12-2018.

[Signature]
28/12/18
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Nasir Mehmood Adv. Pesh.

Sir, resubmitted after completion on

08/01/2019

[Signature]

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

No. 2408 /S.T,

Dated Peshawar, the 18 /12/2018.

To,

Mr. Ihsanul Haq SCT,
GHSS Drosh Distt. Chitral.

Subject: **INCOMPLETE APPEAL/APPLICATION DATED 18/12/2018.**

No action can be taken on your above mentioned incomplete
Appeal/application.

If you want to file appeal before this Tribunal, please draft it according to the
instructions detailed in Section 4 and 6 of the Khyber Pakhtunkhwa Service Tribunal, Act/Rules 1974 and
resubmit the same within 20 days positively.

[Handwritten Signature]
for REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR. 18/12/18

Returned in original.

*His, resubmitted after doing the
need full. H.ullah*

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Appeal No. 24 of 2019

Ihsan ul Haq SCT Teacher, Appellant

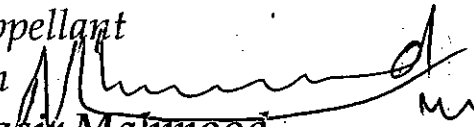

VERSUS

Director Elementary & Secondary Education Khyber
Pakhtunkhwa Peshawar and others

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Dated 27/12/2018

Appellant
Through 
Nasir Mahmood
Advocate,
Supreme Court of Pakistan

Hayat Ullah Advocate
High Court Peshawar
Cell # 0321-9189277

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BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Appeal No. 24 of 2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1808

Dated 27-12-2018

Ihsan ul Haq SCT Teacher, GHSS Drosh Chitral.

... .. **Appellant**

VERSUS

- ✓1- Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
 - ✓2- Deputy Director (Estab) Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar
 - ✓3- Secretary Education Khyber Pakhtunkhwa Civil Secretariat Peshawar.
 - ✓4- District Education Officer (DEO) (Male) Chitral.
 - 5- District Accounts Officer (DAO) District Chitral
- **Respondents**

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 18/10/2018 PASSED BY THE RESPONDENT NO.1 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT AGAINST THE ORDER DATED 08/01/2018 PASSED BY THE RESPONDENT NO.4 WAS DISMISSED AND PENALTY OF DEDUCTION OF ONE INCREMENT WAS IMPOSED.

Re-submitted to -day
and filed.

[Signature]
Registrar

8/11/19.

Prayer!

On acceptance of appeal, the impugned order dated 18/10/2018 & 08/01/2018 passed by respondent No.1 and 4 respectively may be set aside and penalty of deduction of one increment may be quashed.

Respectfully Sheweth:

Brief facts leading to the instant appeal are as under:

- 1- That the appellant is serving as SCT Teacher in GHSS Drosch Chitral.
- 2- That the appellant is having unblemished record of service and during his entire service he has never been proceeded for misconduct.
- 3- That the appellant is SCT Teacher and has always performed his duties regularly with great zeal and zest as he always considered the profession of teaching as Ibbadath.
- 4- That the DEO Male Chitral being prejudice against the appellant, initiated illegal and unlawful inquiry in collaboration District Monitoring Officer, resultantly the order dated 08/01/2018 was issued whereby one increment of the appellant was deducted. (Copy of order is annexed as Annexure "A").
- 5- That the allegation of absenteeism and irregularities against the appellant are false, faked and fabricated.

- 6- That the DEO Male Chitral constitute an inquiry committee of two teachers on the report of the said inquiry committee the District Education Male Chitral issued show cause notice to the appellant dated 02/11/2017 and thereafter issued charge sheet /statement of allegations on 13/11/2017. (Copies of Show notice, charge sheet and statement of allegations are annexed as Annexure "B,C&D" respectively).
- 7- That the appellant submitted reply to the show cause notice on 23/12/2017 in which he explained all the facts about the inquiry. (Copy of reply of show cause is annexed as Annexure "E").
- 8- That the DEO Male Chitral considered the reply of the show cause of the appellant unsatisfactory and imposed minor penalty of deduction of one increment vide order dated 08/01/2018.
- 9- That thereafter the appellant preferred departmental appeal to the respondent No.1 which was rejected vide order dated 18/10/2018 and communicated to the appellant on 31/10/2018. (Copy of departmental appeal and order are annexed as Annexure "F&G" respectively), hence the present appeal against the order dated 18/10/2018 and 08/01/2018 passed by the

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respondent No.1 and 4 respectively inter-alia on the following grounds:

GROUND:

- A) That the appellant has not been treated in accordance with law and his right secured and guaranteed under the constitution have been violated.
- B) That the whole proceeding starting from the constitution inquiry committee and imposition of penalty is illegal, unlawful and thus liable to be set aside.
- C) That the inquiry committee of two teachers are much junior to the appellant in service and equal to his scale therefore, the inquiry committee was illegally constituted.
- D) That the imposition of the penalty is against FR 29 Rules because according to the said rules the concerned can only withhold the increment for specific time and has no power of deduction.
- E) That the whole proceeding resulting into imposition upon the appellant offends Article 25 of

the constitution of the Islamic Republic of Pakistan, 1973.

- F) *That in the entire career of the appellant service he has unblemished record but in the instant case he has been dragged just to satisfy the ego of someone which resulted in gross miscarriage of justice which warrants interference by this Hon'ble Tribunal.*
- G) *That the object of law is to protect rights, undo wrong and poster justice. But the impugned penalty has not only eroded rights of the appellant but also resulted in gross miscarriage of justice, wants interference.*
- H) *That about the regularity and dutifulness of the appellant the Chairman of the concerned PTC give statement in support of appellant. (Copy of statement is annexed as Annexure "H").*

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- I) That the impugned order dated 18/10/2018 and 08/01/2018 passed by respondent No. 1 and 4 respectively are highly arbitrary, malafide, discriminatory, whimsical and thus untenable as evident from order dated 27/10/2018. (Copy is annexed as Annexure "I")
- J) That the appellant seeks leave of this Hon'ble Tribunal to rely on additional grounds at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of appeal, the impugned order dated 18/10/2018 in 08/01/2018 passed by respondent No.1 and 4 respectively may be set aside and minor penalty of deduction of one increment may be quashed.

Dated 27/12/2018

طہسان الحق

Appellant

Through

Nasir Mahmood

Advocate,

Supreme Court of Pakistan

Hayat Ullah Advocate

High Court Peshawar

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BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Appeal No. _____ of 2018

Ihsan ul Haq SCT Teacher, Appellant

VERSUS

Director (Elementary & Secondary
Education, Khyber Pakhtunkhwa Peshawar and others
... .. Respondents

AFFIDAVIT


I, Ihsan ul Haq SCT Teacher, GHSS Drosh Chitral do hereby solemnly affirm and state on oath that all contents of appeal are true and correct to the best of my knowledge and belief and nothing wrong has been stated by me in the matter.

اِحسان الحق

DEPONENT

ONICS

Identified by


Nasir Mahmood
Advocate
Supreme Court of Pakistan

ATTESTED
Anwar Zeb Advocate
Oath Commissioner
Peshawar

27-12-18

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BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Appeal No. _____ of 2018

Ihsan ul Haq SCT Teacher, Appellant

VERSUS

Director Elementary & Secondary Education Khyber
Pakhtunkhwa Peshawar and others

... .. Respondents

**APPLICATION FOR CONDONATION OF
DELAY IF ANY**

Respectfully Sheweth:

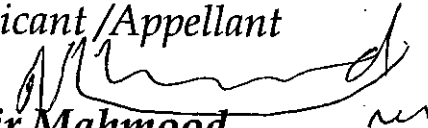

- 1- That the instant appeal is filing before this Hon'ble Tribunal in which no date of hearing is fixed yet.
- 2- That applicant /appellant live in far-flung area of Drosh District Chitral and blockage of Lowari Top the applicant / appellant was unable to submit the instant appeal in time.
- 3- That as per judgment of august Supreme Court of Pakistan that all issues be decided on merits and not on technicalities such as limitations.

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- 4- That the delay in submitting the instant appeal was not willful but due to the above reasons.
- 5- That the delay if not condoned, the petitioner would suffer an irreparable loss.

It is, therefore, prayed that on acceptance of this application, the delay if any shall be condoned to meet the ends of justice.

Dated 27/12/2018

کسان الی
Applicant/Appellant
Through 
Nasir Mahmood
Advocate,
Supreme Court of Pakistan

Hayat Ullah Advocate
High Court Peshawar


AFFIDAVIT

I, Ihsan ul Haq SCT Teacher, GHSS Drosh Chitral do hereby solemnly affirm and state on oath that all contents of application are true and correct to the best of my knowledge and belief and nothing wrong has been stated by me in the matter.

کسان الی

DEPONENT




ATTESTED
Anwar Zeb Advocate
Oath Commissioner
Peshawar

27-12-18

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Annexure "A"



OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DISTRICT CHITRAL PHONE NO, 0943-412627
EMAIL ADDRESS, deomalechitral@gmail.com

OFFICE ORDER.

Whereas District Monitoring Officer (IMU) Chitral vide letter No. IMU/DBSED/CLT/Education Office Correspondence /2017-18/1811 dated 24/05/2017 submitted complaint against Mr Ihsan Ul Haq SCT GHSS Drosh on account of his irregularity.

Whereas Enquiry Committee was constituted against Mr. Ihsan Ul haq SCT to probe the matter vide Endst: No. 10021-24/EB (M)/E-3/Enquiry dated 25/08/2017.

Whereas Enquiry Committee submitted his report on 25/09/2017 reporting that the said teacher has refused to give his statement on the false pretext/lame excuse.

Whereas Show Cause Notice vide No. 17066/EB (M/S-17 dated 02/11/2017 was issued on Mr. Ihsan Ul Haq SCT to explain his position in writing and appear before me undersigned for personal hearing. He was also served with statement allegation & Charge Sheet.

Whereas Mr. Ihsan Ul Haq SCT GHSS Drosh submitted his reply the Show Cause Notice on 23/12/2017 which was found un-satisfactory.

Therefore, in exercise of the power, I Mr. Ihsan Ul Haq DEO (M) Chitral being Competent Authority, under E&D Rules 2011, Rule, 4 impose Minor Penalty of deduction of one increment on Mr. Ihsan Ul Haq SCT GHSS Drosh.

(IHSAN -UL-HAQ)
District Education Officer,
(Male) Chitral.

Endst: No. 339-45/EB(M)/E-2/Enquiry dated Chitral the 8/01/2018.

Copy of the above is forwarded to the:-

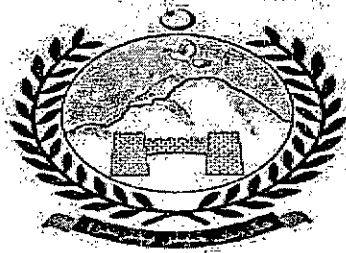
1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar for information, please.
2. Deputy Commissioner Chitral for information, please.
3. District Accounts Officer Chitral with the request to deduct one (1) annual increment of Mr. Ihsan Ul haq SCT GHSS Drosh for information, please.
4. District Monitoring Officer (IMU) Chitral for information, please.
5. Principal GHSS Drosh with the direction to deduct one (1) increment and enter into his service book and provide compliance report.
6. Teacher concerned.
7. Personal File of the teacher concerned.


District Education Officer,
(Male) Chitral.

Attested to be
True Copy


(11)

Annexure "B"



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) CHITRAL
Phone No: 0943-412627 Fax No:0943-412627

Email : www.deomchitral@gmail.com

No. 17066 /EB (M)

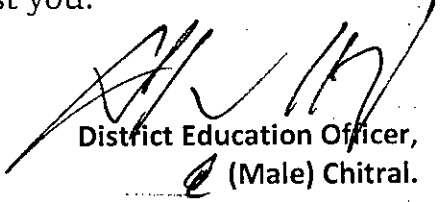
Dated: 2 / 11 2017.

To:-

**Ihsan Ul haq SCT,
GHSS: Drosh.**

Subject:- SHOW CAUSE NOTICE.

Memo: A copy of Show Cause Notice is enclosed herewith with the direction to furnish your reply within seven days of the receipt of this letter otherwise action under the rule shall be taken against you.


District Education Officer,
(Male) Chitral.

Endst: No. _____/EB(M)/S-17/Show Cause dated Chitral the ___/___/2017.

Copy to the: - Principal GHSS: Drosh.

District Education Officer,
(Male) Chitral.

*Attested to be
True Copy*



12



SHOW CAUSE NOTICE.

I Mr. Ihsan Ul Haq, District Education Officer (Male) Chitral, as Competent Authority, under the Khyber Pakhtunkhwa Govt: Servants Efficiency & Disciplinary Rules 2011 do hereby serve you, Mr. Ihsan Ul Haq SCT GHSS: Drosh as follow:


That as confirmed by the Enquiry Committee which was constituted vide Endst: No. 10021-24/EB (M)/E-3/Enquiry dated 25/08/2017 to probe your irregularity and absenteeism, you refused to give your statement to the said Enquiry Committee on lame excuses and thus I am satisfied you committed official misconduct.

Therefore, I as Competent Authority have tentatively decided to impose upon you the penalty of stoppage / deduction of one (1) increment under rule - 4 of the said rules.

You are, therefore, required to Show Cause as to why the afore said penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

If no reply to this notice is received within seven (7) days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action will be taken against you.

**District Education Officer,
(Male) Chitral.**

*Attested to be
True Copy*




(13)

Ameyake
"e"


OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) CHITRAL
Phone No: 0943-412627 Fax No:0943-412627

Email : www.deomchitral@gmail.com

No. 17942/EB (M)

Dated: 13/11 2017.

To:-


Mr. Ihsan Ul Haq SCT,
GHSS: Drosh.


Subject:- CHARGE SHEET /STATEMENT OF ALLEGATION.


Memo: A copy of Charge Sheet /Statement of allegation is enclosed herewith for your reply within a week of the receipt of this call failing which an ex-parte action will be taken against you.


District Education Officer,
(Male) Chitral.

Endst: No. _____/EB(M)/S-17/Show Cause dated Chitral the ___/___/2017.

Copy to the: - Principal GHSS: Drosh.


District Education Officer,
(Male) Chitral.

Attested to be
True Copy


14

CHARGE SHEET.

I, Mr. Ihsan- Ul- Haq , District Education Officer (M) Chitral as Competent Authority, under the Khyber Pakhtunkhwa Govt Servants E&D Rules 2011, hereby charge you Mr. Ihsan Ul Haq SCT GHSS: Drosh as follows:

1. That as confirmed by the Enquiry Committee which was constituted vide Endst: No.10021-24/EB (M) E-3/Enquiry dated 25/8/2017 to probe your irregularity and abseteeism . You refused to give your statement to the Enquiry Committee on false pretext and your reply to the Show Cause Notice issued vide No. 17066/EB (M) dated 2/11/2017 is also found unsatisfactory.

2. By reason of the above you appear to be guilty of misconduct onder the rule-3 of the Khyber Pakhtunkhwa govt servants E&D rules 2011 and have rendered your self liable to light / minor panelty of deduction/ withholding of one increment under rule -4 of the rules ibid.

3. You are , therefore, required to submit your defence in writing or personal hearing within seven days of this charge sheet and also may visit the office of the undersigned for personal hearing .

If-no reply to this charge sheet is received within seven days of its delivery it shall be presumed that you have no defence to put in hand and in that case ex- parte action shall be taken against you.



(IHSAN-UL-HAQ)
District Education Officer,
(Male) Chitral.

Mr. Ihsan Ul Haq SCT GHSS: Drosh.

Attested to be
True Copy



(15)


Annexure
"D"

STATEMENT OF ALLEGATION.

I Mr. Ihsan-Ul-Haq District Education Officer (M) Chitral as Competent Authority, am of the opinion that you Mr. Ihsan Ul haq SCT GHSS Drosh has rendered your self liable to minor penalty of deduction / withholding of one increment under Khyber Pakhtunkhwa E&D Rules 2011 (Rule-4) by committing official misconduct under rule-3 of the Rules ibid on account of your refusal to give statement to the Enquiry Committee on false excuse which was constituted vide Endst: No. 10021-24/EB (M)/E-3/Enquiry dated 25/8/2017.

You are, therefore, required to submit your defence in writing or personal hearing within seven days of the receipt of this call and may also visit the office of the undersigned for personal hearing .

If no reply within seven days is received, it shall be presumed that you have no defence to put it in hand and in that case ex-parte action shall be taken against you.


(IHSAN-UL-HAQ)
District Education Officer,
(Male) Chitral.

Mr. Ihsan Ul Haq SCT GHSS: Drosh.

Attested to be
True Copy



(16)

Annexure "E"

To,

The District Education Officer Chitral.

Subject. Reply the show cause notice .

Sir,

Respectfully stated, that an inquiry committee comprising two teachers of GHS Ursoon met me at GHSS Drosh. They could not tell me about the nature of allegations against me. They also could not disclose the complainants. They told me that they had been to GMS Beori wherefrom they had got all informations about me. As I was and am unaware about any complaint against me. Therefore I could not give any statement to the committee. That was not a false pretext and cannot be termed "misconduct". Both the teachers were much junior to me in service and equal of my scale. The allegations of absenteeism and irregularities against me are false fake, fabricated and with ulterior motives. The complainants cannot become evident and they cannot prove their concocted allegations. Moreover the charges of absenteeism and irregularities have been disproved by the honorable Head Master of GMS Beori vide his statement/reply to the inquiry committee please. That is crucial. Because that is an impartial evidence. Therefore it is most humbly requested that this chapter kindly be closed.

Begging your apology

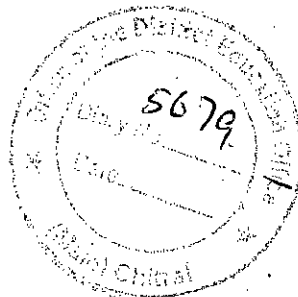
Ihsanul haq
Ihsanul haq

Sct. GHSS Drosh.

Dated... 23/12/2017

Attested to be
True Copy

HP



(17)

Annexure "F"

The honorable Director Education Elementary and Secondary Peshawar KPK

Subject: Appeal against the illegal and unlawful order of District Education Officer (Male) Chitral, Dated 08/01/2018 whereby the appellant's one increment was deducted .

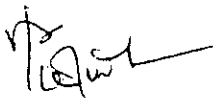
Respected Sir,

Brief facts of the present appeal are as follow.

1. That the appellant is SCT teacher and has always performed his duties regularly with great zeal and zest, as he always considered the profession of teaching as Ibadat.
2. That the District Education Officer (Male) being prejudiced against the appellant ,initiated illegal and unlawful inquiry ,in collaboration with District Monitoring Officer, resultantly the impugned order Dated 08/01/2018 was issued whereby one increment of the appellant was deducted.(Copy the of the DEO is attached mark as A)
3. That being dissatisfied from the above mentioned order the appellant preferred an application for review of the order but appellant's application was also turned down thus the instant appeal is being field on the following grounds.
 - a. That the order of the District Education Officer (Male) is illegal, un lawful, highly prejudiced, baseless, far from reality thus liable to be set aside.
 - b. That the fact the son of DEO (Male) was appearing in the SSC examination in Government High School Ayoun where then the DEO was the Principal and the appellant was a part of the examination team. The son of the DEO was found cheating and using unfair means. As per requirement of his duty the appellant snatched copies of answers from the son of the DEO. In turn the DEO expressed his indignation before the appellant and also reacted before two other teachers who later on informed me. The inquiry and the punishment is the result of above mentioned unfortunate event.
 - c. That in support of his regularity and dutifulness the appellant produces the statement of the Chairman of the concerned PTC of the concerned school. (Copy attached)
 - d. That the entire inquiry was highly mala fide and based on the suppositions and is far from real truths therefore in the result of baseless inquiry the imposition of penalty deducting appellant s increment cannot be justified at all.
 - e. That all other points will be raised at the time of hearing this appeal.

In the light of the above facts it is humbly requested that the appellant redeemed of the biased and prejudiced actions of the DEO(Male) District Chitral.

Appellant



Ihsan Ul Haq

SCT Teacher.

Government Higher Secondary School Drosh

14/2/2018

Attested to be
True Copy





**DIRECTORATE OF ELEMENTARY AND SECONDARY
EDUCATION KHYBER PAKHTUNKHWA.**

(18) Annexure "G"

No. 6600 /F.No.1035/Vol:III/Appeal of
CT/DM(M)General.
Dated Peshawar the 18/10 /2018.

To,

The District Education Officer (M)
Chitral.

Subject:- **DEPARTMENTAL APPEAL.**

Memo:-

I am directed to refer to your letter No.22336 dated 08.10.2018 on the subject cited above and to state that the appeal of Mr. Ihsan-ul-Haq SCT GHSS Drosh Chitral in light of DEO(M) Chitral report is hereby rejected.

I am further directed to ask you to inform the teacher concerned accordingly.

[Signature]
Deputy Director (Estab :)
Elementary & Secondary Edu
Khyber Pakhtunkhwa Peshawar.
11/10/18

Undst: No. _____

- 1. P.A to Director Elementary and Secondary Education local office.

Deputy Director (Estab :)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar.

E/B
In form the
Said teacher about
appeal.
23/10/18

The content of the
letter shared on
31/10/2018

400
24/10/2018

Attested to be
True Copy
[Signature]

Amn...
"H"
بیان حلفی / شہادت

مگر مسی حسام الدین چیز مین پی۔ٹی۔سی کونسل گورنمنٹ مڈل سکول بیوڑی حلفاً بیانی ہوں کہ مسی احسان الحق سی۔ٹی گورنمنٹ مڈل سکول بیوڑی اپنی ڈیوٹیاں سکول ہذا میں احسن طریقے سے سر انجام دیتا رہا ہے۔ یہ ایک ریگولر اور فرض شناس استاد ہے۔ اس نے سکول ہذا میں اپنی تعیناتی کے دوران کوئی غیر حاضری اور بے قاعدگی کا ارتکاب نہیں کیا ہے۔ چیز مین پی۔ٹی۔سی کونسل کی حیثیت سے میں نے یا پی۔ٹی۔سی کونسل نے اس کے خلاف کوئی شکایات وغیرہ نہیں کی ہے۔ اور نہ ہی عوام بیوڑی کی طرف سے اس کے خلاف کوئی شکایات ہیں۔ ہم ان کی ڈیوٹی اور پڑھائی سے مکمل طور پر مطمئن ہیں۔

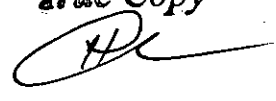
میرا ابھی یہ بیان اور شہادت ہے
نور الحق ممبر پی۔ٹی۔سی کونسل
گورنمنٹ مڈل سکول بیوڑی
15201-05994/5-7

لھذا یہ میرا بیان اور شہادت ہے۔
15201-05676/5-7
حسام الدین چیز مین پی۔ٹی۔سی کونسل
گورنمنٹ مڈل سکول بیوڑی۔

المرقوم۔ 10/08/2017

قلم نمبر پی۔ٹی۔سی ممبر
مڈل سکول بیوڑی صیانتہ
15201-0556397-5

Attested to be
True Copy



20

Annexure "I"



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) CHITRAL PHONE NO.0943-412627 EMAIL ADDRESS: deomchitral@gmail.com

No. 23343 EB/(M)S-1/S/Cause Dated: 27/10/2018.

To,

The Principal, GHSS Drosh.

Subject DEPARTMENTAL APPEAL.

Memo:

Please find enclosed herewith departmental appeal received from the Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar for information and necessary action. (Encl as above)

[Signature]
District Education Officer,
(Male) Chitral.

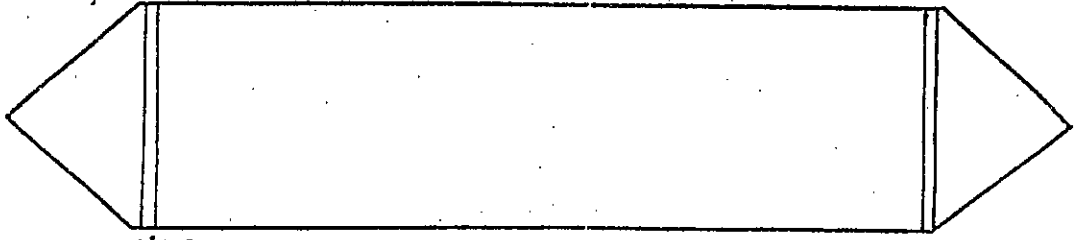
Endst: No. _____
Copy to the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar with ref to his No & date as referred to the above for information, please.

[Signature]
District Education Officer,
(Male) Chitral.

Attested to be True Copy

[Signature]

بعدالت خدیجہ انٹرنیٹ سروسز ٹرسٹوئل لٹیاور



2 منجانب
احسان الحقی بنام
ڈیٹی ڈیٹا سروسز
سکٹر SCT

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کلمہ کاروائی متعلقہ
آن مقام لٹیاور کیلئے ماہر محمود احمد سے رجوع کر کے درخواست کی گئی ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
دکیل صاحب کو راضی نامہ کرنے و تقرر ثالثتہ فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یا کیٹرفہ یا اپیل کی برادگی اور منسوخ
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کیلئے سے دہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا اوکالت نامہ لکھد یا کہ سند ہے۔

المرقوم 27 ماہ دسمبر 2018

بمقام لٹیاور کے لئے منظور ہے۔
0333-9176975
0321-9189277 سہیل عمر

BEFORE KHYBER PAKHTUN KHAWA SERVICE TRIBUNAL PESHAWAR.

SERVICE APPEALS NO, 24/2019.

Ihsanul Haq CT.....Appellant.


VERSUS.

Director Elementary & Secondary Education Khyber

Pakhtunkhawa & Others.....Respondents

AFFIDAVIT.

I Muhammad Wali Khan BPS-16 Assistant Office of the undersigned CNIC No, 15201-1017848-7 do hereby solemnly affirm and declare on oath that the contents of accompanying Para wise comments on behalf of respondent No,1 to 4 are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Service Tribunal.



DEPONENT
CNIC No, 15201-1017848-7

Identified by:-

Advocate General
Khyber Pakhtun Khawa
Peshawar.

BEFORE KHYBER PAKHTUN KHAWA SERVICE TRIBUNAL PESHAWAR.

SERVICE APPEALS NO, 24/2019.

Ihsanul Haq CT.....Appellant.

VERSUS.

Director Elementary & Secondary Education Khyber

Pakhtunkhawa & Others.....Respondents

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S.No,	Description of documents.	Annexure	Pages
1.	Comments	--	1-6
2	Affidavit	--	7
3	Service Appeal No, 686/2014 dismissed by this honorable Tribunal dated 15/05/2015.	Annexure-A	8-11
4	FIR against the appellant No, 179 dated 1/7/2013 & Suspension Order of the said teacher Endst: No, 6549-53 dt 17/7/2013.	Annexure-B	12-13
5	Detail absenteeism Report by the concerned Headmaster dated 2/11/2012, 12/12/2012, 23/5/2014, 27/3/2015 & 10/8/2015.	Annexure- C to G	14-19
6	Report against the appellant by the Community dated 9/3/2013,8/6/2013 & 30/12/2015.	Annexure- H.	20-27
7	Report against the said teacher by the District Monitoring Officer (Syed Mazhar Ali Shah dated 24/05/2017.	Annexure-I	28
8	Absent dated 7/12/2011 at the time of surprise visit by the District Education Officer (Male) Chitral.	Annexure-J	29-30

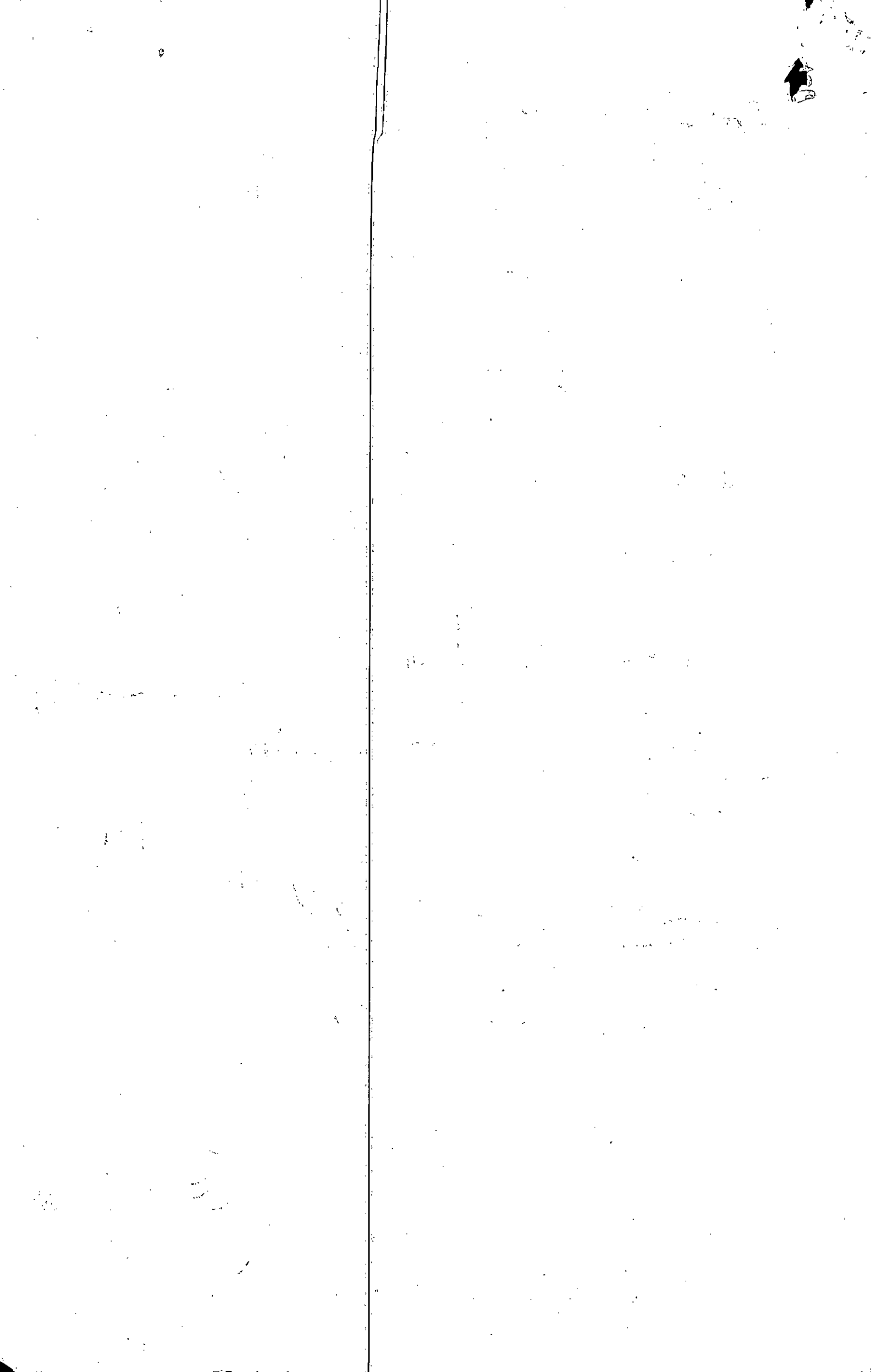
9	Copy of personal application for transfer & a court suit No,180/1 dated 14/12/2011 (Dismissed on 31/3/2013)	Annexure K&L.	31-36
10	Complaint against the said teacher due to absenteeism dated 24/5/2017, institution of inquiry committee, recommendations of the committee, show cause notice No,17066,charge sheet Endst:No,17943 dated 13/11/2017,reply of show cause by the appellant dated 23/12/2017,rejection of the appeal by the DEO(M) Chitral letter No, 1532 dated 27/1/2018, order of minor plenty of deduction of One increment and final deduction report by the concerned H/M.	Annexure M to U.	37-46
11	Lower Court decision related to the appellant 5/7/2014.	Annexure-V	47-55
12	Copy of efficiency & discipline rule 2011.	Annexure-W	56-67

dated 14/12/2011
the court suit No,180/2011
the appellant dated 23/12/2017
of 1532 dated 27/1/2018


District Education Officer
(Male) Chitral.

11 Lower Court decision related to the appellant
12 Copy of efficiency & discipline rule 2011

Annexure-V
Annexure-W



BEFORE KHYBER PAKHTUN KHAWA SERVICE TRIBUNAL PESHAWAR.

SERVICE APPEALS NO, 24/2019.

Ihsanul Haq CT.....Appellant.

VERSUS.

Director Elementary & Secondary Education Khyber

Pakhtunkhawa & Others.....Respondents

BEFORE KHYBER PAKHTUN KHAWA SERVICE TRIBUNAL PESHAWAR.

Respectfully Shewth:-

Preliminary Objections:-

VERSUS:

The Respondents submit as under:-

.....respondents

1. The appellant has got no cause of action/locus standi to file the instant appeal.
2. That the appellant has been stopped by his own conduct to file the appeal.
3. That similar nature appeal of the appellant Service Appeal No.686/2014 was already dismissed on 15/05/2015 by this Honorable Tribunal. (Copy attached as Annexure-A).That the impugned order dated 18/10/2018 and 08/01/2018 passed by the respond No, 1 and 4 is in Public interest and according to policy.

1. The appellant has got no cause of action/locus standi to file the instant appeal.
2. That the appellant has been stopped by his own conduct to file the appeal.
3. That similar nature appeal of the appellant Service Appeal No.686/2014 was already dismissed on 15/05/2015 by this Honorable Tribunal. (Copy attached as Annexure-A).That the impugned order dated 18/10/2018 and 08/01/2018 passed by the respond No, 1 and 4 is in Public interest and according to policy.

4. That the instant appeal is not maintainable in the Eye of law, hence liable to be dismissed.
5. The appellant concealed the material Facts and kept this Honorable Tribunal in dark.
6. That the appellant has not come to this Honorable Tribunal with clean hands.
7. The instant appeal is based on malafide intention, hence liable to be dismissed.
8. That a big plethora of public complaints have been received against the Appellants school duty and his performance in the various schools is always a question mark.

ON FACTS:-

1. Incorrect and denied. The appellant is presently serving as CT BS-15 at GHSS Drosh not SCT BPS-16.
2. Incorrect & denied. The appellant has never served unblemishly rather his whole service record is a plethora of complaints, against the present appellant regarding his involvement in various violations of Service rules, Policies etc, including :-
 - i. FIR report by the Police Department against the appellant No,179 dated 01/07/2013 U/S 302/34/109 PPC and Suspension order by the Education department No,6549-53/EB(M)S-16/SUS/CT dated Chitral the 17/07/2013(Copy attached as Annexure B).
 - ii. Detailed Report by the concerned Headmaster against the same teacher dated, 02/11/2012, 12/12/2012, 23/05/2014, 27/03/2015 and 10/08/2015 (Copy attached as Annexure-C, D, E, F & G).

- iii. Report against the appellant by the community dated 9/03/2013, 8/06/2013 and 30/12/2015 (Copy Attached as annexure H).
 - iv. Report against the said teacher by the District Monitoring Officer (Monitoring Unit) Syed Mazhar Ali Shah dated 24/05/2017(Copy attached as annexure-I).
 - v. Absent dated 07/12/2011 at the time of Surprise visits by the District Education Officer Chitral. (Copy attached as annexure-J).
3. Incorrect & denied. As stated above Para's the present Appellant has never performed his duty regularly, rather has involved in Different Court Cases/Litigations as has reported by the noble citizens as well as his personal statements dated 14/09/2013 reveals all the facts and figures. Furthermore his wife Mst, Wasima Bibi also instituted suit No, 180/1 dated 14 December 2011 Versus 36 noble persons of the Villagers and was dismissed by the same Court dated 31/03/2013 (Copy of the personal statement of the present appellant and court decision Suit No, 180/1 dated 14/12/2011 is attached. as annexure-K & L).
4. Incorrect & denied. As District Monitoring Officer (IMU) have reported regarding habitual absenteeism of the present Appellant and competent authority had constituted an inquiry committee to probe into the matter. The committee has also submitted its report against the Present Appellant and on the basis of the said inquiry report a minor plenty of deduction of One Increment only, was imposed upon the appellant. Hence no prejudiced action has been instituted against the present Appellant and is well according to the rule/laws & policy. (Copy of DMO letter,

institution of inquiry committee, recommendations of the inquiry committee, show cause notice Endt; No, 17066 dated 02/11/2017, Charge Sheet/statement of allegations Endst;No,17943/EB dated 13/11/2017, reply of show cause by the appellant dated 23/12/2017, rejection of the appeal by the DEO(M) Chitral Endst;No, 1532/EB dated 27/01/2018, Order of minor plenty of deduction of One Increment by the competent authority and final deduction report by the concerned Headmaster is attached as (Annexure M, N,O,P,Q,R,S,T &U).

5. Incorrect and denied. Answer has been stated above at Para's.

6. Incorrect and denied. This Para is the sweet will of the applicant and is not part of Rule/Policy. All Govt: Servants/incumbents are treated well according to Government policy, rules and laws.

7. Incorrect and denied. Submission of reply to any explanation/show cause/Charge sheet and statement of allegation however does not mean acquitted from all sorts of allegation. Hence the Appellant has been treated well according to the rule and Policy.

8. Answer has been given at para-2, 4 and 7 already, hence needs no further comments.

9. Incorrect and denied. Being Government Servant, the appellant has remained involved, in different activities contrary to Service rule including his habitual absenteeism, resulting recovery of 61 days of pay Rs. Was deducted, FIR Report, DMO Report, concerned Headmasters, Community report and also surprise visits/inspection by the DEO, reveals that the appellant has never remained fair and devoted to his service. The present appellant approached to lower court Chitral and the same case was

dismissed by the court on 5/7/2014. (Copy attached as annexure-V).

The Appellant had also appealed to this honorable Tribunal before, against his Transfer, where his case was dismissed dated 15/05/2015 (Copy already attached as annexure A.)

ON GROUNDS.

- A. Incorrect and denied. The Respondents have acted as per law, rules and procedure and have not violated any kind rights of the Appellant in the instant appeal. Hence this ground is also liable to be rejected.
- B. That, the contents of Para A is incorrect. As no wrong and illegal act was done against the appellant. The whole proceeding from constitution inquiry committee and imposition of plenty is legal and according to service rules.
- C. Para-C is also incorrect and denied. The matter of fact is that both teachers of the inquiry team are Gazetted regular SSTs and are Senior to the appellant.
- D. Para-D is incorrect. Minor plenty of deduction of one increment is according to Khyber Pakhtun Khawa Government Servants Efficiency & Discipline Rule 2011, (Rule-4-a) and also by the competent authority. (Copy of the rule is attached annexure W).
- E. Incorrect and denied. Detail reply has been given above.
- F. Incorrect and denied. The said appellant has always been problematic for the department, and was suspended from Service on account of his illegal activities, light penalty of recovery of 61 days was also imposed on him on account of his absenteeism. This

Office has also received numerous complaints against him in the past as well. The appellant is a habitual litigant and moved to the Court on petty matters. But to no avail. (Copy of the recovery is already attached as annexure-U).

- G. Para -G is also denied. Detail reply has been given above Para's.
- H. Incorrect and denied. The appellant's regularity is always a question mark. The same statement annexured by the appellant is bogus, and have no value.
- I. Incorrect and denied. That the Findings of inquiry about the allegations were carried out in order to probe the matter of misconduct and absenteeism while observing the rule of law and accordingly order dated 18/10/2018 and 08/01/2018 was passed by the Respondent No, 1 and 04.
- J. The respondents seek leave of this Honorable Tribunal to submit additional grounds and records at the time of the arguments.

In the light of the above made submission, it is requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant appeal in favor of the Respondent department.

Director,
E&SE Khyber Pakhtun Khawa
Peshawar Respondent No,1

Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

District Education Officer
(Male) Chitral.
Respondent No, 4

Deputy Director,
Establishment E&SE Khyber
Pakhtun Khawa Peshawar.
Respondent No,2

Secretary,
Education, E&SED Khyber Pakhtun
Khawa Peshawar. Respondent No, 3

Director,
E&SE Khyber Pakhtun Khawa
Peshawar, Respondent

(Am-5)

8

Annexure
A

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 763 /ST

Dated 20 / 05 / 2015

To:
The District Education Officer ((Male)
Chitral..

Subject: - Appeal Nos.686/2014 Ihsan Ul Haq VS DEO Chitral and others.

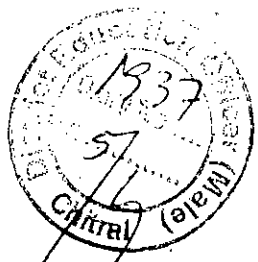
I am directed to forward herewith a certified copy of order dated 15.05.2015 passed this Tribunal on subject appeal for strict compliance.

Encl: As above

REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

ADS Physical/E/P
for record
JK
9/6/2015

Recd P.S.
h



[Signature]
District Education Officer
Male Chitral

①
Date of
order/
proceedings

Order or other proceedings with signature of Judge/Magistrate

1

3

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL.
PESHAWAR.

Appeal No. 686/2014

Annexure - (A)

Ihsanul Haq Versus District Education Officer, Chitral etc.

15.05.2015

PIR BAKHSH SHAIK, MEMBER:- Appellant with

counsel (Muhibullah Tarichvi, Advocate) and Mr. Ziaullah,
Government Pleader for the official respondents present.

2. Appellant Ihsanul Haq, a C.T Teacher in the Education Department was transferred from GHS Sweer to GMS Romboor vide impugned order dated 14.4.2014. On the next day vide order dated 14.4.2014 one Abdul Nasir Shah (respondent No. 4) was transferred from GHS Arandu to GHS Sweer. The appellant filed departmental appeal which was not decided in his favour vide order dated 28.04.2014. hence this service appeal before this Tribunal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.

3. Arguments heard and record perused.

4. The learned counsel for the appellant submitted that the appellant is living in Chikidam Darosh, Chitral which is with a distance of 10 Kilometers away from school in village Sweer unlike Ramboor at a distance of 65 KMs. That there is none to take care of his family which consists of three sma

Distt. Education Officer
Chitral

children and a young wife living in Drarosh. That the appellant has not yet completed his tenure of three years but was transferred which is against the posting transfer policy of the government. He requested that the appeal may be accepted and the impugned orders may be set aside.

5. This appeal was resisted by the learned Government Pleader that the appellant had questioned the impugned order in the Civil Court but when his stay application was rejected, he was no more interested in that Suit which was dismissed in default and to prolong the processes application for restoration of the Suit is still pending before the Civil Court. The learned GP further stated that the appellant is abusing process of the civil court as well as this Tribunal. It was further argued that respondent No. 4 has been made a party but no departmental appeal was made against the order dated 15.04.2015 for which reason the appeal is not maintainable. It was also argued that transfer of the appellant was made because Head Master of the GHS Sweer was dissatisfied with his performance. He submitted that the impugned transfer order was made in the public interest, and requested that the appeal may be dismissed.

6. We have heard arguments of the learned counsel for the parties and perused available record.

7. From a thorough perusal of the record, it transpired that Incharge Headmaster GHS Sweer was dissatisfied with

District Education Officer
Male Chitral

(Handwritten mark)

11

Chitral for the transfer of the appellant. No government posting transfer policy seems to have been violated by the impugned order. It reveals from Memo. of appeal that instead of the legal grounds, the appellant wants transfer of his choice on humanitarian grounds. This Tribunal is of the view that there would be more deserving CT Teachers to be accommodated on humanitarian grounds but it is evident that humanitarian grounds cannot be made a rule in government business. The Tribunal does not find that a case has been made out for interference of this Tribunal hence we would not like to interfere in the impugned orders. Summing up the discussion, this appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED
15.5.2011

Edy Jis ...
Member
Edy ...
Member

(Handwritten signature)
(AE)
SON

(Handwritten signature)
District Education Officer
Male Chitral

Supervisor (12)

~~DR~~

From:

The Superintendent of Police,
Investigation Chitral.

To:

The District Education Officer,
Chitral.

137

Annexure
"B"

No. 3305

/R, dated Chitral the 05/07 /2013.

Subject:

**CASE FIR NO 179, Dated 01/07/2013 U/S 302/34/109 PPC
POLICE STATION DROSH.**

Memo:

It is submitted for the information of your good self that accused Ihsan-ul-Haq s/o Muhammad Aziz r/o Shishikoh presently at Chikidam Drosh has been arrested in the above subject case, who is serving in your respective Department as CT Teacher at Govt: High School Sweer.

Superintendent of Police,
Investigation Chitral *EM*

No.

/R, dated Chitral the / /2013.

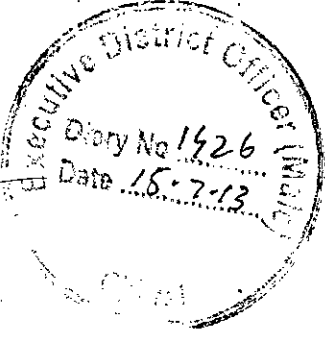
action.

Copy to OII Police Station Drosh for information and necessary

BFB

Rev. of a D

13 ⁷/₁₃



[Signature]
District Education Officer
Male Chitral

shower dh - Chitral on 07/07/13

(13)

~~183~~

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) CHITRAL.

OFFICE ORDER.

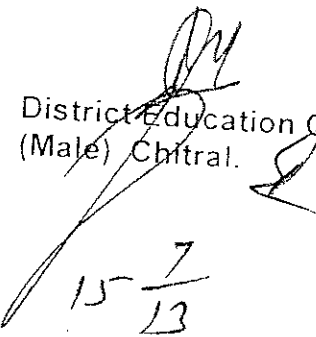
Consequent upon his involvement in F.I.R No (179) dated 01/07/2013 U/S 302/34/109/PPC Police Station Drosh and arrested by local police Mr. Ihsanul Haq S/O Muhammad Aziz CT GHS: Sweer r/o Shishikoh District Chitral is hereby suspended from service with immediate effect under the rule.

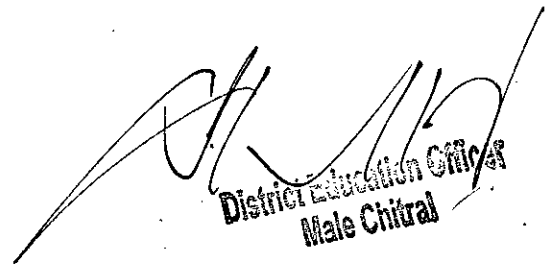
(Nisar Muhammad)
District Education Officer,
(Male) Chitral.

Endst: No. 6549-53/EB (M) S- 16 /Sus: /CT. Dated Chitral, the 16/7/2013.

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Copy to the:-
 Superintendent of Police (Investigation) Chitral with ref: to his NO and dated as referred to the above for information, please.
 District Accounts Officer Chitral.
 Headmaster GHS: Sweer with the remarks that necessary entry should be made in the service book of the accused teacher.
 Teacher concerned.
 Disciplinary cases file of CT.


 District Education Officer,
 (Male) Chitral.
 15-7-13


 District Education Officer
 Male Chitral

(B)

شماره: 2012-11-11

(14)

~~116~~

(C)

نمبر 70-269

پرنسپل گورنمنٹ ہائر سیکنڈری سکول دروش چترال

احسان الحق CT پرنسپل گورنمنٹ ہائر سیکنڈری سکول دروش

مضمون: غیر حاضری
Annexure: 6

یادداشت: آپ احسان الحق CT ایگزیکٹو ڈائریکٹ ایف بی ایف

سراج محمد خان صاحب سکول دروش کے اجازت دینے کے دن یعنی

نومبر 29¹⁰/₂₀₁₂ کو بغیر اطلاع کے غیر حاضری کیا گیا ہے۔

لہذا آپ کو بدانتظامی کی اطلاع ہے کہ بغیر اطلاع کے غیر حاضری کی

وضاحت تحریری طور پر کریں بصورت دیگر آپ کی تنخواہ سے

کٹوتی کی جائے گی۔

PRINCIPAL
Govt. Higher Secondary School
Drosh Chitral

Dist. No: 5706
Date: 3/11/2012
Chitral

نقل خدمت ای ڈی او ایف بی ایف / ہائر سیکنڈری

الحوکیش چترال

E/B (CM)
ASK

Progress

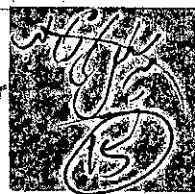
2/11/12

District Education Officer
Male Chitral

2/11/15

11/12/2012

نمبر ۱۱



Annexure

278

بجانب :- پرنسپل گورنمنٹ ہائیر سیکنڈری سکول دوش

بجانب :- ضابڈی او جی ایچ ایگنٹری اینڈ سیکنڈری ایجوکیشن دشتال


مضمون :- احسان الحق جے پی ٹیجر کے خلاف شہادت

یادداشت :- سہما احسان الحق جے پی ٹیجر کے خلاف ایف ایچ جلیڈ ایم بندرلی

محمد شریف ریٹائرڈ صوبیدار تحریر کی طور پر شہادت کی ہے م مذکورہ استاد
گماؤں کے قصبات وغیرہ کے خلاف تھانوں وغیرہ میں شہادت درج کرواتا ہے اور سکول کے
بچوں سے گھر پر کام کرواتا ہے۔

گنڈا رپورٹ پیش خدمت ہے م مذکورہ استاد کے خلاف جانبدار پٹی کے ذریعہ
انکوائری کر دیا جائے۔ نیز اس سے پہلے بھی ایسی مقدمہ DD کے ذریعہ انکوائری کرایا گیا ہے۔
جو مستحکم ثابت ہو اور انضامی کارروائی عمل میں لایا جائے۔

متعلقہ درخواست وغیرہ منسلک ہیں۔


PRINCIPAL
Govt. Higher Secondary School
Dosh Chitral


13/12/12

D.O. M
Discuss
12/12/12

for m 1 9

12/12/2012

12/12/12


District Education Officer
Male Chitral
6259
13/12/2012

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23/5
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Annexure E
حکومت جناب دستک ایجوکیشن افسر چترال
عنوان: کارکردگی رپورٹ احسان الحق C.T.

جناب عالی:

مورد نام گزارش ہے کہ احسان الحق C.T گزشتہ سال 2013 کو GHS (روٹس) سے ٹرانسفر ہو کر GHS سوئیر آیا ہے لیکن عدالتی حکموں، ذاتی مصروفیات اور ذہنی الجھنوں کی وجہ سے نہ صرف سکول قوانین کی خلاف ورزی کرتا ہے بلکہ بچوں کی قیمتی وقت بھی ضائع کر رہا ہے۔ اور سکول انتظامیہ کے بار بار شکایت کے باوجود بھی اس کے خلاف کوئی قانونی کارروائی نہیں کی جاتی۔ جس کی وجہ سے وہ اپنی کوتاہی اور غلطی کو اپنے فحیح اور ڈیپارٹمنٹ کی ناپہلی اور کمزوری سمجھتا ہے۔ سکول ہیڈ ماسٹر یا انچارج کے پاس ایسے اختیارات نہیں ہے جو خود اس کے خلاف تادیبی کارروائی کریں۔

جناب والد:

انچارج کے بار بار تاکید کے باوجود وہ ڈیڑھ سال میں ایک دفعہ ہی سکول الیمین میں نہیں پہنچ سکا۔ گزشتہ روز ہیڈ ماسٹر کے اس بات کی جواب طلبی پر ہیڈ ماسٹر پر ہاتھ اٹھایا۔ جس کا رپورٹ بھی دروش تقانے میں درج کیا گیا ہے۔ اب میں سال کے اندر اس کی کارکردگی کی وضاحت کرتا ہوں۔

- (1) 2013 کے اندر اس کے کل درکنٹ دن - 112 ہیں۔
- (2) مختلف طریقے سے چھٹیال لے لیں - 87 ~~88~~ جس کی وضاحت یہ ہیں:-
- (3) 7-4/2013 تا 7-4/2014 تک اس نے 34 رخصت لے لی۔ (Casual leave)
- (4) 8/2013 تا 8/2013 تک (20) دن قتل کے الزام میں جیل میں رہا۔
- (5) Earn leave کے مد میں 8/2013 تا 11/2013 کے درمیان 22 دن چھٹی لے لی۔
- (6) 10/2013 تا 11/2013 تک رینڈر ریفر کر کے 11 دن چھٹی لے لی۔ (Medical leave)

جناب والد:

2013-06-30 کو اس کے خلاف FIR درج ہو گیا تھا۔
2013-07-16 کو اس کو suspended کیا گیا۔ اس کے بحال کے بعد دوبارہ سکول جانے لیا تھا۔
2013-08-11 کو اس کو رینڈر ریفر کر کے 11 دن چھٹی لے لی گئی تھی۔

District Education Officer
Male Chitral


نے ایجوکیشن انس کے تبدیلی آرڈر کو نمٹانے ہوئے عدالت سے رجوع کیا۔ اسکی
بلد دوسرا استاد آکر چارج لیا۔ لیکن یہ خود اقباری کے تحت اسٹاف حاضری
رہسٹری میں حاضری لگاتا رہا۔ اگرچہ یہ کھلے کے حکم کے مطابق سکول سے خارج تھا۔
عدالت نے اس کو جوں کی توں رہنے کا حکم دیا۔ تو یہ اس حکم نامے سے ایجوکیشن امور

کو بے خبر رکھا اور سکول آکر خود اقباری سے سکول رہسٹری میں Order Cancelled
کھنکھتہ دھارہ حاضری لگانا شروع کیا۔

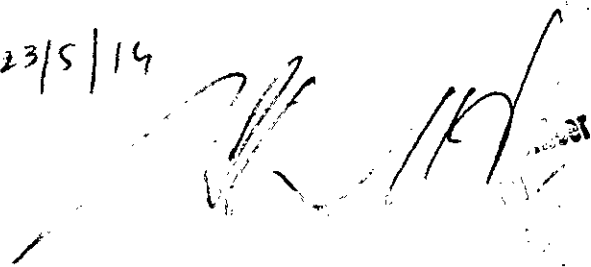
اس کے علاوہ انہی مرضی سے casual leave لگانا، انس آرڈر چھانا، اساتذہ
اور طلباء کے ساتھ برا رویہ رکھنا اسکی نااہلی کا منہ بولتا ثبوت ہے۔

ہیذا استدعا ہے کہ مذکورہ بالا کارکردگی کو پیش نظر رکھتے اس کا قبیلہ
درجہ تیار کیا جائے اور طلباء کا قیمتی وقت بچایا جائے۔ ان کا اس سکول میں
والس آنا نہ اساتذہ کو منظور ہے اور نہ طلباء اور کیونٹی کو منظور ہے۔

انچارج ہیڈ ماسٹر GHS سوئیٹ


23/5/2014
HEAD MASTER
GHS SWEET
CHITRAL

23/5/14



No 368

18

Dated 27 /03/2015.

From,

The Headmaster,
Govt High School Sweer.

To,

The District Education Officer,
Chitral.

Subject:

COMPLIANT AGAINST IHSANUL HAQ CT.

Memo,

I would like to inform you that Mr. Ihsanul Haq C.T has been transferred to GMS Rombor last year and relived from this school on 15/04/2014 his salary stoped by the DDO GHS Sweer, but he has not taken charge at GMS Rumbor.

The said teacher is coming to this school irregularly, not in time and not in proper manner with disturbing school atmosphere . the Head of the school already informed to the higher authority to take strict action against him. But no substantial step has been taken. The PTC of this school also passed a resolution and copy of resolution submitted to DEO Office Chitral.

It is therefore requested that strict action may please be taken against him or it is not possible then bound him to perform his duty with punctuality and regularity by written order, otherwise the school administration has no responsibility if any disturbance created by the said teacher.

[Signature]
Headmaster
Govt High School Sweer

*P/A
put to DEO (M)
for consideration
and action please
Lh
28/3*

*E/B
for N/A
Lh
30/3/2015*

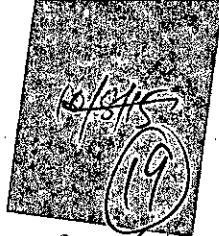
*DY-DEO (M)
Tuch the
Complaint about
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all*

[Signature]
District Education Officer
Male Chitral

27/3/15



گورنمنٹ ہائی اسکول



22

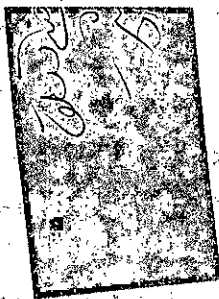
میں لکھن انچارج ہڈ ماسٹر ٹوٹنٹ عالی سکول سوئیر انکوڈرٹی کمیٹی صاحب سے
ہڈ ماسٹر اور شاپنسن ADEO کے افسر کے لئے لکھتے ہیں۔ یہ امر اس کے لئے لکھتے ہیں۔
کے بارے میں جو رپورٹ پیش کی گئی ہے۔ وہ حقائق پر مبنی ہے۔

Annexure

اس لئے 28⁰²/₀₁₃ کو HSS ڈاؤن سے HSS سوئیر انکوڈرٹی انفر سوا۔ 2013 اور 2014
کے دوران اس 34 دن Leave لی۔ 2013 اور 2014 کے دوران 302 کے
انفر میں جوڑنا نالغائے میرا۔ 2013 اور 2014 میں 22 دن E/Leave لیا۔
2013 اور 2014 میں 30⁶/₂₀₁₃ کو بھون کے خلاف بحرم
302 میں FIR درج ہوئی۔ اور 16⁰⁷/₂₀₁₃ کو 302 کی طرف سے Suspend ہوئی۔
توضیح 14⁰⁴/₂₀₁₄ کو HSS سوئیر سے HSS ریمور ADEO کی طرف سے تبادلہ کیا گیا۔
انفر کے خلاف اس عدالت رجوع کیا۔ عدالت کے آرڈر کو اس نے اپنی مرضی کے مطابق اٹھایا
کرتے ہوئے انفر آرڈر کو نہ ماننے سے HSS سوئیر انچارج۔ لیکن زبردستی اس کو
سکول آنے سے روکا۔ مگر وہ مانتے سے انکار کیا۔ اور وقتاً فوقتاً سکول آتا رہا۔
اور سکول کے تعلیمی ماحول کو ڈسٹرب کرتا رہا۔ بار بار DEO کے لئے
کو اس کے بارے میں پٹیلی فون پر آگاہ کرتا رہا۔ اور ساتھ ہی گورنری
رپورٹ بھی ارسال کیا۔ آخر کار عدالت اس کے خلاف آیا۔ یوں وہ HSS

10/08/15
HEAD MASTER
GMS SWEER
CHITRAL

District Education Officer
Male Chitral



20

(H)

OFFICE OF THE
DISTRICT EDUCATION OFFICER,
(MALE) CHITRAL.

NO. 6514 /EB (M) /D-7/D/Cases/CT.

Dated Chitral the 9/7 /2013.

Annexure - H 22


To:-

Mr. Ihsanul Haq CT.
GHS: Sweer. R/O Village Kalas Shishikoh.

Subject:- ILLEGAL INTERFERENCE IN VILLAGE ACTIVITIES.
Memo:


With reference to the complaint submitted by the inhabitant of village Kalas Shishikoh that you have been involved in illegal interference / village activities in Kalas.

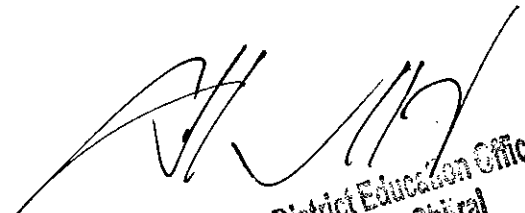
Therefore, you are, directed to explain your position as to why disciplinary action should not be taken against you under the rules for the above illegal interference/ activities. Your reply should reach this office within three days of the issue of this call.


District Education Officer,
(Male) Chitral.

Endst: No. 6515

Copy to the: - Wali Rahman & others village Kalas with ref: to their complaint for information.


District Education Officer,
(Male) Chitral.


District Education Officer
Male Chitral

عربی

180

(21)

خدمت جناب E.D.O صاحب حکم ایجوکیشن ڈیپارٹمنٹ
دراختیار است براد کاروائی کرن برصوف آ
اسمان الکون ساکن حکم ایجوکیشن ڈیپارٹمنٹ

جناب عالی
میدیکر متذکرہ بالا میٹر سوسائٹیز میں تعلیمات سے
متعلقہ ہر ماہ میٹر سوسائٹیز کے سربراہ اور سربراہان کی خدمت سے
وہ اکثر اوقات عدالتوں میں پیش کیا گیا ہے۔ مختلف
معدلات میں عدالت میں۔
اس کی دیدہ کن زندگی کو مزید مزید ہر ماہ شہر کے اجرائی
کروا گیا ہے۔ ہر ماہ ہر ماہ ہر ماہ ہر ماہ ہر ماہ ہر ماہ ہر ماہ ہر ماہ
سربراہان کی خدمات کے لیے لیا گیا ہے۔

1093
8/6/13

حرم کیوں دیدہ اس بات پر حرام ہے کہ حکم
تعمیر میں یہ انداز لیا گیا ہے کہ شروع میں یہ حکم ایک
سرکار سے ہر ماہ ہر ماہ ہر ماہ ہر ماہ ہر ماہ ہر ماہ ہر ماہ ہر ماہ
یہ ہے۔ ہر ماہ ہر ماہ ہر ماہ ہر ماہ ہر ماہ ہر ماہ ہر ماہ ہر ماہ

جناب سرکار ایجوکیشن ڈیپارٹمنٹ کے سربراہان ہر ماہ ہر ماہ ہر ماہ ہر ماہ
جناب DC جناب ڈیپارٹمنٹ کاروائی لیا جا کر ہر ماہ ہر ماہ ہر ماہ ہر ماہ
اس میں

یہ ہیں ہر ماہ ہر ماہ ہر ماہ ہر ماہ ہر ماہ ہر ماہ ہر ماہ ہر ماہ
عربی

E/PB (M)
for record
and N/A
8/6/13

8/6/13

Secretary
Central

(Annexure A)

(29)

(4)

39

کے تحت جناب ڈسٹرکٹ ایجوکیشن ماہر جنرل

معمولہ دروازے مراد قانون / حکم نامہ لاہور بر حوالہ
احسان الحق و لہ محمد عزیز رحمہ ساکن مدرسہ پنج

خبر نامہ

۱۔ ایک سائلوں گاؤں مالاش سبستی کوہ سے آجانی باشندے ہیں
انہ 89 گوانوں سے شرابچیان ہیں۔ ایہ یعنی 2000 سے
عہدیداران و ممبران ہیں

۲۔ ایک سائلوں کا حصہ رائیلی حکومت کی طرف سے بذریعہ SFMC
انتہائی شفاف طریقے سے گاؤں سے لوگوں کو ادا کیا ہے۔ مذکورہ
بالا شخص کا سائلوں کے حصے رائیلی سے کوئی تعلق واسطہ نہیں ہے



۳۔ ایک مذکورہ بالا شخص شرابی ملازم ہونے سے باوجود مختلف فورمز
میں سائلوں سے حلف لے بنیاد درخواستیں دیکھتا سائلوں
کو ذہنی پریشان اہمال تعلق بنھار یا ہے۔ انہ گاؤں سے لوگوں کے
اعمال و اتقات کو تعلق بنھار یا ہے۔ انہ تعلق امن کا مسئلہ پیدا
کر رہا ہے

ADD (EAB)
A Form
28/2

۴۔ ایک مذکورہ شخص ایک تحریک میں ذہنیہ رکنا ہے اور سببیں جامع ہسپتال
قتل میں ملوث رہا ہے۔ مذکورہ حال اس کے حلف حکم نامہ لاہور
نے ہونے کی وجہ سے اس کی فریاد حوالہ اذرائی ہوئی ہے

گزارش ہے کہ مذکورہ بالا شخص سے حلف
قانون / حکم نامہ لاہور کا حکم صادر فرما کر
مسکد فرانس انہ سائلوں کو تعلق بنھار یا سے دلائل

الفصل
سائلوں شرابچیان 89 گوانوں

[Signature]
District Education Officer
Male Chitral

... was dissatisfied with

(29) دستخط / اشعارت

C.N.I.C
15201-0594995.5
152013273525.3

نام
12
28

15201.9342791.5

15201.0529000.7

ولید الرحمن

علی اعظم خان

محمد

2 - ولی الرحمن

3 - علی اعظم خان

4 - سید زمان

15201-7101778-3

15201-0605291.3

محمد

5 - بھوان الدین

6 - محمد کریم

15201-2138451-3

محمد علی

7 - محمد عادل الدین

15201.3989390.7

15201.0603270-9

15201.0595285.9

محمد

محمد

8 - مشرف خان

9 - عبدالستار

15201-2300182.5

15201.6074567.9

15201.0586688.9

محمد

محمد

محمد

محمد

10 - پنجاب شاہ

11 - عبدالقیوم

12 - سید ذوال

13 - شمس الرحمن

14 - اسکندر خان

15201-9262731-9

محمد

15 - تاج محمد

15201-5622379.7

محمد

16 - یونس خان

15201-3743155.4

محمد

17

15201-0602532.5

محمد

محمد

18

15201-0603396.7

محمد

محمد

19

15201-4375191.9

محمد

محمد

20

محمد

محمد

محمد

21

15201-0595846.3

District Education Officer
Male Chitral

was dissatisfied with

کمیٹی

صفحہ 25
دستخط
(24)

نام
22 - تمام اساتذہ

23
13

15201-059570211

15201-0600268.9

23 - محمد علی خان

15201-9380945.5

24 - سعید شاہ ونگ

15201-0603405.8

محمد علی خان

25 - احمد قمر

15201-0605228.1

نصیر الحق

26 - طفیر الحق

15201-2783258-1

محمد علی خان

27 - فردوس الحق

15201-9096667.3

محمد علی خان

28 - فرید الدین

15201-5849413.5

محمد علی خان

29 - متیر افغان

15201-0591421.7

محمد علی خان

30 - شرف خان

15201-0600268.9

افغان خان

31 - افضل خان

15201-1197209.3

مظہور الرحمن

32 - مظہور الرحمن

15201-0588826.9

محمد علی خان

33 - محمد رحیم

15201-0595663.4

محمد علی خان

34 - فضل رحیم

15201-0595638.7

نور احمد

35 - نور احمد

15201-0602936.9

محمد علی خان

36 - عبدالحق

15201-0605221.3

محمد علی خان

37 - احمد نبی

15201-1492779-5

محمد علی خان

38 - گلزار نذر الرحمن

15201-4543074.3

محمد علی خان

39 - محمد منیر
40 - قدیر خان

15201-0603588.8

محمد علی خان

15201-0595890-1

محمد علی خان

42 - سہیل

15201-0339899.1

محمد علی خان

43 - لطیف الحق

15201-6997487.1

محمد علی خان

44 - عامر صدیق

15201-5276762.5

محمد علی خان

45 - منیر احمد

15201-1598319-3

محمد علی خان

46 - فہیم

15201-0207466.7

محمد علی خان

47 - صوفی بابیل

15201-9490935.7

District Education Officer
Male Chitral

was dissatisfied with

15201-7432097-7

15201-0555646-5

15201-0574805-3

15201-9236345-9

15201-7236416-5

15201-0592399-1

15201-0601739-3

15201-0601739-3

15201-3500268-9

15201-8170000-7

15201-6961538-5

15201-0418972-7

15201-6926228-1

15201-3117681-3

15201-8191366-3

15201-0846561-1

15201-0299015-9

15201-3378226-5

15201-4518521-9

15201-0594774-9

15201-5634753-7

15201-6314320-1

15201-4125273-7

15201-1845453-3

15201-3994663-7

15201-0564182-7

15201-0585812-5

15201-1723997-5

15201-2773392-9

محمد ابراهيم حسين
25

صبراح خان

دست کوی

بیتوزاد خان

سید علی خان وارث

واسع الرحمن

نور محمد

سید علی

گوچه زمان

Fauzi نوری وارث

سید علی

محمد علی

مفتی عزیز

محمد علی

محمد علی

محمد علی

محمد علی

محمد علی

عبدالقادر

48 - نور احمد حسین

49 - جاوید احمد - جاوید احمد

50 - صدیق جان

51 - درخت کرم

52 - سعید احمد خان

53 - سید فرزان خان

54 - سندھ خان

55 - سید ولی خان

56 - واسع الرحمن

57 - انوار الرحمن

58 - نیت علی

59 - حفیظ احمد

60 - شریف علی

61 - حبیب الرحمن

62 - گوهر زمان

63 - سندھ خان

64 - شفیق الرحمن

65 - محمد علی

66 - سجاد احمد

67 - فضل علی

68 - صدیق خان

69 - علی زین خان

70 - علی زین خان

71 - درخت کرم

72 - سعید احمد

73 - سعید احمد

74 - الشیخ الاسلام

75 - محمد علی

76 - محمد علی

77 - محمد علی

78 - محمد علی

79 - محمد علی

عبدالقادر

28

14

District Education Officer
Male Chitral

... was dissatisfied with

15201-0588097-3	دلاور	محمد داود
15201-1567125-9	محمد داود	محمد داود
152019116774-9	دلاور	دلاور
15201-6191173-5	محمد داود	محمد داود
1520-0587211-5	محمد داود	محمد داود
15201-2854073-1	محمد داود	محمد داود
15201-8688874-7	محمد داود	محمد داود
15201-0589226-5	محمد داود	محمد داود
15201-0506848-5	محمد داود	محمد داود

[Signature]
 District Education Officer
 Male Chitral

... was dissatisfied with

خدمت خباب ڈی پی ٹی کنسٹیبل صاحب فلع چترال

(87)

خبا ب عیالی

181

گذریش ہے۔ کم جنگل کلاس کیمپارٹ برز 3 جو کم عدم کلاس کا جنگل ہے۔ اس جنگل میں مارکنگ کا کام جا رہا ہے۔ کلاس کے دو متقبل سکوتی باشندے (1) احسان الحق سکول - ٹھہر (2) جمیل الحق متذکرہ جنگل کی مارکنگ میں روکاوت ڈال رہے ہیں۔

اد متذکرہ دو افراد گاؤں میں فساد برپا کر رہے ہیں۔ اسی فساد کی وجہ سے احسان الحق سکول ٹھہر کو کلاس سے رہے مقبرات گاؤں سے پہلے ہی بے دخل کیا گیا۔ اور جبکہ ام سہ ریگش پذیر ہے۔ جبکہ اس مدرسے میں معلم کے اسی تشریف لائے مدرسے سے بھی نکال دیا گیا ہے + ڈی مقبرات متذکرہ

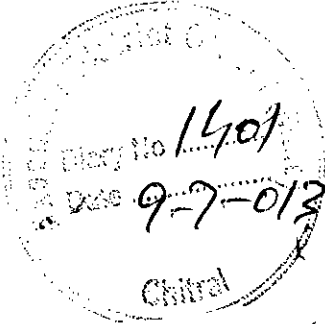
دو افراد سے بات چیت کی۔ یہ دو افراد JFM کے عمل کے عدویں تھکے اور عام عوام کلاس کو دھمکیاں دے رہے ہیں کم اگر 350000 روپے ہیں دیا گیا تو ہم جنگل کو اڑے گا رہیں اور عوام کو جان سے مارنے کی دھمکیاں دے رہے اور مارکنگ میں روکاوت ڈالے ہوئے ہیں۔

اسد عاوی کے متذکرہ دو افراد کے صلہ کے قانونی کارروائی میں لہجہ کر داد دسی فرمائی جائے۔

کاپی نو

- ایلیا کلاس مقبرات رسمہ
- 1 ولی الرحمن (2) بریاں اتوین (3) اتو
- 4 جب الرحمن (5) سٹیو الرحمن (6) عراج خا
- 7 بختا زلفہ دھنفر الحق (8) سر زمان خا
- 10 جدی شہد اللہ خاں خاں خاں جے JMC

113 (M)



ایس پی چترال
DEO خلیہ تعلیم
DFO جنگلات
DSP اروض

District Collector Officer
Male Chitral

9-7-13

Government of Khyber Pakhtunkhwa
Elementary & Secondary Education Department
(Independent Monitoring Unit)

No. IMU-E&SED/CLT/Education Office Correspondence/2017-18/11

Dated: 24/05/2017


To,
The District Education Officer (Male),
Chitral

SUBJECT: COMPLAINTS AGAINST MR. IHSANUL HAQ (CT) GMS BEORI

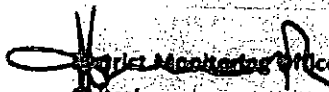
Memo,

Reference to the subject noted above, it is stated that numerous public complaints are received against Mr. Ihsanul Haq (CT) at GMS Beori, that he is not performing his official duty on regular basis and most of the time he do not attend the school which is adversely affect the academics of the students. He is usually seen in Chitral town without prior approve of the competent authority.

It is therefore requested, to kindly look into it in the best public interest.


(Syed Mazhar Ali Shah)
District Monitoring Officer,
Chitral

Copy forwarded to the:
Deputy Commissioner, Chitral.


District Monitoring Officer,
Chitral


District Education Officer (Male)
Chitral

24/5/2017



Amexure
CT

Amexure (1)



28

ky

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010208860

29

Annexure
"J"

OFFICE OF THE
DISTRICT OFFICER (Male)
(E&S) EDUCATION CHITRAL.

NO. 24960 /D- 7/D-Cases /CT
Dated Chitral the 9/12/2011.


To:-

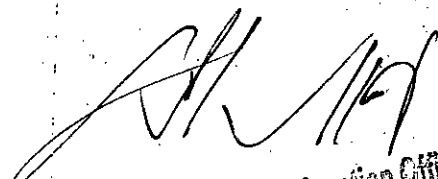
Mr, Ihsanul Haq CT
GHSS: Drosh.

Subject:-

EXPLANATION.

Memo: You were found absent from your duty on 07/12/2011. You are therefore directed to explain your position as why disciplinary action should not be taken against you under relevant rule. Your reply should reach this office within seven days of the issue of this call through the Principal concerned.

 District Officer (Male)
(E & S) Education Chitral.
9/12/11


District Education Officer
Male Chitral

پرنسپل گورنمنٹ ہائر سیکنڈری سکول دروش چترال
 اصاح الحق آئی ٹی گورنمنٹ ہائر سیکنڈری سکول دروش
 مضمون غیر حاضری

یادداشت
 آی اصاح الحق آئی ٹی ایگزیکٹو ڈسٹرکٹ ایڈمنسٹریٹو
 سراج محمد خان ملک سکول صدا کے اجازت دینے کے لئے
 سوا 22/11/2012 کو بغیر اطلاع کے غیر حاضر یا گیا ہے
 لہذا آپ کو ہدایت کی جاتی ہے کہ بغیر اطلاع کے غیر حاضری کی
 وضاحت تحریری طور پر سرین لکھوٹ ڈیپارٹمنٹ آپ کی تنخواہ سے
 کٹوتی کی جائے گی

[Signature]
PRINCIPAL
 Govt. Higher Secondary School
 Drosh Chitral

5706
 21/11/2012

نقل خدمت ای ڈی او ایڈمنسٹریٹو اینڈ سیکنڈری
 ایجوکیشن چترال

E/B # (M)
 Ask the Progress
 21/11/2012

[Signature]
 District Education Officer
 Male Chitral

کذبت جناب DEO صاحب صلح چترال (31)

بغول درخواست مراد تبادلہ / سراسر

جناب عالی

Annexure = 2
دک

بدرمانہ تدریس کا کم بندہ گورنمنٹ ہائی سکول سوئیٹر میں بطور سی۔ پی۔ ای
ڈیوٹی سرانجام دیتا ہے۔ فدوی کا کھلے حیدر سینوں سے نمبر حاصل
سول عدالتوں میں قانون اور شریعتی مقدمات چل رہے ہیں۔ جس کی وجہ
وہ لوگ پہلے کچھ کئی قسم کی دھمکیاں دیں پھر انہوں نے کچھ قتل (302) کی
تھوڑے فاصلے میں لپٹایا اور میں دو مہینے تک قید رہا۔ اب بھی کچھ کئی
مقام خطوط لکھ ٹیلیفون کالز کے ذریعے دھمکیاں مل رہی ہیں۔
میرے لیے غیر محفوظ اور خطرناک ہے۔ لہذا تقریباً 45 منٹ کا سفر
دریا کے کنارے طے کرنا پڑتا ہے۔ اس لیے جناب عالی میرا ہائی کورٹ
اسٹیشن گورنمنٹ ہائی سکول درویش یا لہر گورنمنٹ یا غیر سیکولر
سراسر منتقل کر دیا جائے۔

ذیل کی کئی بھی والیس کی خلاف ورزی کرتے ہوئے غیر قانونی طور
GHS درویش کچھ GHS سوئیٹر میں لپٹایا گیا تھا۔ لیکن میں نے وہ سراسر غیر
اور باقاعدہ GHS سوئیٹر میں ڈیوٹی انجام دینا چاہتا۔ لیکن اب
مجبوراً ہے اور کچھ جان کا خطرہ ہے لہذا کچھ میرے گھر سے
اسٹیشنوں میں تبدیل کر دیا جائے۔ جیسا کہ واقعہ موجود
دونوں اسٹیشنوں میں اساتذہ نے ٹینور پور کا یہ پتہ ہے



District Education Officer
Malakand

14/9/2013

14/9/13
has been the matter
of possible
pre-emptive

14/09/13

EPB
Keep it in the file
against Ihsanul Haq s/o
6/4/2018
 RK No. 260
 19
 Page 1 of 4

In the Court of
 TAYYAB ALI AWAN CIVIL JUDGE/JUDICIAL MAGISTRATE/ ILLAQA QAZI
 DROSH, CHITRAL

Annexure
EPB

SUIT NO = 32 180/1
 DATE OF INSTITUTION = 14th Dec, 2011
 DATE OF DECISION = 31st Mar, 2014

Mst: Wasima Bibi D/O
Moulana Muhammad Taj Uddin late
.....s/o Ihsan Ul Haq
...R/O Chikdam Drosh Tehsil & District Chitral.

11/19
6/4/18

..... Plaintiff

Versus

- | | |
|--------------------------------------|-------------------------------------|
| 1. Buzurg Khan s/o Karam Khan | 19. Hakim Khan s/o Karam Khan |
| 2. Syed Shah | 20. Faqir s/o Bacha Khan |
| 3. Abdul Shakoor sons of Niat Shah | 21. Moulana Muhammad Ibrahim |
| 4. Wahid Jan s/o Abdul Rasheed | 22. Moulana Ilyas s/o Muhammad Taj |
| 5. Amin s/o (not mentioned) | 23. Abdul Quddos |
| 6. Meena s/o Ajdahar | 24. Abdul Hameed |
| 7. Shafiq | 25. Wahid Jan sons of Abdul Rasheed |
| 8. Hanif sons of Buzurg Khan | 26. Khosh Azam s/o Syed ul Azam |
| 9. Muhammad Rahim Shah | 27. Shams Bari s/o Abdul Rahi |
| 10. Muhammad Sharif s/o Mehrban Shah | 28. Siraj |
| 11. Maqsood s/o Syed Rehmat | 29. Chiragh sons of Wori |
| 12. Rehman Uddin s/o Ghulam Muhammad | 30. Abdul Salam s/o Abdul Shakoor |
| 13. Sar Bulaq s/o (not mentioned) | 31. Rehman Ullah s/o Syed Shah |
| 14. Muhammad | 32. Syed s/o Bacha Khan |
| 15. Mahmood | 33. Sharif |
| 16. Nadir sons of Sultan | 34. Yaseen sons of Gulab Khan |
| 17. Ghazi | 35. Rafi Uddin s/o Abdul Qayum |
| 18. Khalil Azam sons of Syedul Azam | 36. Nasir s/o Buzurg Khan |

...R/O Chikdam Drosh Tehsil & District Chitral.

[Signature]
 District Education Officer
 Male Chitral
 Defendants

SUIT FOR DECLARATION CUM PERPETUAL INJUNCTION

JUDGMENT:

- Through this order this Court would dispose off a suit for declaration cum perpetual injunction.
- Brief facts of the suit of the plaintiff as revealed from the available record are, that the parties are the permanent resident of the village "Chikdam" Drosh. Previous year a water tank was constructed on the land of the plaintiff and of this tank through pipeline water is supplied to the various houses of village "Chikdam". The defendants adopted an unjustified way of distribution of water from this tank and for this unjustified...

EPB
 Clerk
 Chitral

19/5/18

(33)

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distribution of water, the plaintiff is deprived of her share in the water and there is scarcity of drinking water. The defendants were repeatedly resorted on this matter and an application was filed against defendants in the Police Station *Drosh* but did not get any relief, rather the local police directed the plaintiff to resort to the Civil Court *Drosh* and hence, the present suit.

3. The defendants were summoned who appeared and submitted their written statement. In the written statement defendants denied the contention of the plaintiff's being mala fide. Averments of parties were reduced to formal issues at controversies which are as under:

ISSUES

1. Whether the plaintiff has got a cause of action?
2. Whether the suit of the plaintiff is within time?
3. Whether the suit is bad for non joinder and mis-joinder of necessary parties?
4. Whether the suit of the plaintiff is based on mala fide and is incompetent in its present form?
5. Whether this Court has got jurisdiction to entertain the present suit?
6. Whether the suit is liable to be dismissed on the principle of waiver and acquiescence?
7. Whether the water tank is constructed on the land of the plaintiff?
8. Whether the plaintiff is entitled to a direct connection of water/ pipeline from the water tank?
9. Whether the plaintiff is entitled to the relief as prayed for?

RELIEF.

4. After the settlement of issues in controversy, the parties were afforded with the ample opportunities to produce evidence in support of their respective contentions. Availing the opportunity of evidence plaintiff produced as many as three witnesses while defendants rebutted through a single witness as well. At the conclusion of evidence, learned counsel for the parties were heard at length and entire available record perused. Thereafter, my issue wise discussion, findings and verdict thereupon is as under:

ISSUES No 02, 03, 04, 05 & 06.

5. Perusal of the record shows that none of the above mentioned issues were discussed nor pressed in the evidence of the defendants hence, decided accordingly.

[Signature]
District Education Officer
Male Chitral

[Signature]
Attested
Copy Clerk
Session Court/20
25/5/13

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QUES No 07 & 08.

34

6. The plaintiff in the plaint asserted that, the water tank is constructed on her land whereas, the defendants rebutted the same.
7. Pw-01 *Ihsan s/o Muhammad Aziz* in his statement stated that, he is attorney as per power of attorney of the plaintiff as ExPw-1/1. Further stated that, the parties are the resident of "Chikdam" *Drosh* and about a year ago a water tank was constructed on the land of the plaintiff and of this tank through a pipeline the water is supplied to the various houses of the village "Chikdam". Further stated that, the defendants adopted an unjustified way of distribution of the water and due to such unjustified way of distribution of the water, the plaintiff is deprived of water to her house. Moreover, stated that regarding this problem, an application was filed in the police station against defendants and the local police directed her to resort to Civil Court *Drosh*. The defendants *Ghazi Nadir* and *Mehmood* had attached a pipeline to the main pipeline due to which the plaintiff is deprived of water. In this respect the site plan ExPw-1/2 is attached. Moreover, as the water tank is constructed over the property of the plaintiff so, she is entitled to take a direct connection/ pipeline from the water tank. In his cross he stated that, of the water tank four (4) main lines are spread to the village "Chikdam" and each pipeline is utilized by fifteen (15) houses in "Chikdam". Further in his cross he added that, it is incorrect that the pipeline spread to her house is also utilized by other houses.
8. Pw-02 *Muhammad Rafi s/o Abdul Qayyum* in his statement stated that, his affidavit is ExPw-2/1 duly signed by him. In his cross examination he stated that, plaintiff is his first cousin.
9. Dw-03 *Abdur. Rehman s/o Muhammad Zaman* in his statement stated that, his affidavit ExDw-3/1 duly signed by him.
10. Dw-01 *Muhammad Sharif Khan s/o Mehrban Shah* in his statement stated that, his power of attorney is ExDw-1/1, site plan of the tank and pipeline is ExDw-1/2. His affidavit is ExDw-1/3. In his cross examination he stated that, it is incorrect that the water tank is constructed over the property of the plaintiff rather, it is constructed on the property of *Abdul Matin*. They are three brothers namely *Ilyas*, *Ibrahim* and *Abdul Matin* and with their permission the water tank is constructed on their land. Further stated that, the plaintiff is a sister of *Abdul Matin* and their brothers. I perused the record.
11. Perusal of the record shows that, the defendants did not clearly rebutted the stance of the plaintiff for the ownership of the land where the water tank is constructed rather they raised the objection that, it is constructed on the property of the brothers of the plaintiff but none of the brothers of the plaintiff appeared before the court as witness to rebut the stance of the plaintiff and the burden of this issue to deny was on the shoulders

District Judge
Male Chikdam

Attested
Copy Clerk
Session Court/20

35

66

of the defendants and the defendants failed to produce a single brother of the plaintiff to rebut the stance of the plaintiff meaning thereby that, the issue to ownership of the property on which the water tank is constructed, is proved. Moreover, as far as the question of the direct connection/ pipeline to the plaintiff is concerned, as the water tank is constructed by public authorities and there is no agreement on file which could otherwise have shown that any agreement is reached between the plaintiff and the authorities for construction of the same that the plaintiff would be entitled to any direct connection/ pipeline from the water tank. Moreover, as the water tank is constructed for welfare of the whole villagers, there is no agreement reached among the residents of the locality that, the plaintiff would be entitled for any direct connection/ pipeline from the water tank. Further, there is nothing on file which could show that, any other resident of the locality have taken any direct single connection/ pipeline from the same water tank. Record further shows that, in case of direct pipeline from the water tank, the other resident of the locality would suffer, for the reason that only four connections/ main pipeline were spread to the whole villagers of the village "Chikdam" and utilized by residents of the locality so, it would be injustice with the other residents of the whole village if the plaintiff alone is allowed for direct single connection/ pipeline. In these circumstances this Court comes to the conclusion that, the plaintiff has badly failed to prove her contention. Issues decided as such.

ISSUES No 01 & 09.

12. Sequel to my above discussed findings it is held that plaintiff has got no valid cause of action. Similarly, plaintiff also has desperately failed to prove her contention through any cogent, reliable and trustworthy evidence. Thus, is not entitled for any relief claimed. Resultantly, both these issues are decided in negative.

RELIEF.

13. Per se the discussions on various issues at controversy the plaintiff failed to prove her case, therefore it stand dismissed. Costs shall follow the events. File be consigned to record room after necessary completion and compilation.

ANNOUNCED
31.03.2013

[Signature]
Attested
Copy Clerk
Session Court/ZO
Chitral
24/5/15

[Signature]
(TAYYAB ALI AWAN)
CIVIL JUDGE/JM/ IQ DROSHI, CHITRAL.

CERTIFICATE

It is hereby certified that this judgment is consist of four (04) and each page is read, checked and corrected where ever necessary.

[Signature]
District Education Officer
Male Chitral

[Signature]
(TAYYAB ALI AWAN)
CIVIL JUDGE/JM/ IQ DROSHI, CHITRAL.

36

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In the Court of
TAYYAB ALI AWAN CIVIL JUDGE/ JUDICIAL MAGISTRATE/ ILLAQA QAZI
DROSH, CHITRAL

PARTIES

Mst. Wasima Bibi D/O

Moulana Muhammad Taj Uddin late

.....w/o Ihsan Ul Haq

...R/O Chikdam Drosh Tehsil & District Chitral

Plaintiff

Versus

- | | |
|--------------------------------------|--------------------------------------|
| 1. Buzurg Khan s/o Karam Khan | 19. Hakim Khan s/o Karam Khan |
| 2. Syed Shah | 20. Faqir s/o Bacha Khan |
| 3. Abdul Shakoor sons of Niat Shah | 21. Moulana Muhammad Ibrahim |
| 4. Wahid Jan s/o Abdul Rasheed | 22. Moulana Ilyas s/o Muhammad Taj |
| 5. Amin s/o (not mentioned) | 23. Abdul Quddos |
| 6. Meena s/o Ajdahaar | 24. Abdul Hameed |
| 7. Shafiq | 25. Wahid Jan sons of Abdul Rasheed. |
| 8. Hamif sons of Buzurg Khan | 26. Khosh Azam s/o Syed ul Azam |
| 9. Muhammad Rahim Shah | 27. Shams Bari s/o Abdul Rabi |
| 10. Muhammad Shanif s/o Mehrban Shah | 28. Siraj |
| 11. Maqsood s/o Syed Rehmat | 29. Chiragh sons of Wori |
| 12. Rehman Uddin s/o Ghulam Muhammad | 30. Abdul Salam s/o Abdul Shakoor |
| 13. Sar Buland s/o (not mentioned) | 31. Rehman Ullah s/o Syed Shah. |
| 14. Muhammad | 32. Syed s/o Bacha Khan |
| 15. Mehmood | 33. Sharif |
| 16. Nadir sons of Sultan | 34. Yaseen sons of Gulab Khan |
| 17. Ghazi | 35. Rafi Uddin s/o Abdul Qayum. |
| 18. Khalil Azam sons of Syedul Azam | 36. Nasir s/o Buzurg Khan |

...R/O Chikdam Drosh Tehsil & District Chitral

Defendants

SUIT FOR DECLARATION CUM PERPETUAL INJUNCTION

*SUIT NO	=	180/1
DATE OF INSTITUTION	=	14 th Dec, 2011
DATE OF DECISION	=	31 st Mar, 2014

پرچہ نمبری:

Vide order no. 51 dated 31st of March, 2014/ detailed judgment. suit in hand stands dismissed.

Costs shall follow the events. File be consigned to record-room after necessary completion and compilation.

ANNOUNCED.

31.03.2014

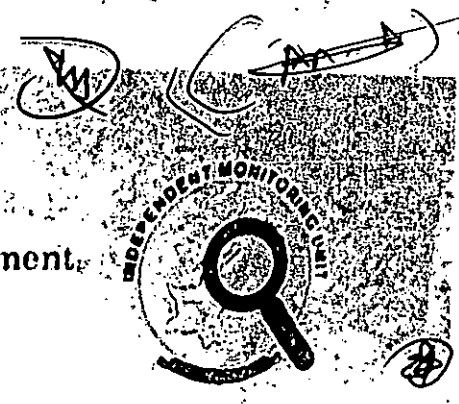
District Education Officer
Male Chitral

Attested
Copy Clerk
Session Court/Q
Chitral
24/3/14

(TAYYAB ALI AWAN)
CIVIL JUDGE/JM/ IQ DROSH, CHITRAL



37



**Government of Khyber Pakhtunkhwa
Elementary & Secondary Education Department
(Independent Monitoring Unit)**

No. IMU-E&SED/CLT/Education Office Correspondence/2017-18/11

Dated: 24/05/2017 *Annexure*
CC-M
F

To: The District Education Officer (Male),
Chitral

SUBJECT: COMPLAINTS AGAINST MR. IHSANUL HAQ (CT) GMS BEORI

Memo;

Reference to the subject noted above, it is stated that numerous public complaints are received against Mr. Ihsanul Haq (CT) at GMS Beori, that he is not performing his official duty on regular basis and most of the time he do not attend the school which is adversely affect the academics of the students. He is usually seen in Chitral town without prior approve of the competent authority.

It is therefore requested, to kindly look into it in the best public interest.

[Signature]
(Syed Mazhar Ali Shah)
District Monitoring Officer,
Chitral

Copy forwarded to the:
Deputy Commissioner, Chitral.

[Signature]
District Education Officer,
Male Chitral

38

Annexure (N)

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) CHITRAL

OFFICE ORDER.

Reference the complaint No.IMU E&SED/CLT/Education Officer,correspondance/2017-18/4 dated 25-5-2017 received from district Monitoring Officer and following the refusal of appointed Inquiry Officers vide Endst;No.6766-70/EB(Male)E-3 dated Chitral the 1-6-2017 and Endst No.1220-23/EB(M)E-3 dated Chitral the 21-06-2017,the following Officers are hereby appointed Inquiry Officer, to conduct Inquiry against Mr, Ihsanul Haq CT GMS Beoni presently SCT GHSS Drosh regarding his irregularity an frequent absenteeism:

- 1 Mr.Amin-ur-Rahman SST (G) GHS; Ursun.
- 2 Mr.Nadeem Ahmad SST (Sc11) GHS; Ursun.

The Inquiry Officers are directed to carry out thorough inquiry within a week times after the receipt of this call and submit report along with recommendation.

Encl; As above

(Nazir Khan Khattak)
District Education Officer (Male)
Chitral

Endst: No 10,021-24/EB(M)/E-3/Enquiries.

Dated 25/8/2017.

Copy forwarded to:

1. District Monitoring Officer, IMU, Khalid Jamil's House Jang Bazar Chitral, for information, please.
2. Principal Govt; Higher Secondary School Drosh, for information, please.
3. Inquiry Officers Mr,Aminur-ur-Rahman and Nadeem Ahmad GHS Ursun.
4. Teacher concerned, for information, please.

District Education Officer
Male Chitral

District Education Officer (Male)
Chitral

(39)

Annexure
40

To,

District Education Officer
(M) Chitral

From: Inquiry Officers Mr Amin ur Rehman and Nadeem Ahmad SSTs GHS Ursoon.

Subject: INQUIRY REPORT AGNIST IHSAN UL HAQ S.C.T GHSS DROSH

Memo:

Reference to your letter No 10, 021, 24/EB (M) Inquiries Dated 25-08-2017 we were appointment inquiry officers, to conduct inquiry against Ihsan ul Haq C.T GMS Beori Presently S.C.T GHS Drosh. While following this order we visited GMS Beori on 12-09-2017 and conducted inquiry against him from the Headmaster GMS Beori, Which is also attached here with this report. Latter on we visited GHSS Drosh on 13-09-2017 and met with the concerned teacher but he refused to give any statement about this inquiry. While saying that he has yet not received any copies of complaint or allegations against him. His hand written report is also attached here with this report .As his irregularity and frequent absenteeism is concerned, according to school Head Master and staff Attendance Register the concerned teacher has no such allegations. He has properly arranged his Casual Leaves and other leaves.

Recommendations:

As we mentioned above that the concerned teacher has refused to give any statement about his inquiry thus this inquiry is incomplete. Therefore report is submitted for your kind information please.

Thanks

Inquiry officers

Amin ur Rahman SST GHS Ursoon

Nadeem Ahmad SST GHS Ursoon

13/09/2017

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25/9/17
2017

B/B

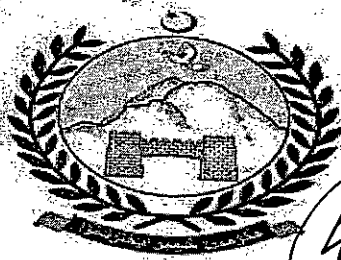
Discos

25/9/17

Amin ur
Rehman
SST
GHS
Ursoon

7/10/17

District Education Officer
Male Chitral



40 Annexure "P" 23

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) CHITRAL
Phone No: 0943-412627 Fax No:0943-412627

Email : www.deomchitral@gmail.com

No. 17066 /EB (M)

Dated: 2 / 11 2017.

To:-

Ihsan UI Haq SCT,
GHSS: Drosh.

Subject:- SHOW CAUSE NOTICE.

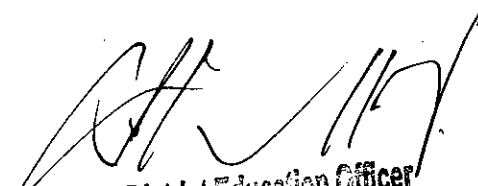
Memo: A copy of Show Cause Notice is enclosed herewith with the direction to furnish your reply within seven days of the receipt of this letter otherwise action under the rule shall be taken against you.

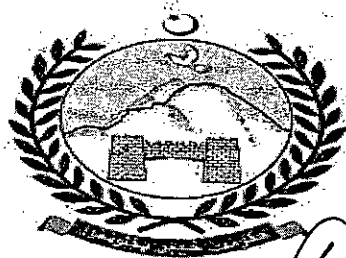

District Education Officer,
(Male) Chitral.

Endst: No. 17067 /EB(M)/S-17/Show Cause dated Chitral the 2 / 11 /2017.

Copy to the: - Principal GHSS: Drosh.


District Education Officer,
(Male) Chitral.


District Education Officer
Male Chitral



Personal file

Annexure "Q"

41

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) CHITRAL
Phone No: 0943-412627 Fax No:0943-412627

Email : www.deomchitral@gmail.com

No. _____/EB (M)

Dated: _____/_____/2017.

To:-

**Mr. Ihsan Ul Haq SCT,
GHSS: Drosh.**

Subject:- CHARGE SHEET /STATEMENT OF ALLEGATION.

Memo: A copy of Charge Sheet /Statement of allegation is enclosed herewith for your reply within a week of the receipt of this call failing which an ex-parte action will be taken against you.

District Education Officer,
(Male) Chitral.

17943

Endst: No. _____/EB(M)/S-17/Show Cause dated Chitral the 13/11/2017.

Copy to the: - Principal GHSS: Drosh.

District Education Officer,
(Male) Chitral.

District Education Officer,
Male Chitral

CHARGE SHEET.


(42)

I, Mr. Ihsan- Ul- Haq , District Education Officer (M) Chitral as Competent Authority, under the Khyber Pakhtunkhwa Govt Servants E&D Rules 2011, hereby charge you Mr. Ihsan Ul Haq SCT GHSS: Drosh as follows:

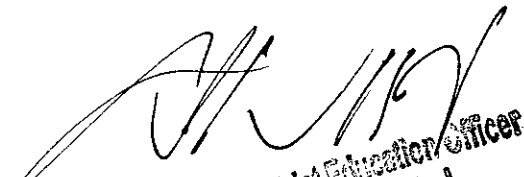
1. That as confirmed by the Enquiry Committee which was constituted vide Endst: No. 10021-24/EB (M) E-3/Enquiry dated 25/8/2017 to probe your irregularity and abseteeism . You refused to give your statement to the Enquiry Committee on false pretex and your reply to the Show Cause Notice issued vide No. 17066/EB (M) dated 2/11/2017 is also found unsatisfactory.

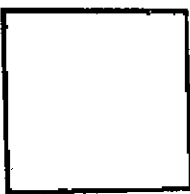
2. By reason of the above you appeare to be guilty of misconduct under the rule-3 of the Khyber Pakhtunkhwa govt servants E&D rules 2011 and have rendered your self liable to light / minor panelty of deduction/ withholding of one increment under rule -4 of the rules ibid.

3. You are , therefore, required to submit your defence in writing or personal hearing within seven days of this charge sheet and also may visit the office of the undersigned for personal hearing . If no reply to this charge sheet is received within seven days of its delivery it shall be presumed that you have no defence to put in hand and in that case ex- parte action shall be taken against you.


(IHSAN-UL-HAQ)
District Education Officer,
(Male) Chitral.

Mr. Ihsan Ul Haq SCT GHSS: Drosh.


District Education Officer
Male Chitral



Annexure (R) 27
" " " " " "

The District Education Officer Chitral

Subject: Reply the show cause notice.

43

Sir,

Respectfully stated, that an inquiry committee comprising two teachers of GHS Ursoon met me at GHSS Drosh. They could not tell me about the nature of allegations against me. They also could not disclose the complainants. They told me that they had been to GMS Beori wherefrom they had got all informations about me. As I was and am unaware about any complaint against me. Therefore I could not give any statement to the committee. That was not a false pretext and cannot be termed "misconduct". Both the teachers were much junior to me in service and equal of my scale. The allegations of absenteeism and irregularities against me are false fake, fabricated and with ulterior motives. The complainants cannot become evident and they cannot prove their concocted allegations. Moreover the charges of absenteeism and irregularities have been disproved by the honorable Head Master of GMS Beori vide his statement/reply to the inquiry committee please. That is crucial. Because that is an impartial evidence. Therefore it is most humbly requested that this chapter kindly be closed.

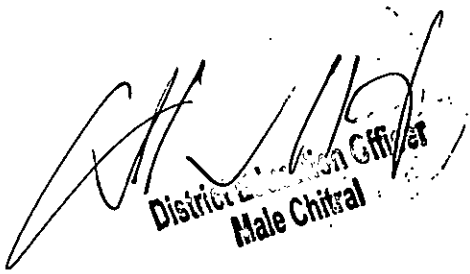
Begetting your apology

Ihsanul haq

Sect. GHSS Drosh.

Dated... 23.12.2017

IDEAS,
Bring into the
notice of DBO
23/12/17


District Education Officer
Male Chitral

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The reply of the applicant
can not be justified.
However he may be
issued the show cause
not having the allegation
H. Khan

cer,
tral.

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OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DISTRICT CHITRAL PHONE NO, 0943-412627
EMAIL ADDRESS, deomalechitral@gmail.com

KPESSE

No. 1531 /EB (M) E-2/Enquiry

Dated: 27/01/2018

To,

Mr. Ihsan -Ul-Haq SCT,
GHSS Drosh.


Annexure =
"3,"

Subject:- APPEAL / RESTORATION OF INCREMENT.

Memo:

Reference to your NO. Nil dated 11/01/2018.

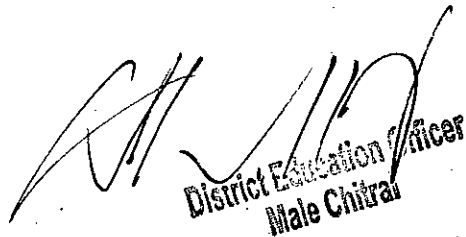
Your appeal is hereby rejected.

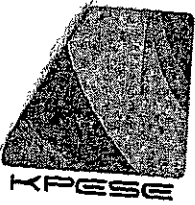

District Education Officer,
(Male) Chitral.

Endst: No. 1532 /EB (M) dated Chitral the 27/01/2018.

Copy to:- Principal GHSS Drosh.


District Education Officer,
(Male) Chitral.


District Education Officer
Male Chitral



(45)

OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DISTRICT CHITRAL PHONE NO, 0943-412627
 EMAIL ADDRESS, deomalechitral@gmail.com

39
 39
 39

Annexure

OFFICE ORDER.

Whereas District Monitoring Officer (IMU) Chitral vide letter No. IMU /E&SED/CLT/Education Office Correspondence /2017-18/1811 dated 24/05/2017 submitted complaint against Mr Ihsan Ul Haq SCT GHSS Drosh on account of his irregularity.

Whereas Enquiry Committee was constituted against Mr. Ihsan Ul haq SCT to probe the matter vide Endst: No. 10021-24/EB (M)/E-3/Enquiry dated 25/08/2017.

Whereas Enquiry Committee submitted his report on 25/09/2017 reporting that the said teacher has refused to give his statement on the false pretext/lame excuse.

Whereas Show Cause Notice vide No. 17066/EB (M/S-17 dated 02/11/2017 was served on Mr. Ihsan Ul Ha SCT to explain his position in writing and appear before the undersigned for personal hearing. He was also served with statement allegation / Charge Sheet.

Whereas Mr. Ihsan Ul Haq SCT GHSS Drosh submitted his reply the Show Cause Notice on 23/12/2017 which was found un-satisfactory.

Therefore, in exercise of the power, I Mr. Ihsan Ul Haq DEO (M) Chitral being Competent Authority, under E&D Rules 2011, Rule,4 impose Minor Penalty of deduction of one increment on Mr. Ihsan Ul Haq SCT GHSS Drosh.

(IHSAN-UL-HAQ)
 District Education Officer,
 (Male) Chitral.

Endst: No. 839-45 /EB(M)/E-2/Enquiry dated Chitral the 8/11/2018.

Copy of the above is forwarded to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar for information, please.
2. Deputy Commissioner Chitral for information ; please.
3. District Accounts Officer Chitral with the request to deduct one (1) annual increment of Mr. Ihsan Ul haq SCT GHSS Drosh for information, please.
4. District Monitoring Officer (IMU) Chitral for information, please.
5. Principal GHSS Drosh with the direction to deduct one (1) increment and enter into his service book and provide compliance report.
6. Teacher concerned.
7. Personal File of the teacher concerned.

District Education Officer
 Male Chitral

District Education Officer,
 (Male) Chitral.



No. 1000

Dated 07/02 /2018.

(46)

From:- The Principal,
Govt: Higher Secondary School,
Drosh.

Annexure
U.S.

To:- The District Education Officer,
(Male) Chitral.

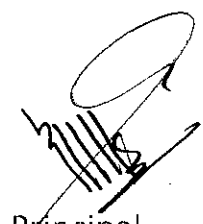
Subject:- DEDUCTION OF ONE (ANNUAL) INCREMENT FROM
MR.IHSAN UL HAQ S/CT:

Memu:- Reference your Office Order vide Endst: No.339-45 dated 8-1-2018 on the subject noted above.

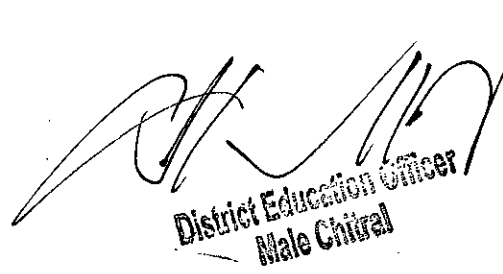
In compliance of your respective office order vide Endst: No.as mentioned above, one Annual Increment has been deducted from Mr.Ihsan Ul Haq S/CT: of this school and necessary entries in this regard has been made in his Service Book and Source II has also been submitted to District Accounts Officer Chitral accordingly.

Compliance report is submitted to your goodself for information,please.

E/B
for m/9
09/02/18



Principal
Govt: Higher Secondary School
Drosh.



District Education Officer
Male Chitral



لکھنؤ قبا - سہ ماہی (47) مع کان قبا

Annexure "V"
A

اصناف کی وہ فہرستیں جن سے وہ

مدعی

مع

DEO قبا

(2) ڈیپارٹمنٹ ایجوکیشن - شام، کراچی

(3) ڈیپارٹمنٹ ایجوکیشن - شام، کراچی

رہنما سربراہان و کما، وہ اسمبلی کے

قبا

دعویٰ استعرائی و صدر مدرس

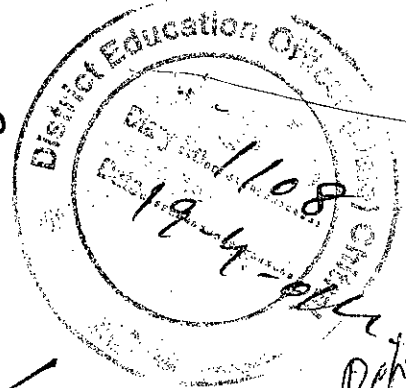
دوایہ میں مضمون کی مدعی کو گورنمنٹ

ہائی سکول پورٹ میں ٹرانسفر ہو کر ایک سال

کا عہدہ گزارتا ہے۔ تاہم اس کے دوران

کوئی کورس مکمل نہیں کیا گیا

خواتین کا حق حاصل ہے



Muhammad-Rehman

N/A

for

19/4/2014

District Education Officer
More Chitral

- سرور ڈیڑھی بیٹ مہیوں کے
 مدد سے 1، 3، 4 کا معاملہ نمٹا کر
 مدد کے Tenore کے لئے مہیوں سے
 تیل انٹرفیڈ گورنمنٹ ہائی
 سکول موٹر سائیکل سے
 بیڑوں کے لئے

کا یہاں وجہ ماہانہ ریشہ ریشہ سے زائد ہے۔

1 - یہ مدد ایک کھیت میں مدد ہے اور
 گورنمنٹ ہائی سکول ~~کا~~ مدد کا ٹرانسپورٹ
 گورنمنٹ ہائی سکول موٹر سائیکل ہے اور
 گا۔

2 - یہ گورنمنٹ ہائی سکول کے مطابق
 اور کوئی ریکارڈ مدد کے ٹرانسپورٹ
 تو اس کے ٹرانسپورٹ کے لئے سکول سے

District Education Officer
 Male Chitral

تین سال کا عمر گزارنے کے بعد ان کے پاس

لکھا جائیگا۔

3- یہ مدت کے ٹرانسفر ہونے کے سال کا

عمر گزارنے کے بعد قانون کو ماننے

طمان رکھنے کے قانون کے طرف سے اس کو

دوبارہ ٹرانسفر کیے ہیں جو کہ غیر قانونی

ہونے کے ساتھ ساتھ مدرسے کے قانون

پر ٹرانسفر ہے۔

4- یہ مدرسے کے قانون کے تحت ٹرانسفر

کرنے پر مدعا علیہ سے واسطہ لکھا تو ایجن

نے ان کے سوال سے کام لیتے رہے تو

دعویٰ ختم کر کے فریضہ ادا ہو گیا۔

5- یہ دعویٰ مدرسے کے علم کے قانون ٹرانسفر

کے تحت ہی ادا ہونا چاہیے۔

District Education Officer
Male Chitral

(50)

۱۔ یہ حالت دعویٰ جو کہ کوہستان کے اہل

محلے 2008ء میں حق قرار کیا گیا ہے

۲۔ یہ قسمت انہرہ سرور محلہ مہاراج

میں سے آمد سے پہلے بنیادی حقوں

کو برائی کے لیے میں نے اس حقوں

کو رضی کر سہ ماہی

۱۔ اس کے بارے میں

۲۔ اس کے بارے میں

۳۔ اس کے بارے میں

۴۔ اس کے بارے میں

یہ حالت دعویٰ جو کہ کوہستان کے اہل محلے 2008ء میں حق قرار کیا گیا ہے

District Education Officer
Male Chitral

Ansar Avuh Advocate
Oath Commission Distt
Court Chitral

17-4-14

کدیت نائب منبر ہلالی و علی عدویہ نامہ قرائ

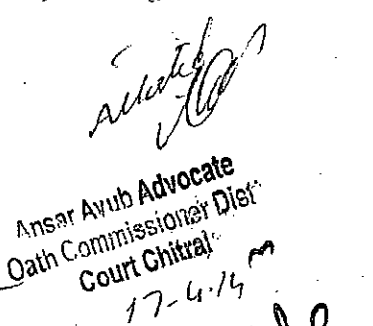
اصلاً الحی مع ۵۵۵ ایکویٹن وغیرہ

انقرضت فیروز پور علی انصاری صاحب
بیت گورک دریا علی ۱۱ و دریا علی ۴
کو مدعی کی جگہ غیر قانونی ٹرانسفر
کرنے سے ماہر ہے
و جب ہاتھ درخست ہے تو میں

۱۔ یہ رقم مقدمہ میں بحال حضور صلی اللہ علیہ
سے جا رہا ہے

۲۔ یہ رقم کے دعویٰ جتنے کے تو ماہر ہے
۳۔ یہ تو اڑوں ہولت مدعی کی حق میں
۴۔ یہ رقم علی انصاری صاحب کی تعلق ہے
۵۔ حاکم نے کہا کہ تو مدعی کو فائدہ میں مدعی نے
۶۔ یہ رقم ماہر و مقدمہ ماہر
۷۔ یہ رقم مقدمہ علی انصاری صاحب


District Education Officer
Mala Chitral


Ansar Ayub Advocate
Oath Commissioner Dist
Court Chitral
17-4-14

۱۔ یہ رقم
۲۔ یہ رقم
۳۔ یہ رقم
۴۔ یہ رقم
۵۔ یہ رقم
۶۔ یہ رقم
۷۔ یہ رقم

بیان افسانہ کی وہ کہہ کر میں کہ دو رو میں فصل و فصل

میں میں کی میں میں ایجوکیشن ڈیپارٹمنٹ میں

گنت میں آئے ہیں ملکوں میں میں میں کام

کرتا ہوں میرا کہ افسانہ کی کوئی ایجوکیشن

تیل سے کہ وہ ملکوں میں میں میں میں

ملازم کا ایک اسٹیشن میں میں میں سال کا

گزارنا ہوتا ہے لیکن حکمہ والوں نے غیر قانونی

کوہ میں میں میں میں میں میں میں میں

میں قانونی طریقے سے افسانہ کی میں میں

میں میں میں میں میں میں میں میں میں

میں میں میں میں میں میں میں میں میں

میں میں میں میں میں میں میں میں میں

[Signature]
District Education Officer
Male Chitral

[Signature]
Arrest Avish Advocate
Oath Commission Dist
Court Chitral

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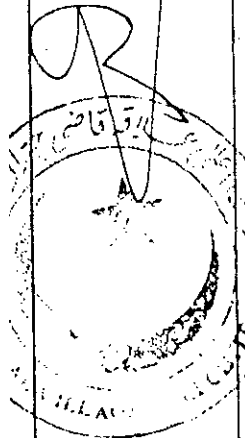
2 - لکھنؤ - 2

3 - لکھنؤ - 3

1
District Education Officer
Male Chitral

1
District Education Officer
Male Chitral

Serial No/Date of Order	Order or other Proceedings with signature of Judge or Magistrate and that of Parties or counsel/ Where necessary	حکم نمبر/بتاریخ
	<p style="text-align: center;">(54)</p> <p>جوابدعویٰ اور جوابدرخواست موقف مدعی کی تردید میں کئی ایک قانونی و واقعاتی عذرات اٹھائے۔ فاضل وکیل کا موقف تھا کہ مدعی محکمہ تعلیم میں بحیثیت سی۔ ٹی ٹیچر گورنمنٹ ہائی سکول سویٹز میں کام کرتا ہے۔ اور مدعی کا تبادلہ کوئی ایک سال قبل مذکورہ سکول میں ہوا تھا۔ سرکاری ملازم کے لئے تین سال کا عرصہ ایک اسٹیشن میں گزارنا لازمی ہوتا ہے۔ لیکن محکمہ تعلیم والوں نے غیر قانونی طور پر مدعی کا تین سال کا عرصہ مکمل ہونے سے قبل اس کو ٹرانسفر کیا جو کہ مدعی کے بنیادی حقوق پر غیر موثر اور قانون کے بنیادی اصولوں سے متصادم ہے۔ فاضل وکیل مدعی کا مزید موقف تھا کہ مدعی کو قانونی Tenure اس سکول میں مکمل کرنے کا موقع دیا جانا چاہیے۔ فاضل وکیل مدعی کا مزید موقف یہ بھی تھا کہ مذکورہ ٹرانسفر اذرد کیکنے سے بھی مدعا علیہم کی بدینتی عیاں ہو جاتی ہے۔ کیونکہ انہوں نے صرف مدعا علیہ نمبر ۴ کی سہولت کی خاطر مذکورہ حکم جاری کیا ہے۔</p> <p>فاضل سینئر گورنمنٹ پلیڈر پتہراں نے بدوران بحث ابتدائی طور پر یہ عذر اٹھایا کہ مدعی نے خود مورخہ 14-09-2013 کو ایک درخواست دیگرا اس گورنمنٹ ہائی سکول سویٹز گورنمنٹ ہائی سکول رمبر تبدیل کیا گیا تھا۔ مزید یہ کہ مدعی نے اس سے قبل اگست 2007 سے فروری 2013 تک تقریباً سات سال کا عرصہ اپنے ہی گھر کے ساتھ واقع گورنمنٹ ہائیر سیکنڈری سکول دروش میں گزارا ہے۔ لہذا ان حالات میں مدعی رسائل کا موجودہ تبادلہ کسی بدینتی کے تحت نہیں بلکہ حسب ضابطہ کیا گیا ہے۔ اور ایسے کسی بھی حکم میں عدالتی مداخلت سے اعلیٰ حکام کے انتظامی اختیارات برہمنفی اثرات مرتب ہونگے۔ لہذا درخواست مدعی خارج کی جائے۔</p> <p>بعد ازاں سماعت موافق فریقین و ملاحظہ مواد موجود برسل عدالت کی رائے سے برتین منصر جو کہ بنائے اجراء حکم امتناعی عارضی میں، بادی النظر میں</p>	<p>(جاری ہے)</p> <p style="text-align: center;">[Signatures]</p>



6/9/15

District Education Officer
Male Chitral

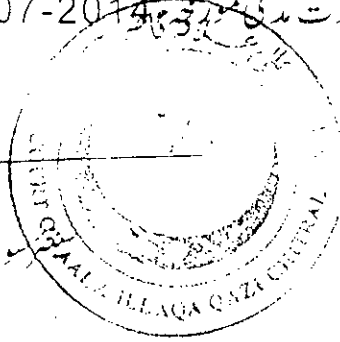
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of OrderOrder or other Proceedings with signature of Judge or Magistrate and that of
Parties or counsel/ Where necessary

حکم نمبر / تاریخ

قوی مقدمہ، اندیشہ ناقابل تلافی نقصان اور توازن سہولت، مدعی رسائل کے حق میں نہ ہیں۔ جبکہ اس کے برعکس مدعا علیہم مسئول الہیم نمبر اتا ۳ نے اپنا قانونی اختیار استعمال کرتے ہوئے مدعی کا تبادلہ کیا ہے۔ عدالت کا کوئی بھی حکم متعلقہ طالب علموں کے تعلیمی عمل کو نقصان پہنچانے کے مترادف ہوگا۔ چنانچہ درخواست مدعی رسائل بلا جواز قرار دیکر خارج کی جاتی ہے۔ امروز تحقیقات وضع شد۔ مسئلے برائے شہادت مدعی مورخہ 05-07-2014 کو پیش ہو۔

(سیید علی رضا)

سول جج راعلی علاقہ قاضی چترال۔



حکم نمبر 7
20-6-2014

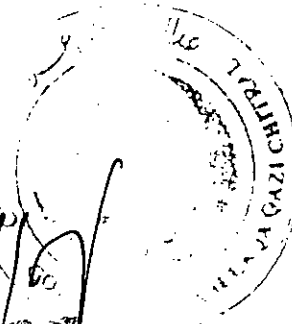
منجانب مدعی کوئی حاضر نہ ہے۔ نمائندہ مدعا علیہم حاضر۔ بار بار پکار کی گئی مگر جانب از مدعی کوئی حاضر نہ ہوا۔ تا اختتام عدالتی اوقات کار انتظار کیا گیا لیکن جانب از مدعی کوئی حاضر نہ ہے۔ جس سے مقدمہ ہذا میں مدعی کی عدم دلچسپی عیاں ہوتی ہے۔ لہذا دعویٰ مدعی بعدم بیروی خارج کیا جاتا ہے۔ خرچہ بذمہ فریقین رکھا جاتا ہے۔ مسئلہ ہذا بعد از ترتیب و تکمیل کے داخل دفتر ہو۔

حکم نمبر 08

05-07-2014

(سیید علی رضا)

سول جج راعلی علاقہ قاضی چترال۔



District Education Officer
Male Chitral

Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011

*Annexure
6 W2*

[Khyber Pakhtunkhwa Government Gazette, Extraordinary, Page No. 162-173,
16th September, 2011]

Notification No. SO(REG-VI) E&AD/2-6/2010 dated 16-09-2011.---

In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), the Chief Minister of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

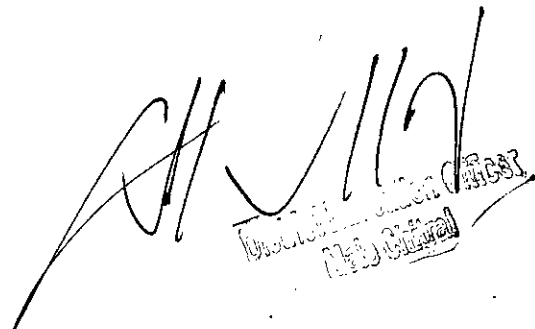
1. Short title, application and commencement.—(1) These rules may be called the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

(2) These shall apply to every person who is a member of the civil service of the Province or is the holder of a civil post in connection with the affairs of the Province and shall also apply to or in relation to a person in temporary employment in the civil service or post in connection with affairs of the Province.

(3) These shall come into force at once.

2. Definitions.—(1) In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say—

- (a) "accused" means a person in Government service against whom action is initiated under these rules;
- (b) "appellate authority" means the authority next above the competent authority to which an appeal lies against the orders of the competent authority;
- (c) "appointing authority" means an authority declared or notified as such by an order of Government under the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) and the rules made thereunder or an authority as notified under the specific laws/rules of Government;
- (d) "charges" means allegations framed against the accused pertaining to acts of omission or commission cognizable under these rules;
- (e) "Chief Minister" means the Chief Minister of the Khyber Pakhtunkhwa;
- (f) "competent authority" means—
 - (i) the respective appointing authority;


 Director General
 Government Servants (Efficiency and Discipline) Rules, 2011

- (ii) in relation to a Government servant of a tribunal or court functioning under Government, the appointing authority or the Chairman or presiding officer of such tribunal or court, as the case may be, authorized by the appointing authority to exercise the powers of the competent authority under these rules:

Provided that where two or more Government servants are to be proceeded against jointly, the competent authority in relation to the accused Government servant senior most shall be the competent authority in respect of all the accused.

(g) "corruption" means-

- (i) accepting or obtaining or offering any gratification or valuable thing, directly or indirectly, other than legal remuneration, as a reward for doing or for bearing to do any official act; or
- (ii) dishonestly or fraudulently misappropriating, or indulging in embezzlement or misusing Government property or resources; or
- (iii) entering into plea bargain under any law for the time being in force and returning the assets or gains acquired through corruption or corrupt practices voluntarily; or
- (iv) possession of pecuniary sources or property by a Government servant or any of his dependents or any other person, through his or on his behalf, which cannot be accounted for and which are disproportionate to his known sources of income; or
- (v) maintaining a standard of living beyond known sources of income; or
- (vi) having a reputation of being corrupt;

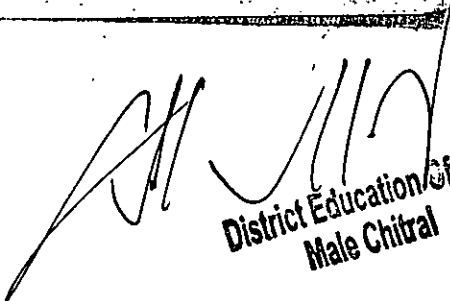
"Governor" means the Governor of the Khyber Pakhtunkhwa;

"inefficiency" means failure to efficiently perform functions assigned to a Government servant in the discharge of his duties;

"inquiry committee" means a committee of two or more officers, headed by a convener, as may be appointed by the competent authority under these rules;

"inquiry officer" means an officer appointed by the competent authority under these rules;

"misconduct" includes-


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Male Chitral

- (i) conduct prejudicial to good order or service discipline; or
- (ii) conduct contrary to the Khyber Pakhtunkhwa Province Government Servants (Conduct) Rules, 1987, for the time being in force; or
- (iii) conduct unbecoming of Government servant and a gentleman; or
- (iv) involvement or participation for gains, directly or indirectly, in industry, trade, or speculative transactions by abuse or misuse of official position to gain undue advantage or assumption of such financial or other obligations in relation to private institutions or persons as may compromise the performance of official duties or functions; or
- (v) any act to bring or attempt to bring outside influence, directly or indirectly, to bear on the Governor, the Chief Minister, a Minister or any other Government officer in respect of any matter relating to the appointment, promotion, transfer or other conditions of service; or
- (vi) making appointment or promotion or having been appointed or promoted on extraneous grounds in violation of any law or rules; or
- (vii) conviction for a moral offence by a court of law¹; or
- (viii) Avoiding submission of Annual Confidential Report / Performance Evaluation Report by a Government Servant, or withholding such report by the Reporting Officer or the countersigning Officer as the case may be, within the required period as provided in the instructions issued by the Government under the Khyber Pakhtunkhwa Civil Servants Act, 1973, from time to time.]

(2) Words and expressions used but not defined in these rules shall have the same meanings as are assigned to them in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) or any other statutory order or rules of Government for the time being in force.

3. Grounds for proceedings.—A Government servant shall be liable to be proceeded against under these rules, if he is—

- (a) inefficient or has ceased to be efficient for any reason; or

1. For the full stop appearing at the end replaced by a semicolon and the word "or" and thereafter new clause added by Notification No. SO(REG-VI) E&AD/2-6/2010 DATED 26-05-2014


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- (b) guilty of misconduct; or
- (c) guilty of corruption; or
- (d) guilty of habitually absenting himself from duty without prior approval of leave; or
- (e) engaged or is reasonably believed to be engaged in subversive activities, or is reasonably believed to be associated with others engaged in subversive activities, or is guilty of disclosure of official secrets to any un-authorized person, and his retention in service is prejudicial to national security; or
- (f) entered into plea bargaining under any law for the time being in force and has returned the assets or gains acquired through corruption or corrupt practices voluntarily.

4. **Penalties.**—(1) The following are the minor and the major penalties, namely:

(a) Minor penalties:

- (i) censure;
- (ii) withholding, for a specific period, promotion or increment subject to a maximum of three years, otherwise than for unfitness for promotion or financial advancement, in accordance with the rules or orders pertaining to the service or post:

Provided that the penalty of withholding increments shall not be imposed on a Government servant who has reached the maximum of his pay scale:

- (iii) recovery of the whole or any part of any pecuniary loss caused to Government by negligence or breach of order;

(b) Major penalties:

- ¹[(i) reduction to a lower post or pay scale or to a lower stage in a time scale for a maximum period of five years:

Provided that on restoration to original pay scale or post, the penalized Government servant will be placed below his erstwhile juniors promoted to higher posts during subsistence of the period of penalty.]

Subs. by Notification NO. SO(REG-VI)E&GAD/2-6/2010 dated 18-07-2012 for the following.

- (i) reduction to a lower post or pay scale or to a lower stage in a time scale.


District Education Officer
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- (ii) compulsory retirement;
- (iii) removal from service; and
- (iv) dismissal from service.

(2) Dismissal from service under these rules shall disqualify a Government servant from future employment under Government.

(3) Any penalty under these rules shall not absolve a Government servant from liability to any other punishment to which he may be liable for an offence, under any other law, committed by him while in service.

5. Initiation of proceedings.—(1) If on the basis of its own knowledge or information placed before it, the competent authority is of the opinion that there are sufficient grounds for initiating proceedings against a Government servant under these rules it shall either:-

- (a) proceed itself against the accused by issuing a show cause notice under rule 7 and, for reasons to be recorded in writing, dispense with inquiry:

Provided that no opportunity of showing cause or personal hearing shall be given where-

- (i) the competent authority is satisfied that in the interest of security of Pakistan or any part thereof, it is not expedient to give such an opportunity; or
 - (ii) a Government servant has entered into plea bargain under any law for the time being in force or has been convicted on the charges of corruption which have led to a sentence of fine or imprisonment; or
 - (iii) a Government servant is involved in subversive activities; or
 - (iv) it is not reasonably practicable to give such an opportunity to the accused; or
- (b) get an inquiry conducted into the charge or charges against the accused, by appointing an inquiry officer or an inquiry committee, as the case may be, under rule 11:

Provided that the competent authority shall dispense with the inquiry where-

- (i) a Government servant has been convicted of any offence other than corruption by a court of law under any law for the time being in force; or


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- (ii) a Government servant is or has been absent from duty without prior approval of leave:

Provided that the competent authority may dispense with the inquiry where it is in possession of sufficient documentary evidence against the accused or, for reasons to be recorded in writing, it is satisfied that there is no need to hold an inquiry.

(2) The charge sheet or statement of allegations or the show cause notice, as the case may be, shall be signed by the competent authority.

6. **Suspension.**—A Government servant against whom action is proposed to be initiated under rule 5 may be placed under suspension for a period of ninety days, if in the opinion of the competent authority, suspension is necessary or expedient, and if the period of suspension is not extended for a further period of ninety days within thirty days of the expiry of initial period of suspension, the Government servant shall be deemed to be reinstated:

Provided that the competent authority may, in appropriate case, for reasons to be recorded in writing, instead of placing such person under suspension, require him to proceed on such leave as may be admissible to him, from such date as may be specified by the competent authority.

7. **Procedure where inquiry is dispensed with.**—If the competent authority decides that it is not necessary to hold an inquiry against the accused under rule 5, it shall-

- (a) inform the accused by an order in writing, of the grounds for proceeding against him, clearly specifying the charges therein, alongwith apportionment of responsibility and penalty or penalties proposed to be imposed upon him;
- (b) give him a reasonable opportunity of showing cause against the proposed action, within seven days of receipt of the order or within such extended period, as the competent authority may determine;
- (c) on receipt of reply of the accused within the stipulated period or after the expiry thereof, if no reply is received, determine whether the charge or charges have been proved against the accused or not:

Provided that after receipt of reply to the show cause notice from the accused, the competent authority, except where the Chief Minister himself is the competent authority, shall decide the case within a period of ninety days, excluding the time during which the post held by the competent authority remained vacant due to certain reasons:

Provided further that if the case is not decided by the competent authority within the prescribed period of ninety days,


District Education Officer
Malo Chitral

the accused may file an application before the appellate authority for early decision of his case, which may direct the competent authority to decide the case within a specified period;

- (d) afford an opportunity of personal hearing before passing any order of penalty under clause (f), if it is determined that the charge or charges have been proved against him;
- (e) exonerate the accused by an order in writing, if it is determined that the charge or charges have not been proved against him; and
- (f) impose any one or more penalties mentioned in rule 4, by an order in writing, if the charge or charges are proved against the accused:

Provided that where charge or charges of grave corruption are proved against an accused, the penalty of dismissal from service shall be imposed, in addition to the recovery, if any.

8. Action in case of conviction or plea bargain under any law.—Where a Government servant is convicted by a court of law on charges of corruption or moral turpitude or has entered into plea bargain and has returned the assets or gains acquired through corruption or corrupt practices, or has been acquitted by a court of law as a result of compounding of an offence involving moral turpitude under any law for the time being in force, the competent authority, after examining facts of the case, shall-

- (a) dismiss the Government servant where he has been convicted on charges of corruption or moral turpitude or has entered into plea bargain and has returned the assets or gains acquired through corruption or corrupt practices voluntarily:

Provided that dismissal in these cases shall be with ¹[...] effect from the date of conviction by a court of law; and

- (b) proceed against the Government servant under rule 5, where he has been convicted of charges other than corruption or moral turpitude.

9. Procedure in case of wilful absence.—Notwithstanding anything to the contrary contained in these rules, in case of wilful absence from duty by a Government servant for seven or more days, a notice shall be issued by the competent authority through registered acknowledgement on his home address directing him to resume duty within fifteen days of issuance of the notice. If the same is received back as undelivered or no response is received from the absentee within stipulated time, a notice shall be published in at least two leading newspapers directing him to resume duty within fifteen days of the publication of that notice, failing which an *ex-parte* decision shall be taken against the absentee. On expiry of the stipulated period given in the notice, major penalty of removal from service may

1. The word "immediate" deleted by Notification NO. SO(REG-VI) E&GAD/2-6/2010 dated 18-07-2012.


District Education Officer
Male District

posed upon such Government servant.

10. Procedure to be followed by competent authority where inquiry is necessary.— (1) If the competent authority decides that it is necessary to conduct an inquiry against the accused under rule 5, it shall pass an order of inquiry which shall include—

- (a) appointment of an inquiry officer or an inquiry committee, provided that the inquiry officer or the inquiry committee, as the case may be, shall be of a rank senior to the accused and where two or more accused are proceeded against jointly, the inquiry officer or the convener of the inquiry committee shall be of a rank senior to the senior most accused;
- (b) the grounds for proceeding, clearly specifying the charges along with apportionment of responsibility;
- (c) appointment of the departmental representative by designation; and
- (d) direction to the accused to submit written defense to the inquiry officer or the inquiry committee, as the case may be, within reasonable time which shall not be less than seven days and more than fifteen days of the date of receipt of orders.


(2) The record of the case and the list of witnesses, if any, shall be communicated to the inquiry officer or the inquiry committee, as the case may be, with the orders of inquiry.

(3) In a case where preliminary or fact finding inquiry was conducted, the competent authority decides to hold formal inquiry, the inquiry officer or the committee for the purpose of conducting formal inquiry shall be different from the inquiry officer or the inquiry committee which conducted the preliminary inquiry.

11. Procedure to be followed by inquiry officer or inquiry committee.— (1) On receipt of reply of the accused or on expiry of the stipulated period, if no reply is received from the accused, the inquiry officer or the inquiry committee, as the case may be, shall inquire into the charges and may examine oral or documentary evidence in support of the charges or in defense of the accused, as may be considered necessary and where any witness is produced by one party, the other party shall be entitled to cross-examine such witness.

(2) If the accused fails to furnish his reply within the stipulated period, the inquiry officer or the inquiry committee, as the case may be, shall proceed with the inquiry ex-parte.

The inquiry officer or the inquiry committee, as the case may be,


District Education Officer
Maha Garhwal

(4) Statements of witnesses and departmental representative(s), if possible, will be recorded in the presence of accused and vice versa.

(5) Where the inquiry officer or the inquiry committee, as the case may be, is satisfied that the accused is hampering or attempting to hamper the progress of the inquiry, he or it shall administer a warning and if, thereafter, he or it is satisfied that the accused is acting in disregard to the warning, he or it shall record a finding to that effect and proceed to complete the inquiry in such manner as may be deemed expedient in the interest of justice.

(6) If the accused absents himself from the inquiry on medical grounds, he shall be deemed to have hampered or attempted to hamper the progress of the inquiry, unless medical leave, applied for by him, is sanctioned on the recommendations of a Medical Board; provided that the competent authority may, in its discretion, sanction medical leave up to seven days without such recommendations.

(7) The inquiry officer or the inquiry committee, as the case may be, shall submit his or its report, to the competent authority within thirty days of the initiation of inquiry:

Provided that the inquiry shall not be vitiated merely on the grounds of non-observance of the time schedule for completion of the inquiry.

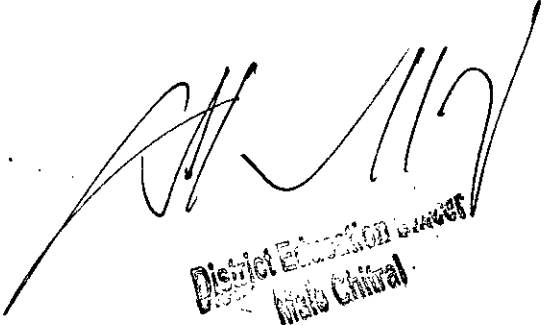
12. Powers of the inquiry officer or inquiry committee.—(1) For the purpose of an inquiry under these rules, the inquiry officer or the inquiry committee, as the case may be, shall have the powers of a Civil Court trying a suit under the Code of Civil Procedure, 1908 (Act No. V of 1908), in respect of the following matters, namely:

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents, and receiving evidence on affidavits; and
- (c) issuing commissions for the examination of witnesses or documents.

(2) The proceedings under these rules shall be deemed to be the judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code, 1860 (Act No. XLV of 1860).

13. Duties of the departmental representative.—The departmental representative shall perform the following duties, namely:

- (a) render full assistance to the inquiry officer or the inquiry committee, as the case may be, during the proceedings where he shall be personally present and fully prepared with all the relevant record relating to the case, on each date of hearing;
- (b) cross-examine the witnesses produced by the accused, and with the permission of the inquiry officer or inquiry committee, as the


District Education Officer
Muz Chitral

case may be, may also cross-examine the prosecution witnesses; and

- (c) rebut the grounds of defense offered by the accused before the inquiry officer or the inquiry committee, as the case may be.

14. Order to be passed on receipt of report from the inquiry officer or inquiry committee.—(1) On receipt of report from the inquiry officer or inquiry committee, as the case may be, the competent authority, shall examine the report and the relevant case material and determine whether the inquiry has been conducted in accordance with the provisions of these rules.

(2) If the competent authority is satisfied that the inquiry has been conducted in accordance with the provisions of these rules, it shall further determine whether the charge or charges have been proved against the accused or not.

(3) Where the charge or charges have not been proved, the competent authority shall exonerate the accused by an order in writing, or it shall follow the procedure as given in sub-rule (6) of this rule.

(4) Where the charge or charges have been proved against the accused, the competent authority shall issue a show cause notice to the accused by which it shall—

(a) inform him of the charges proved against him and the penalty or penalties proposed to be imposed upon him;

(b) give him reasonable opportunity of showing cause against the penalty or penalties proposed to be imposed upon him and to submit as to why one or more of the penalties as provided in rule 4 may not be imposed upon him and to submit additional defense in writing, if any, within a period which shall not be less than seven days and more than fifteen days from the day the charge or charges have been communicated to him; provided that the accused shall, in his reply to show cause notice, indicate as to whether he wants to be heard in person or not;


(c) provide a copy of the inquiry report to the accused; and

(d) direct the departmental representative to appear, with all the relevant record, on the date of hearing.

(5) After affording personal hearing to the accused the competent authority shall, keeping in view the findings and recommendations of the inquiry officer or inquiry committee, as the case may be, facts of the case and defense offered by the accused during personal hearing, by an order in writing—

(i) exonerate the accused if charges had not been proved; or

(ii) impose any one or more of the penalties specified in rule 4 if charges have been proved.


District Education Officer
Male Chitral

(6) Where the competent authority is satisfied that the inquiry proceedings have not been conducted in accordance with the provisions of these rules or the facts and merits of the case have been ignored or there are other sufficient grounds, it may, after recording reasons in writing, either remand the inquiry to the inquiry officer or the inquiry committee, as the case may be, with such directions as the competent authority may like to give, or may order a de novo inquiry through different inquiry officer or inquiry committee ¹[subject to sub-rule (7) of rule 11].

(7) After receipt of reply to the show cause notice and affording opportunity of personal hearing, the competent authority shall decide the case within a period of fifteen days, excluding the time during which the post held by the competent authority remained vacant due to certain reasons.

(8) If the case is not decided by the competent authority within the prescribed period of fifteen days, the accused may submit an application before the appellate authority for early decision of his case, which may direct the competent authority to decide the case within a specified period.

15. **Personal hearing.**—The competent authority may, by an order in writing, call the accused and the departmental representative, alongwith relevant record of the case, to appear before him, for personal hearing on the fixed date and time.

16. **Procedure of inquiry against Government servant lent to other governments or organizations etc.**—(1) Where the services of Government servant to whom these rules apply are transferred or lent to any other government department, corporation, corporate body, autonomous body, authority, statutory body or any other organization or institution, hereinafter referred to as the borrowing organization, the competent authority for the post against which such Government servant is posted in the borrowing organization may—

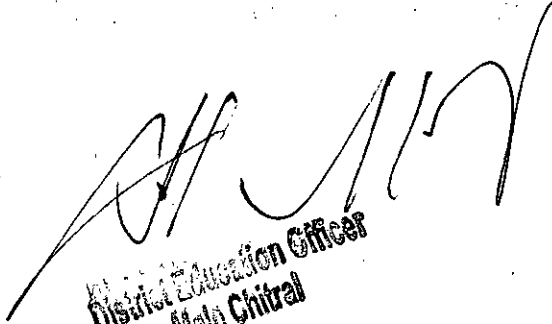
- (a) suspend him under rule 6; and
- (b) initiate proceedings against him/her under these rules:

Provided that the borrowing organization shall forthwith inform the authority which has lent his services, (hereinafter referred to as the lending organization) of the circumstances leading to the order of his suspension or the initiation of the proceedings, as the case may be:

Provided further that the borrowing organization shall obtain prior approval of the competent authority in the lending organization before taking any action under these rules against a Government servant holding a post in basic pay scale 17 or above.

(2) If, in the light of findings of the proceedings taken against the accused in terms of sub-rule (1), the borrowing organization is of the opinion that a

1. Added by Notification NO. SO(REG-VI) E&GAD/2-6/2010 dated 18-07-2012.


District Education Officer
Male Chitral

penalty may have to be imposed on him, it shall transmit the record of the proceedings to the lending organization, and the competent authority in the lending organization shall thereupon take action against the accused under rule 14.

(3) Notwithstanding anything to the contrary contained in sub-rules (1) and (2), the Chief Minister may, in respect of certain Government servant or class of Government servants to whom these rules apply, authorize any officer or authority in the borrowing organization to exercise all the powers of the competent authority under these rules.

17. Departmental appeal and review.—(1) An accused who has been awarded any penalty under these rules may, within thirty days from the date of communication of the order, prefer departmental appeal to the appellate authority:

Provided that where the order has been passed by the Chief Minister, the accused may, within the aforesaid period, submit a review petition directly to the Chief Minister.

(2) The authority empowered under sub-rule (1) shall call for the record of the case and comments on the points raised in the appeal from the concerned department or office, and on consideration of the appeal or the review petition, as the case may be, by an order in writing:

- (a) uphold the order of penalty and reject the appeal or review petition; or
- (b) set aside the orders and exonerate the accused; or
- (c) modify the orders or reduce the penalty.

(3) An appeal or review petition preferred under these rules shall be made in the form of a petition, in writing, and shall set forth concisely the grounds of objection in impugned order in a proper and temperate language.

18. Appearance of counsel.—No party to any proceedings under these rules at any stage of the proceedings, except proceedings under rule 19, shall be represented by an advocate.

19. Appeal before Khyber Pakhtunkhwa Province Service Tribunal.—(1) Notwithstanding anything contained in any other law or rules for the time being in force, any Government servant aggrieved by any final order passed under rule 17 may, within thirty days from the date of communication of the order, prefer an appeal to the Khyber Pakhtunkhwa Province Service Tribunal established under the Khyber Pakhtunkhwa Province Service Tribunals Act, 1974 (Khyber Pakhtunkhwa Act No. I of 1974).

(2) If a decision on a departmental appeal or review petition, as the case may be, filed under rule 17 is not communicated within period of sixty days of filing thereof, the affected Government servant may file an appeal in the Khyber


District F... .. Officer
Lahore District

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Appeal No. 24 of 2018

Ihsan ul Haq SCT Teacher, Appellant

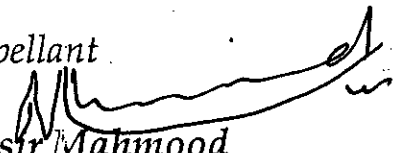
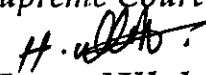
VERSUS

Director Elementary & Secondary Education Khyber
Pakhtunkhwa Peshawar and others

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Dated 27/12/2018

Appellant
Through 
Nasir Mahmood
Advocate,
Supreme Court of Pakistan

Haya Ullah Advocate
High Court Peshawar
Cell # 0321-9189277

(1)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Appeal No. 22/2 of 2018

Ihsan ul Haq SCT Teacher, GHSS Drosh Chitral.

... .. Appellant

VERSUS

- 1- Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
 - 2- Deputy Director (Estab) Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar
 - 3- Secretary Education Khyber Pakhtunkhwa Civil Secretariat Peshawar.
 - 4- District Education Officer (DEO) (Male) Chitral.
 - 5- District Accounts Officer (DAO) District Chitral
- Respondents

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 18/10/2018 PASSED BY THE RESPONDENT NO.1 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT AGAINST THE ORDER DATED 08/01/2018 PASSED BY THE RESPONDENT NO.4 WAS DISMISSED AND PENALTY OF DEDUCTION OF ONE INCREMENT WAS IMPOSED.

Prayer!

On acceptance of appeal, the impugned order dated 18/10/2018 & 08/01/2018 passed by respondent No.1 and 4 respectively may be set aside and penalty of deduction of one increment may be quashed.

Respectfully Sheweth:

Brief facts leading to the instant appeal are as under:

- 1- That the appellant is serving as SCT Teacher in GHSS Drosh Chitral. -
- 2- That the appellant is having unblemished record of service and during his entire service he has never been proceeded for misconduct.
- 3- That the appellant is SCT Teacher and has always performed his duties regularly with great zeal and zest as he always considered the profession of teaching as Ibbadath.
- 4- That the DEO Male Chitral being prejudice against the appellant, initiated illegal and unlawful inquiry in collaboration District Monitoring Officer, resultantly the order dated 08/01/2018 was issued whereby one increment of the appellant was deducted. (Copy of order is annexed as Annexure "A").
- 5- That the allegation of absenteeism and irregularities against the appellant are false, faked and fabricated.

③

- 6- That the DEO Male Chitral constitute an inquiry committee of two teachers on the report of the said inquiry committee the District Education Male Chitral issued show cause notice to the appellant dated 02/11/2017 and thereafter issued charge sheet /statement of allegations on 13/11/2017. (Copies of Show notice, charge sheet and statement of allegations are annexed as Annexure "B,C&D" respectively).
- 7- That the appellant submitted reply to the show cause notice on 23/12/2017 in which he explained all the facts about the inquiry. (Copy of reply of show cause is annexed as Annexure "E").
- 8- That the DEO Male Chitral considered the reply of the show cause of the appellant unsatisfactory and imposed minor penalty of deduction of one increment vide order dated 08/01/2018.
- 9- That thereafter the appellant preferred departmental appeal to the respondent No.1 which was rejected vide order dated 18/10/2018 and communicated to the appellant on 31/10/2018. (Copy of departmental appeal and order are annexed as Annexure "F&G" respectively), hence the present appeal against the order dated 18/10/2018 and 08/01/2018 passed by the

4

respondent No.1 and 4 respectively inter-alia on the following grounds:

GROUND:

- A) That the appellant has not been treated in accordance with law and his right secured and guaranteed under the constitution have been violated.
- B) That the whole proceeding starting from the constitution inquiry committee and imposition of penalty is illegal, unlawful and thus liable to be set aside.
- C) That the inquiry committee of two teachers are much junior to the appellant in service and equal to his scale therefore, the inquiry committee was illegally constituted.
- D) That the imposition of the penalty is against FR 29 Rules because according to the said rules the concerned can only withhold the increment for specific time and has no power of deduction.
- E) That the whole proceeding resulting into imposition upon the appellant offends Article 25 of

(5)

the constitution of the Islamic Republic of Pakistan, 1973.

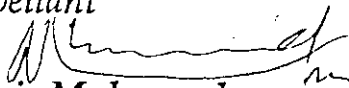

- F) *That in the entire career of the appellant service he has unblemished record but in the instant case he has been dragged just to satisfy the ego of someone which resulted in gross miscarriage of justice which warrants interference by this Hon'ble Tribunal.*
- G) *That the object of law is to protect rights, undo wrong and poster justice. But the impugned penalty has not only eroded rights of the appellant but also resulted in gross miscarriage of justice, wants interference.*
- H) *That about the regularity and dutifulness of the appellant the Chairman of the concerned PTC give statement in support of appellant. (Copy of statement is annexed as Annexure "H").*

(6)

- I) That the impugned order dated 18/10/2018 and 08/01/2018 passed by respondent No. 1 and 4 respectively are highly arbitrary, malafide, discriminatory, whimsical and thus untenable as evident from order dated 27/10/2018. (Copy is annexed as Annexure "I")
- J) That the appellant seeks leave of this Hon'ble Tribunal to rely on additional grounds at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of appeal, the impugned order dated 18/10/2018 in 08/01/2018 passed by respondent No.1 and 4 respectively may be set aside and minor penalty of deduction of one increment may be quashed.

Dated 27/12/2018

طہار الحق
Appellant
Through 
Nasir Mahmood
Advocate,
Supreme Court of Pakistan

Hayat Ullah Advocate
High Court Peshawar

(7)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Appeal No. _____ of 2018

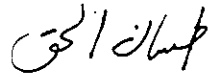
Ihsan ul Haq SCT Teacher, Appellant

VERSUS

Director (Elementary & Secondary
Education, Khyber Pakhtunkhwa Peshawar and others
... .. Respondents

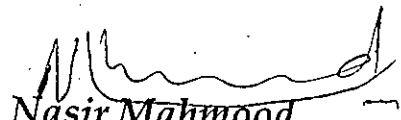
AFFIDAVIT


I, Ihsan ul Haq SCT Teacher, GHSS Drosh
Chitral do hereby solemnly affirm and state on
oath that all contents of appeal are true and
correct to the best of my knowledge and belief and
nothing wrong has been stated by me in the
matter.



DEPONENT

Identified by


Nasir Mahmood
Advocate
Supreme Court of Pakistan


ATTESTED
Anwar Zeb Advocate
Oath Commissioner
Peshawar

27-12-18

(8)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Appeal No. _____ of 2018

Ihsan ul Haq SCT Teacher, Appellant

VERSUS

Director Elementary & Secondary Education Khyber
Pakhtunkhwa Peshawar and others

... .. Respondents

APPLICATION FOR CONDONATION OF
DELAY IF ANY

Respectfully Sheweth:

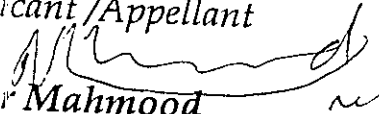

- 1- That the instant appeal is filing before this Hon'ble Tribunal in which no date of hearing is fixed yet.
- 2- That applicant /appellant live in far-flung area of Drosh District Chitral and blockage of Lowari Top the applicant / appellant was unable to submit the instant appeal in time.
- 3- That as per judgment of august Supreme Court of Pakistan that all issues be decided on merits and not on technicalities such as limitations.

9.

- 4- That the delay in submitting the instant appeal was not willful but due to the above reasons.
- 5- That the delay if not condoned, the petitioner would suffer an irreparable loss.

It is, therefore, prayed that on acceptance of this application, the delay if any shall be condoned to meet the ends of justice.


Dated 27/12/2018

ایحسان
Applicant/Appellant
Through 
Nasir Mahmood
Advocate,
Supreme Court of Pakistan

Hayat Ullah Advocate
High Court Peshawar

AFFIDAVIT

I, Ihsan ul Haq SCT Teacher, GHSS Drosh Chitral do hereby solemnly affirm and state on oath that all contents of application are true and correct to the best of my knowledge and belief and nothing wrong has been stated by me in the matter.

ایحسان
DEPONENT


ATTESTED
Anwar Zeb Advocate
Oath Commissioner
Peshawar
27-12-18

10

Annexure "A"



OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DISTRICT CHITRAL PHONE NO, 0943-412627
EMAIL ADDRESS, deomalechitral@gmail.com

OFFICE ORDER.

Whereas District Monitoring Officer (IMU) Chitral vide letter No. IMU
DMSD/CLT/Education Office Correspondence /2017-18/1811 dated 24/05/2017
submitted complaint against Mr Ihsan Ul Haq SCT GHSS Drosh on account of his
irregularity.

Whereas Enquiry Committee was constituted against Mr. Ihsan Ul haq SCT to probe
the matter vide Endst: No. 10021-24/EB (M)/E-3/Enquiry dated 25/08/2017.

Whereas Enquiry Committee submitted his report on 25/09/2017 reporting that the
said teacher has refused to give his statement on the false pretext/lame excuse.

Whereas Show Cause Notice vide No. 17066/EB (M/S-17 dated 02/11/2017 was
issued on Mr. Ihsan Ul Ha SCT to explain his position in writing and appear before
the undersigned for personal hearing. He was also served with statement allegation
Charge Sheet.

Whereas Mr. Ihsan Ul Haq SCT GHSS Drosh submitted his reply the Show Cause
Notice on 23/12/2017 which was found un-satisfactory.

Therefore, in exercise of the power, I Mr. Ihsan Ul Haq DEO (M) Chitral being
competent Authority, under E&D Rules 2011, Rule, 4 impose Minor Penalty of
deduction of one increment on Mr. Ihsan Ul Haq SCT GHSS Drosh.


(IHSAN-UL-HAQ)
District Education Officer,
(Male) Chitral.

Endst: No. 339-45 /EB(M)/E-2/Enquiry dated Chitral the 8 /01 /2018.

Copy of the above is forwarded to the:-

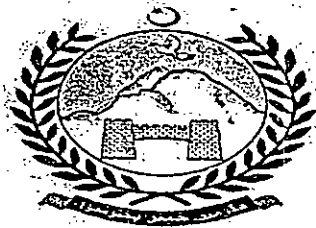
1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar for information, please.
2. Deputy Commissioner Chitral for information, please.
3. District Accounts Officer Chitral with the request to deduct one (1) annual increment of Mr. Ihsan Ul haq SCT GHSS Drosh for information, please.
4. District Monitoring Officer (IMU) Chitral for information, please.
5. Principal GHSS Drosh with the direction to deduct one (1) increment and enter into the service book and provide compliance report.
6. Teacher concerned.
7. Personal File of the teacher concerned.


District Education Officer,
(Male) Chitral.

Attested to be
True Copy


(11)

Annexure "B"



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) CHITRAL

Phone No: 0943-412627 Fax No:0943-412627

Email : www.deomchitral@gmail.com

No. 17066 /EB (M)

Dated: 2 / 11 / 2017.

To:-

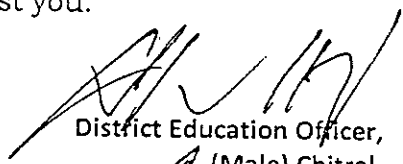
**Ihsan UI haq SCT,
GHSS: Drosh.**

Subject:-

SHOW CAUSE NOTICE.


Memo:

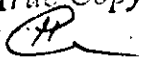
A copy of Show Cause Notice is enclosed herewith with the direction to furnish your reply within seven days of the receipt of this letter otherwise action under the rule shall be taken against you.


District Education Officer,
(Male) Chitral.

Endst: No. _____/EB(M)/S-17/Show Cause dated Chitral the ___/___/2017.

Copy to the: - Principal GHSS: Drosh.


District Education Officer,
(Male) Chitral.

*Attested to be
True Copy*


12



SHOW CAUSE NOTICE.

I Mr. Ihsan Ul Haq, District Education Officer (Male) Chitral, as Competent Authority, under the Khyber Pakhtunkhwa Govt: Servants Efficiency & Disciplinary Rules 2011 do hereby serve you, Mr. Ihsan Ul Haq SCT GHSS: Drosh as follow:

That as confirmed by the Enquiry Committee which was constituted vide Endst: No. 10021-24/EB (M)/E-3/Enquiry dated 25/08/2017 to probe your irregularity and absenteeism, you refused to give your statement to the said Enquiry Committee on lame excuses and thus I am satisfied you committed official misconduct.

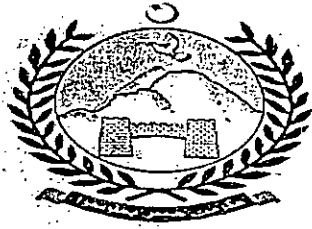
Therefore, I as Competent Authority have tentatively decided to impose upon you the penalty of stoppage / deduction of one (1) increment under rule - 4 of the said rules.

You are, therefore, required to Show Cause as to why the afore said penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

If no-reply to this notice is received within seven (7) days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action will be taken against you.

District Education Officer,
(Male) Chitral.

Attested to be
True Copy



(13)

Annexure
"c"

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) CHITRAL
Phone No: 0943-412627 Fax No:0943-412627

Email : www.deomchitral@gmail.com

No. 17942/EB (M)

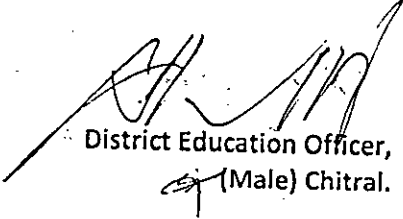
Dated: 13/11 2017.

To:-

Mr. Ihsan Ul Haq SCT,
GHSS: Drosh.

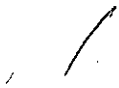
Subject:- **CHARGE SHEET / STATEMENT OF ALLEGATION.**


Memo: A copy of Charge Sheet / Statement of allegation is enclosed herewith for your reply within a week of the receipt of this call failing which an ex-parte action will be taken against you.


District Education Officer,
(Male) Chitral.

Endst: No. /EB(M)/S-17/Show Cause dated Chitral the / /2017.

Copy to the: - Principal GHSS: Drosh.


District Education Officer,
(Male) Chitral.

Attested to be
True Copy


(14)

CHARGE SHEET.

I, Mr. Ihsan- Ul- Haq , District Education Officer (M) Chitral as Competent Authority, under the Khyber Pakhtunkhwa Govt Servants E&D Rules 2011, hereby charge you Mr. Ihsan Ul Haq SCT GHSS: Drosh as follows:

1. That as confirmed by the Enquiry Committee, which was constituted vide Endst: No.10021-24/EB (M) E-3/Enquiry dated 25/8/2017 to probe your irregularity and abseteeism . You refused to give your statement to the Enquiry Committee on false pretext and your reply to the Show Cause Notice issued vide No. 17066/EB (M) dated 2/11/2017 is also found unsatisfactory.

2. By reason of the above you appear to be guilty of misconduct under the rule-3 of the Khyber Pakhtunkhwa govt servants E&D rules 2011 and have rendered your self liable to light / minor penalty of deduction/ withholding of one increment under rule -4 of the rules ibid.

3. You are , therefore, required to submit your defence in writing or personal hearing within seven days of this charge sheet and also may visit the office of the undersigned for personal hearing .

If no reply to this charge sheet is received within seven days of its delivery it shall be presumed that you have no defence to put in hand and in that case ex-parte action shall be taken against you.



(IHSAN-UL-HAQ)
District Education Officer,
(Male) Chitral.

Mr. Ihsan Ul Haq SCT GHSS: Drosh.

Attested to be
True Copy

(Signature)

(15)

Annexure

"D"

STATEMENT OF ALLEGATION.

I Mr. Ihsan-Ul-Haq District Education Officer (M) Chitral as Competent Authority, am of the opinion, that you Mr. Ihsan Ul haq SCT GHSS Drosh has rendered your self liable to minor penalty of deduction / withholding of one increment under Khyber Pakhtunkhwa E&D Rules 2011 (Rule-4) by committing official misconduct under rule-3 of the Rules ibid on account of your refusal to give statement to the Enquiry Committee on false excuse which was constituted vide Endst: No. 10021-24/EB (M)/E-3/Enquiry dated 25/8/2017.

You are, therefore, required to submit your defence in writing or personal hearing within seven days of the receipt of this call and may also visit the office of the undersigned for personal hearing.


If no reply within seven days is received, it shall be presumed that you have no defence to put it in hand and in that case ex-parte action shall be taken against you.

Sub jct:

Dist:

with for

ex parte


(IHSAN-UL-HAQ)
District Education Officer,
(Male) Chitral.

Mr. Ihsan Ul Haq SCT GHSS: Drosh.

Attested to be
True Copy



(16)

Annexure "E"

To,

The District Education Officer Chitral.

Subject. Reply the show cause notice .

Sir,

Respectfully stated, that an inquiry committee comprising two teachers of GHS Ursoon met me at GHSS Drosh. They could not tell me about the nature of allegations against me. They also could not disclose the complainants. They told me that they had been to GMS Beori wherefrom they had got all informations about me. As I was and am unaware about any complaint against me. Therefore I could not give any statement to the committee. That was not a false pretext and cannot be termed "misconduct". Both the teachers were much junior to me in service and equal of my scale. The allegations of absenteeism and irregularities against me are false fake, fabricated and with ulterior motives. The complainants cannot become evident and they cannot prove their concocted allegations. Moreover the charges of absenteeism and irregularities have been disproved by the honorable Head Master of GMS Beori vide his statement/reply to the inquiry committee please. That is crucial. Because that is an impartial evidence. Therefore it is most humbly requested that this chapter kindly be closed.

Begging your apology

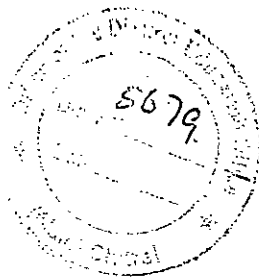
Ihsan haq
Ihsan haq

Sct. GHSS Drosh.

Dated... 23/12/2017

Attested to be
True Copy

[Signature]



(17)

Annexure "F"

The honorable Director Education Elementary and Secondary Peshawar KPK

Subject: Appeal against the illegal and unlawful order of District Education Officer (Male) Chitral, Dated 08/01/2018 whereby the appellant's one increment was deducted.

Respected Sir,

Brief facts of the present appeal are as follow.

1. That the appellant is SCT teacher and has always performed his duties regularly with great zeal and zest, as he always considered the profession of teaching as ibadat.
2. That the District Education Officer (Male) being prejudiced against the appellant, initiated illegal and unlawful inquiry, in collaboration with District Monitoring Officer, resultantly the impugned order Dated 08/01/2018 was issued whereby one increment of the appellant was deducted. (Copy of the DEO is attached mark as A)
3. That being dissatisfied from the above mentioned order the appellant preferred an application for review of the order but appellant's application was also turned down thus the instant appeal is being filed on the following grounds.
 - a. That the order of the District Education Officer (Male) is illegal, unlawful, highly prejudiced, baseless, far from reality thus liable to be set aside.
 - b. That the fact the son of DEO (Male) was appearing in the SSC examination in Government High School Ayoun where then the DEO was the Principal and the appellant was a part of the examination team. The son of the DEO was found cheating and using unfair means. As per requirement of his duty the appellant snatched copies of answers from the son of the DEO. In turn the DEO expressed his indignation before the appellant and also reacted before two other teachers who later on informed me. The inquiry and the punishment is the result of above mentioned unfortunate event.
 - c. That in support of his regularity and dutifulness the appellant produces the statement of the Chairman of the concerned PTC of the concerned school. (Copy attached)
 - d. That the entire inquiry was highly mala fide and based on the suppositions and is far from real truths therefore in the result of baseless inquiry the imposition of penalty deducting appellant's increment cannot be justified at all.
 - e. That all other points will be raised at the time of hearing this appeal.

In the light of the above facts it is humbly requested that the appellant be redeemed of the biased and prejudiced actions of the DEO (Male) District Chitral.

Appellant

Ihsan Ul Haq

SCT Teacher.

Government Higher Secondary School Drosh

Attested to be
True Copy



14/2/2018

(18) Annexure "G"



**DIRECTORATE OF ELEMENTARY AND SECONDARY
EDUCATION KHYBER PAKHTUNKHWA.**

No. 6600 /F.No.1035/Vol:III/Appeal of
CT/DM(M)General.
Dated Peshawar the 23/10 /2018.

To,

The District Education Officer (M)
Chitral.

Subject:- DEPARTMENTAL APPEAL.

Memo:-

I am directed to refer to your letter No.22336 dated 08.10.2018 on the subject cited above and to state that the appeal of Mr. Ihsan-ul-Haq SCT GHSS Drosh Chitral in light of DEO(M) Chitral report is hereby rejected.

I am further directed to ask you to inform the teacher concerned accordingly.

[Signature]
Deputy Director (Estab :)
Elementary & Secondary Edu
Khyber Pakhtunkhwa Peshawar.
23/10/18

Encls: No. _____

- 1. P.A to Director Elementary and Secondary Education local office.

Deputy Director (Estab :)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar.

E/B
Inform the
said teacher about
appeal.
23/10/18
The content of the
letter shared on
3/11/2018

4501
24/10/2018

Attested to be
True Copy
[Signature]

ملفوظات
H
بیان حلفی / شہادت

مکتبہ مسیحی حسام الدین چیزمین پی۔ٹی۔سی کونسل گورنمنٹ مڈل سکول بیوڑی حلقہ بیانی ہوں کہ مسیحی احسان الحق سی۔ٹی گورنمنٹ مڈل سکول بیوڑی اپنی ڈیوٹیاں سکول ہذا میں احسن طریقے سے سرانجام دیتا رہا ہے۔ یہ ایک ریگولر اور فرض شناس استاد ہے۔ اس نے سکول ہذا میں اپنی تعیناتی کے دوران کوئی غیر حاضری اور بے قاعدگی کا ارتکاب نہیں کیا ہے۔ چیزمین پی۔ٹی۔سی کونسل کی حیثیت سے میں نے یا پی۔ٹی۔سی کونسل نے اس کے خلاف کوئی شکایات وغیرہ نہیں کی ہے۔ اور نہ ہی عوام بیوڑی کی طرف سے اس کے خلاف کوئی شکایات ہیں۔ ہم ان کی ڈیوٹی اور پڑھائی سے مکمل طور پر مطمئن ہیں۔

لہذا یہ میرا بیان اور شہادت ہے۔

حسام الدین چیزمین پی۔ٹی۔سی کونسل
گورنمنٹ مڈل سکول بیوڑی۔

میرا بھائی بیان اور شہادت ہے۔
نور الحق ممبر پی۔ٹی۔سی کونسل
گورنمنٹ مڈل سکول بیوڑی

15201-0599415-7

المرقوم۔ 10/08/2017

قصر محمد بی۔ٹی۔سی ممبر
مڈل سکول بیوڑی، بیانی
15201-0556392-5

Attested to be
True Copy

H

20

Annexure "I"



OFFICE OF THE DISTRICT EDUCATION
OFFICER (MALE) CHITRAL PHONE
NO.0943-412627 EMAIL ADDRESS:
deomchitral@gmail.com

No. 23343 EB/(M)S-1;/S/Cause Dated: 27/10/2018.

To,

The Principal,
GHSS Drosh.

Subject DEPARTMENTAL APPEAL.

Memo:

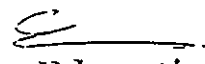
Please find enclosed herewith departmental appeal received from the Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar for information and necessary action.

(Encl as above)


District Education Officer,
(Male) Chitral.

Endst: No. _____

Copy to the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar with ref to his No & date as referred to the above for information, please.


District Education Officer,
(Male) Chitral.

Attested to be
True Copy

