

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR.

Service Appeal No. 1145/2019

Date of Institution ... 13.09.2019

Date of Decision... 01.02.2023

Abdul Muneer, Naib Qasid, GHSS Chanda Khurram, District Karak.

... (Appellant)

VERSUS

The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar and 02 others.

... (Respondents)

MR. KAMRAN KHAN,
Advocate

--- For appellant.

MR. UMAIR AZAM KHAN,
Additional Advocate General

--- For respondents.

SALAH-UD-DIN
FAREEHA PAUL

MEMBER (JUDICIAL)
MEMBER (EXECUTIVE)

JUDGMENT:

SALAH-UD-DIN, MEMBER:- Through the instant

service appeal, the appellant has invoked jurisdiction of this

Tribunal with the prayer copied as below:-

"that on acceptance of this appeal the impugned order dated 15.08.2017 may very kindly be modified/extended to the extent of back benefits w.e.f 11.09.2012 till 15.08.2017 with the directions to expunge the impugned entry dated 04.01.2018 regarding recovery of Rs. 5,67098/- from the service book of appellant. Any other remedy which this august Tribunal deems fit may also be awarded in favour of the appellant."

2. Precisely stated the averments as raised by the appellant in his appeal are that he, while posted as Naib Qasid at GMS Barbara District Karak, was involved in a criminal case and was

thus suspended by the competent Authority on 26.09.2012; that the appellant was later on removed from service by the competent Authority vide order dated 20.02.2016 without waiting for the outcome of criminal case; that the appellant was later on acquitted in the concerned criminal case on the basis of compromise vide judgment dated 09.11.2016; where-after he filed departmental appeal, however the same was rejected vide order dated 11.01.2017; that during the pendency of service appeal of the appellant, he was reinstated into service vide order dated 15.08.2017 but the intervening period was treated as extraordinary leave without pay; that an entry was recorded in the service book of the appellant on 04.01.2018, wherein it was mentioned that an amount of Rs. 567098/- received by the appellant as pay and allowances with effect from 11.09.2012 till 30.11.2018 was recoverable from him; that the appellant challenged the same through filing of departmental appeal, which was not responded within the statutory period, hence the instant service appeal.



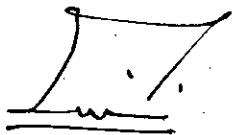
3. Notices were issued to the respondents, who submitted their comments, wherein they refuted the assertions raised by the appellant in his appeal.

4. Learned counsel for the appellant has addressed his arguments supporting the grounds raised by the appellant in his service appeal. On the other hand, learned Additional Advocate General has controverted the arguments of learned counsel for

the appellant and has supported the comments submitted by the respondents.

5. Arguments of learned counsel for the parties have already been heard and record perused.

6. A perusal of the record would show that the appellant was charged in case FIR No. 147 dated 11.09.2012 under sections 302/324/34 PPC and was suspended vide order dated 26.09.2012. Disciplinary action was taken against the appellant and he was removed from service vide order dated 20.02.2016 passed by the then District Education Officer (Male) Karak. While going through the aforementioned order, it can be observed that the appellant was not removed from service on the allegations of his involvement in the criminal case rather he was removed from service on the allegation of his absence from duty. The appellant was charged in case FIR No. 147 registered on 11.09.2012, however according to copy of order of ad-interim pre-arrest bail of the appellant, he surrendered before the court after a delay of considerable long period on 12.05.2016. During the intervening period w.e.f 11.09.2012 till 12.05.2016, the appellant evaded his arrest and it was on the ground of absence from duty that he was removed from service vide order dated 20.12.2016. It appears from the record that the appellant had previously filed Service Appeal No. 422/2017 challenging his removal from service. It was during the pendency of the afore-mentioned service appeal of the appellant that his departmental appeal before the Director Elementary & Secondary Education Khyber Pakhtunkhwa





Peshawar was decided on 14.06.2017, whereby the appellant was reinstated in service with effect from 11.09.2012, however the intervening period with effect from 11.09.2012 till 13.06.2017 was ordered to be treated as extra-ordinary leave without pay. The aforementioned service appeal was dismissed as withdrawn upon the request of the appellant.

7. The appellant then submitted another departmental appeal before the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar seeking modification of the order dated 15.08.2017 of the District Education Officer (Male) Karak by granting him back benefits of the intervening period and expunging of entry of recovery of Rs. 567098/- as recorded in service book of the appellant. The entry regarding recovery of an amount of Rs. 567098/ was actually recorded in service book of the appellant in compliance of the order dated 14.06.2017 passed by Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar, however the said order has not at all been challenged by the appellant

8. In view of the above discussion, the appeal in hand stands dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
01.02.2023


(FAREEHA PAUL)
MEMBER (EXECUTIVE)

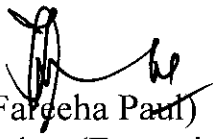

(SALAH-UD-DIN)
MEMBER (JUDICIAL)


ORDER
01.02.2023

Appellant alongwith his counsel present. Mr. Umair Azam Khan, Additional Advocate General for the respondents present. Arguments have already been heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand stands dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
01.02.2023


(Farzha Paul)
Member (Executive)


(Salah-Ud-Din)
Member (Judicial)

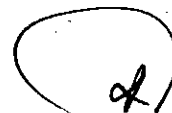
19th Jan. 2023

Lawyers are on strike today.

To come up for arguments on 30.01.2023 before the D.B. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.



(Fareeha Paul)
Member(E)



(Rozina Rehman)
Member (J)

30.01.2023

Appellant alongwith his counsel present. Mr. Umair Azam Khan,
Additional Advocate General for the respondents present.

Arguments heard. To come up for order on 01.02.2023 before the

D.B.



(Fareeha Paul)
Member (E)



(Salah-ud-Din)
Member (J)


12.01.2023

Counsel for the appellant present.

Muhammad Adeel Butt learned Additional Advocate General for respondents present.

It was on 29.09.2022 when parties were directed to make sure the production of relevant record as file was incomplete. Despite directions no record was produced, therefore, both the parties are warned to produce relevant record on the next date positively, failing which appeal would be decided on the strength of available record. To come up for production of record and arguments on 17.01.2023 before D.B.

(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

17th Jan. 2023

Lawyers are on strike today.

To come up for production of record and arguments 19.01.2023 before the D.B. Office is directed to notify the next date on the notice board as well as website of the Tribunal.

(FAREEHA PAUL)
Member(E)


(ROZINA REHMAN)
Member(J)

10.11.2022

Junior to counsel for the appellant present.

Kabir Ullah Khattak learned Additional Advocate General for the respondents present.

Former requested for adjournment on ground the ground that his senior counsel is busy before Hon'ble Peshawar High Court Peshawar. Adjourned. To come up for arguments on 08.12.2022 before D.B.

SCANNED
KPST
Peshawar


(Fareeha Paul)
Member (E)

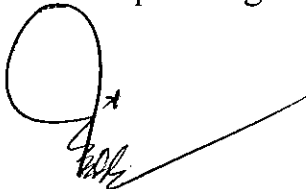

(Rozina Rehman)
Member (J)


08.12.2022

Appellant in person present. Mr. Hamdullah, AD alongwith Mr. Muhammad Jan, District Attorney for the respondents present.

Appellant requested for adjournment on the ground that his counsel is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 12.01.2023 before D.B.

SCANNED
KPST
Peshawar


(Mian Muhammad)
Member (E)


(Salah-ud-Din)
Member (J)

23.08.2022

Appellant alongwith his counsel present. Mr. Muhammad Faheem, Assistant and Mr. Muhammad Tufail, Assistant alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned Additional Advocate General sought time for preparation of brief of the instant appeal. Adjourned. To come up for arguments on 29.09.2022 before the D.B.



(Rozina Rehman)
Member (Judicial)



(Salah-Ud-Din)
Member (Judicial)

29.09.2022

Appellant alongwith counsel present.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

File is incomplete, therefore, both the parties are directed to make sure the production of relevant record before date and file to come up for arguments on 10.11.202 before D.B.



(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)

30-9-21

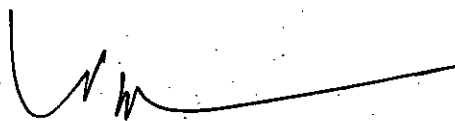
DB is on tour case to come up
for the same on dated, 1-2-22

Revised

01.02.2022

Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG for the respondents present.

Due to paucity of time arguments could not be heard. To come up for arguments on 01.03.2022 before the D.B.



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


Chairman

01.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 06.06.2022 for the same as before.


Reader.

6th June. 2022

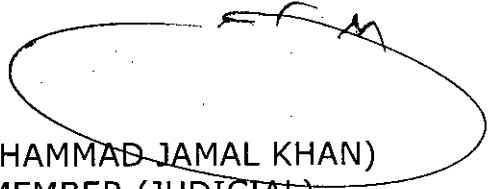
Proper D.B is not available. Therefore, case is adjourned to 23.08.2022 for the same as before.


Reader

25.11.2020

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Muhammad Rehman, Senior Auditor, on behalf of respondent No. 3, are also present.

Representative of respondent No. 3 submitted written reply on behalf of the said respondent, which is placed on record. Written reply on behalf of respondents No. 1 & 2 has already been submitted. File to come up for rejoinder and arguments on 23.02.2021 before D.B.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

23.02.2021

Due to COVID, 19 the matter is adjourned to 2.06.2021 for the same.


Reader

02.06.2021

Junior to counsel for appellant present.

Muhammad Adeel Butt learned Additional Advocate General for respondents present.

Former made a request for adjournment as senior learned counsel is busy before Hon'ble Peshawar High Court, Peshawar; granted. To come up for arguments on 30.09.2021 before D.B.



(Rozina Rehman)
Member (J)



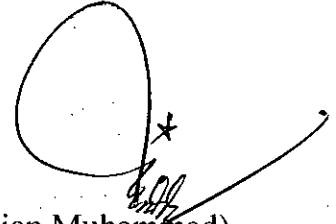
Chairman

20.08.2020

Junior to counsel for the appellant present. Addl: AG for respondents present. Representative of the respondents are absent.

Written reply on behalf of respondent No.3 not submitted. Notices be issued to the respondent No.3 for submission of written reply/comments.

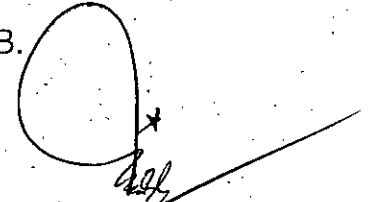
Adjourned to 02.10.2020 before S.B.



(Mian Muhammad)
Member(E)

02.10.2020

Counsel for appellant present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith representative Mr. Muhammad Rehman Senior Auditor for respondents present. Written reply of respondent No.3 is still awaited. MR. Muhammad Rehman representative of respondent No.3, committed to submit the requisite reply before the court on 25.11.2020 before S.B.



(Mian Muhammad)
Member (E)

12.03.2020

Appellant in person and Mr. Kabirullah Khattak, Additional AG for the respondents present. Neither written reply on behalf of respondents submitted nor representative of the department is present, therefore, notices be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Last opportunity is given to respondents to furnish written reply/comments. Adjourned to 07.04.2020 for written reply/comments before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

07.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 30.06.2020 for the same. To come up for the same as before S.B.



Reader

30.06.2020

Counsel for the appellant present.

Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Sher Nawab Superintendent representative of respondents No.1 & 3 present.

Reply on behalf of respondents No.1 & 3 submitted. Learned AAG made request for adjournment for submission of reply on behalf of respondent No.3. Opportunity is granted. To come up for written reply/comments of respondent No.3, on 20.08.2020 before S.B.


Member (J)

26.11.2019

Junior to counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Sultan Shah, Supdt for respondents present.

Written reply/comments on behalf of the respondents not submitted. Learned District Attorney seeks time to submit the same.

Adjourned to 08.01.2020 before S.B.



Chairman

08.01.2020

Appellant in person and Addl. AG alongwith Shahid Nawab, Superintendent for the respondents present.

Representative of respondents seeks time to furnish reply/comments. Adjourned to 18.02.2020 on which date the requisite reply/comments shall positively be furnished.



Chairman

18.02.2020

Appellant alongwith junior counsel and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Sher Nawab, Superintendent for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department seeks further time to furnish reply/comments. Adjourned to 12.03.2020 for written reply/comments before S.B.



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

1145.19

24.09.2019

Counsel for the appellant present.

Contends that through order dated 15.08.2017 the intervening period with effect from 11.09.2012 till the date of reinstatement of appellant was ordered to be treated as extraordinary leave without pay although the appellant was placed under suspension for the said period. The period of suspension, in view of F.R 53, could not be considered as EOL. Explaining the delay in submission of departmental appeal it was argued that the matter pertains to the salary/recovery of salary, therefore, the appellant has a recurring cause of action and the period of limitation was not to be counted in his case. He further referred to the copy of service book of the appellant wherein the requisite entry was made on 04.01.2018.

In view of arguments of learned counsel and the available record, instant appeal is admitted for regular hearing. The appellant is required to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 26.11.2019 before S.B.

Alongwith the appeal an application for restraining the recovery of Rs. 5,67,098/- has been submitted. Notice of the application be also given to the respondents for the date fixed. Till next date of hearing the respondents shall refrain from making the questioned recovery.

Appellant Deposited
Security Process Fee

24/9/19



Chairman

24.09.2019

SCANNED
KPST
Beehawan

Counsel for the appellant present.

Contends that through order dated 15.08.2017 the intervening period with effect from 11.09.2012 till the date of reinstatement of appellant was ordered to be treated as extraordinary leave without pay although the appellant was placed under suspension for the said period. The period of suspension, in view of F.R 53 could not be considered as EOL. Explaining the delay in submission of departmental appeal it was argued that the matter pertains to the salary/recovery of salary, therefore, the appellant has a recurring cause of action and the period of limitation was not to be counted in his case. He further referred to the copy of service book of the appellant wherein the requisite entry was made on 04.01.2018.

In view of arguments of learned counsel and the available record, instant appeal is admitted for regular hearing. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 26.11.2019 before S.B.

Alongwith the appeal an application for restraining the recovery of Rs. 5,67,098/- has been submitted. Notice of the application be also given to the respondents for the date fixed. Till next date of hearing the respondents shall refrain from making the questioned recovery.

Chairman



*represented on
fresh page,*

The appellant is directed to deposit security & process fee 10% of the amount.

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1145/2019 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/09/2019	<p>The appeal of Mr. Abdul Muneer presented today by Mr. Noor Muhammad Khattak 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 13/9/19</p>
2-	16/09/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>24/09/19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 1145 /2019

ABDUL MUNEER

VS

EDUCATION DEPTT:

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APPELLANT

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

15/11/19
43

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR**

APPEAL NO. 1145 / 2019

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 1249

Dated 13-9-2019

Mr. Abdul Muneer, Naib Qasid,
GHSS Chanda Khurram, District Karak.....**APPELLANT**

VERSUS

- 1- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The District Education Officer (M), District Karak.
- 3- The District Account Officer, District Karak.

.....**RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED
ORDER DATED 15.08.2017 WHEREBY THE INTERVENING
PERIOD W.E.F 11.09.2012 IS TREATED AS EXTRA ORDINARY
LEAVE WITHOUT PAY AND AGAINST THE ORDER DATED
04.01.2018 REGARDING RECOVERY OF RS. 5,67098/- AND
AGAINST NO ACTION ON THE DEPARTMENTAL APPEAL OF
APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY
DAYS.**

PRAYER:

That on acceptance of this appeal the impugned order dated 15.08.2017 may very kindly be modified/extended to the extent of back benefits w.e.f 11.09.2012 till 15.08.2017 with the directions to expunge the impugned entry dated 04.01.2018 regarding recovery of Rs. 5,67098/- from the service book of appellant. Any other remedy which this Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:
ON FACTS:**

- 1- That appellant is the employee of the respondent Department and is serving as Naib Qasid at GMS Barbara, District Karak quite efficiently and upto the entire satisfaction of his superiors.
- 2- That during service the appellant was falsely charged in a criminal case and due to involvement in the criminal case the appellant was suspended on 26.09.2012. That the later on the respondent Department without waiting the outcome of trial court removed the appellant from service vide order dated 20.02.2016. Copy of the order dated 20.02.2016 is attached as annexure.....**A.**

Filed to-day
13/9/19
Registrar

- 3- That the appellant was acquitted by the Learned Trial Court in the said criminal case on the basis of compromise vide judgment dated 09.11.2016. That after acquittal in the criminal case the appellant filed Departmental appeal which was rejected 11.01.2017 and appellant feeling aggrieved filed service appeal before this august Tribunal. Copies of the Trial Court proceedings/judgment, Departmental appeal and rejection order are attached as annexure.....**B, C & D.**
- 4- That during the pendency of service appeal before this august Tribunal the appellant was re-instated into service by the respondent No. 2 vide order dated 15.08.2017 but the intervening period w.e.f 11.9.2012 has treated as extra ordinary leave without pay. Copy of the impugned order dated 15.08.2017 is attached as annexure.....**E.**
- 5- That it is pertinent to mention that the respondent Department made an entry in the service book of the appellant on 04.01.2018 for recovery of previous salaries i.e. 5,67098/- which the appellant has been received during suspended period w.e.f 11.09.2012. That appellant feeling aggrieved filed Departmental appeal but no reply has been received so far. Copies of the service book and Departmental appeal are attached as annexure.....**F & G.**
- 6- That appellant feeling and having no other remedy filed the instant service appeal on the following grounds amongst the others.

GROUND:

- A- That impugned order dated 15.08.2017 by treating the intervening period w.e.f 11.09.2012 is extra ordinary leave without pay and order dated 04.01.2018 regarding recovery of 5,67098/- are against the law, facts of natural justice materials on record hence not tenable in the eye of law.
- B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan-1973.
- C- That the respondents acted in arbitrary and malafide manner by treating the intervening period w.e.f 11.09.2012 as extra ordinary leave without pay and making entry in the service book regarding recovery of previous salaries i.e. 5,67098/- from the appellant which is not tenable in the eye of law.
- D- That the impugned order dated 15.08.2017 is violative of Fundamental Rule- 53 and 54.

E- That appellant is fully entitled for the salaries in suspended period w.e.f 11.09.2012 which the appellant has already been received therefore, the entry regarding recovery of Rs. 5,67,098/- is not tenable and liable to be expunged.

F- That appellant has been discriminated by the respondent Department by treating the intervening period as extra ordinary leave without pay and now making recovery of salaries for the period i.e. 11.09.2012 till 15.08.2017.

G- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

APPELLANT

indhu
ABDUL MUNEER

THROUGH:

[Signature]
NOOR MOHAMMAD KHATTAK

SHAHZULLAH YOUSAFZAI

&

[Signature]
MIR ZAMAN SAFI
ADVOCATES

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

C.M. NO. _____/2019

IN

APPEAL NO. _____/2019

ABDUL MUNEER

VS

EDUCATION DEPARTMENT

APPLICATION FOR RESTRAINING THE RESPONDENT
FROM RECOVERY Rs. 5,67098/- TILL FINAL DISPOSAL
OF THE CASE

R.SHEWETH:

1. That, the appellant has filed the above titled service appeal before this Honourable court in which no date has so far been fixed.
2. That, appellant filed the above mentioned service appeal against action and inaction of the respondents by making recovery of the previous salaries and treating the intervening period w.e.f 11.09.2012 as extra ordinary leave without pay against the order dated 04.01.2018 regarding the recovery of the Rs. 5,67098/-.
3. That, all the three ingredients required for grant of stay are in favour of the appellant.
4. That, any other ground would be taken at the time of arguments with prior permission of this Honourable Court.

It is therefore, most humbly prayed that on acceptance of this application the respondent may kindly be restrained from making recovery from the appellant of Rs. 5,67098/- till final disposal of the instant appeal.

APPELLANT


ABDUL MUNEER

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE,
High Court Peshawar

16
2022

2016

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KARAK

OFFICE ORDER:

Whereas you, Mr. Abdul Munir Niab Qasid was proceeded for having committed the following gross irregularities which constituted inefficiency and misconduct under Rule Para No.4 Sub Para No.B-III of the Khyber Pakhtukhwa Efficiency and Discipline Rule 2011.

2. Whereas you have been remained absent and neither performed your duties in any school during the year.

3. Whereas you failed to produce any documentary proof of your services at your school.

4. Whereas Notices issued to you through District Education Officer (Male) Karak vide his office No 4031, dated 20/10/2015 and No.4908 dated 22/12/2015.

5. Whereas a notice was published in the Daily Mashriq dated 28/1/2016.

6. Whereas you were given the chance of Personal hearing within 15-days but you neither joined duty nor attended the DEO office. Which means that you have no cogent reasons to justify your absence?

Now therefore, the Competent Authority in exercise of the Power conferred upon me under Sub Rule 4-B Sub section-III and 9 of the Khyber Pakhtunkhwa Efficiency and Discipline Rules 2011 is pleased to impose the Major Penalty of Removal from Service upon you Mr. Abdul Munir GMS Barbara with effect from 11/09/2012.

DISTRICT EDUCATION OFFICER
(MALE) KARAK

Dated Karak the 29/2/2016

Endst: No. 1156-64

Copy to the:

- 1) Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 2) District Account Officer Karak.
- 3) Deputy District Education Officer (Male) Karak with the remarks to recover the salary of absentee period from his GP Fund with intimation to undersigned if paid to the official.
- 4) District Monitoring Officer Karak.
- 5) ADO (Secondary) Local Office.

DISTRICT EDUCATION OFFICER
(MALE) KARAK

Attested
Miri
Support Specialist
G.H.S.S
Chauda Khucan

Annexure B

7

B (5)

FORM "A"
FORM OF ORDER SHEET

In the Court of Mr. Javaid ur Rehman Addl: Sessions Judge,
Banda Daud Shah, Karak

Abdul Munir Khan... VS... The State etc. "BBA # 68/4 of 2016

1152
016

Serial No. of Order of Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of P. Counsel where necessary.
1	2	3
Order #01	12.05.2016 A. Na 3/5/16	<p>The instant BBA submitted by Mr. Qaid Ullah Khan advocate this court. Be registered.</p> <p>Accused/petitioner Abdul Munir Khan alias Munir Khan s/o Si Gul resident of Barbara Banda Tehsil Banda Daud Shah District alongwith his counsel present, whom has submitted the instant app for pre-arrest bail due to eminent danger of arrest in case FIR No.147/11.09.2012 under Section 302/324/34 PPC, registered in Police Station T</p> <p>Arguments heard today and record perused.</p> <p>As complete case record is not yet available before this however, in the instant application, the accused/petitioner has alleg he has been involved in the instant criminal case with malice and r intention by the complainant. So, due to non-availability of case rec with no contradictory material against accused/petitioner before th at the moment the instant application is accepted and the accused/pe is admitted to pre-arrest bail subject to furnishing bail bonds to the Rs.80,000/- (Eighty thousand only) with two local sureties up satisfaction of concerned Judicial Magistrate/MOD Karak. Furth notice should be issued to the complainant/State, and record should requisitioned for the date fixed. File to come up for arguments on 18. In the meanwhile, accused/petitioner is directed to join investigation appear before this Court on each and every date fixed.</p> <p>ANNOUNCED 12.05.2016</p> <p style="text-align: right;">12 Javaid ur Rehman Additional Sessions Judge Banda Daud Shah, Karak JAVAIID-UR-REHMAN Addl. Distt. & Session Judge</p>

A. Na

Abdul Nasir Advocate
3-5-2017
Karak

Shah, Karak.

Ord.....02
18.05.2016

Mr. Yousaf Jamal APP for the State present. Accused/petitioner are in attendance alongwith counsel. Parties have reached into compromise and counsel for accused requested for an adjournment which is granted. Case file to come up for compromise proceedings on 23.05.2016.

Javaid ur Rehman
Additional Sessions Judge,
B.D.Shah.

JAVAIID-UR-REHMAN
Addl. Dist. & Sess. Judge

ATTESTED
Examined by
B.D. Shah
24-4-17

In the Court
Serial No
Order
Proceed
OR

Annexure 1

8

(3)

FORM "A" FORM OF ORDER SHEET

Shah, Karak.

In the Court of Mr. Javaid ur Rehman Addl: Sessions Judge, Bahawalpur
BBA # 68 /04 of 2016 Abdul Munir ...vs... The State

(6)

Serial No. of Order of Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of Parties or Counsel where necessary.
1	2	3
Order No. 03	23.05.2016	<p>Mr. Umar Niaz APP for the State present. Accused /petitioner Abdul Munir Khan on ad-interim pre-arrest bail present. Today joint statement of complainant Rasool Khan, legal heirs of deceased Rafi Ullah namely: Mst. Shamim (mother), Mst. Mewa Jan (widow) and legal heirs of deceased Ibrahim namely: Masood ur'Rehman (father) and Mst. Alaf Jan (mother) recorded which is placed on file.</p> <p>According to joint statement of complainant and legal heirs of both the deceased recorded today wherein they have effected a genuine compromise with accused/petitioner Abdul Munir outside the court and confirmed that they have pardoned the accused/petitioner in the name of Almighty Allah. They have got no objection if BBA of the accused/petitioner is confirmed through the instant compromise and later on for the acquittal during trial. They further stated that the deceased Ibrahim was married while deceased Rafi Ullah was married and was issueless. They being the major legal heirs of deceased named above have waived their right of Qisas & Diyat. They produced the compromise deed regarding the deceased Rafi Ullah which is exhibited as ExPA and ExPA/1 while proforma effecting compromise under Qisas & Diyat ordinance is exhibited as ExPB. Similarly they also produced compromised deeds of effecting compromise regarding the murder of deceased Ibrahim which are exhibited as ExPC & ExPC/1 while proforma effecting compromise under Qisas & Diyat ordinance is exhibited as ExPD.</p>

Attested
A. Nasir

ATTESTED

ATTESTED
Examined Copying
Shah, Karak
21/7

[Signature]

A. Nasir

Abdul Nasir Advocate

3-5-2017

Karak

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Serial # of
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Proceedings

Order

Serial No. of Order of Proceedings
Date of Order or Proceedings
Order or other Proceedings with Signature of Judge or Magistrate and that of Parties or Counsel where necessary.

Ord #?
Cont'd

Keeping in view the compoundable nature of the case coupled with the affidavits, joint statement of legal heirs of both the deceased, it seems that the compromise is in the best interest of the parties. Thus, I hereby confirm the BBA of the accused/petitioner on existing bail bonds. Record be returned to the local police with a direction to submit complete challan while file of this court be consigned to record room after its necessary completion and compilation.

Announced
23.05.2016

[Signature]
Javaid ur Rehman 23.05.16
Additional Sessions Judge,
Banda Daud Shah, Karak

JAVAIID-UR-REHMAN
Addl: Distt: & Session Judge



[Handwritten signature]
24/5/17

دیورٹنگ تھا ہر شے
عدالت فیصلہ دے

FORM "A"
FORM OF ORDER SHEET

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In the Court of Mr. Javaid ur Rehman Addl: Sessions Judge, Banda Daud Shah
The State ... vs ... Abdul Munir "Sessions case No. 17 of 2016"

Serial # of Order of Proceedings	Date of Order of Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of Parties or Counsel where necessary.
1	2	3
Order # 03	09.11.2016	<p>APP for the State present. Accused Abdul Munir on bail with counsel present. Counsel for accused submitted attested photocopies of compromise proceedings which are placed on file. Today complainant Rasool Khan in person present before the court and recorded his statement regarding compromise. Record present before the court have gone through.</p> <p>According to complainant statement and attested copies of compromise proceedings, the matter is patched up in between them outside the court and today complainant produced attested copies of the order of confirmation of BBA, joint statement of all the legal heirs of deceased, compromise deed ExPA, proforma under Qisas & Diyat ordinance ExPB and some other documents and further stated that the compromise is genuine and the same may be accepted.</p> <p>Keeping in view the compoundable nature of the case coupled with the affidavits, I hereby accept the compromise, which is in the best interests of both the parties and for the stated above reasons I hereby, acquit the accused facing trial namely: Abdul Munir Khan from the charges leveled against him on the sole ground of compromise without touching the merits of the instant criminal case. Accused is on bail, his sureties are absolved from liabilities of the bail bonds.</p> <p>In the instant criminal case there is one another absconding co-accused namely: Usman son of Noor Janan resident of Barbar Banda who has already been declared as Proclaimed offender. So case property be kept intact till the arrest of absconding accused. File be consigned to Sessions Record Room after its necessary completion and compilation.</p> <p>ANNOUNCED 09.11.2016</p>

Subj. Specialist
G.ri S S
Chanda Khuram

09.11.16
Javaid ur Rehman
Additional Sessions Judge,
Banda Daud Shah, Karak

ATTESTED
11-11-17

ATTESTED

اصل

23/11/2016

سرکار ایس ایف

سرکار ایس ایف
کوٹہ ۵۰۰

23/11/2016

مدرسہ اچانک اسیرا

ضابطہ

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مدرسہ اچانک اسیرا فورم ۵۹/۲۵۱۲/۱۱ کوئٹہ ایف ۳۴/۳۲۴/۳۱۲
مدرسہ اچانک اسیرا - مہرہ پورہ کوٹہ، گراس ریس کورس سے ڈیڑھی انعام دیا گیا۔
مدرسہ سے نئی پبلک ڈیڑھی ۱۱۵۶-۶۰۰ فورم ۲۰/۲/۲۰۱۶ کی مدد سے
مدرسہ کوٹہ

مہرہ کی عدالت نے فورم ۹/۱۱/۲۰۱۶ کی لاٹری پر کراہی دیا۔
کی عدالت نے اس سے یہ فیصلہ دیا کہ نئی ڈیڑھی پر کراہی دیا جائے۔
مہرہ کی عدالت نے اس سے یہ فیصلہ دیا کہ نئی ڈیڑھی پر کراہی دیا جائے۔

23/11/2016

عبدالمعین

عبدالمعین (مدرسہ اچانک اسیرا)
مدرسہ اچانک اسیرا
مدرسہ اچانک اسیرا

کامیاب

Atreeda

Subject Specialist
GHS S...
Chanda Khura

11-11-2017

Office Address: Karak Township.
Phone No.0927-291016.
Email: demiskarak@gmail.com



D-9

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KARAK.

No. 232

Dated 11/11/2017

To:

Mr: Abdul Munir Naib Qasid,
GMS Barbara Banda B.D Shah Karak.

Subject:- **APPEAL.**

Memo,

Reference your application/appeal for re-instatement dated 23-11-2016.

You are dismissed/removed from service under E.D rules 2011 there for your case/appeal/herby filed.

Amir
11/11

Specialist
SS
Ghanda Khuram

TA
District Education Officer,
(Male) Karak.

پشاور کی کو اعلیٰ سکول فی 25/1
2017

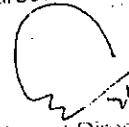
Directorate of Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.
No. 4912 /F.NO. IA-20/C-IV/appeal/Abdul Munir
Dated Peshawar the 25/11 2017

10

To
The District Education Officer
(Male) Karak

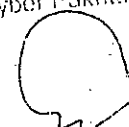
Subject: APPEAL FOR RE-INSTATEMENT.

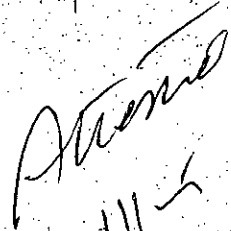
Memorandum
I am directed to refer to the subject noted above and to enclose herewith a copy of appeal in r/o Abdul Munir Khan Ex-Naib Qasid GMS Barbara for necessary action and submit detailed report/comments at an early date.


24/11/2017
Assistant Director (Admin)
Directorate of E&SE K.P., Peshawar

Encl: No. 4913

- 1. Copy forwarded to the: Abdul Munir Khan S/O Sher Baz Khan R/O Barbara Banda Tehsil B.D. Shal. District Karak.
- 2. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.


24/11/2017
Assistant Director (Admin)
Directorate of E&SE K.P., Peshawar


21/11/17
Subject Specialist
G.H.S.S
Chanda Khurain

For the Director: Abdul Munir Khan for detail report des

کے سے والی جواب

14/3/2017

OF

N OFFICER (MALE) KARAK

No.

1470

Dated Karak the 14-3/2017.

(11)

To

The Director,
Elementary and Secondary Education Khyber Pakhtunkhwa
Peshawar.

SUBJECT:- APPEAL FOR RE INSTATEMENT

Memo,

Reference your Office No.4912/F:No.A-20/C IV appointment
/Abdul Muneer dated 25.1.2017.

As per your kind direction the Detail History of Mr. Abdul
Muneer Ex-Naib Qasid GMS Barbara is as under.

He was involved in FIR No.147 under Section 302/324/34 dated
11.9.2012.

He was suspended from Service vide this Office Endst:No.6425-
27/AE-II dated 26.9.2012.

Absent Notice was issued against ~~the~~ him vide No.4031 dated
20.10.2015 and No.4908 dated 22.12.2015.

Absent Notice through Daily Mashriq was Published dated
28.1.2016.

This Office ~~was~~ also give a chance for personal hearing but he fail
to attend this Office. Or surrender himself to the Police.

He was Removed from Service under sub Rules 4-B sub section III
and 9 of KPK E & D Rules 2011 vide this Office Endst:No.1156-60 dated
20.2.2016.

Now the honourable court decided the case in his
favour and he has therefore appealed for re-instatement from the date of his
removal from Service i.e.11.9.2012|but this Office refused his appeal vide this
Office No.232 dated 11.1.2017.

Detail report is submitted fr your kind perusael please.

Subject Specialist
G.H.S.S
Chanda, Khuram

TA 14/03/017
DISTRICT EDUCATION OFFICER
(MALE) KARAK

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KARAK.
NOTIFICATION/RE-INSTATEMENT.

E-12

WHEREAS on finality of disciplinary proceedings under Khyber Pakhtunkhwa E & D Rules 2011 major penalty from Service was imposed upon Mr. Abdul Muneer Ex N/Qasid GMS Bzbarra (Karak) vide this Office notification No.1156-69 dated 20.2.2016.

AND WHEREAS the the said aggrieved Ex N/Qasid filed a Departmental appeal dated 17.1.2017 to the Director Elementary and Secondary Education Peshawar (appellate authority) for redressal of his grievances/Re-Instatement in Service.

AND WHEREAS the appellate authority in Pursuance of section 17 read with sub rule (1) & 2 of the E & D Rules 2011 called for the record of the case and comments from this Office vide letter No.4912 dated 25.1.2017 for consideration of the appeal.

AND WHEREAS this Office provided the requisite record/comments vide this Office No.1470 dated 14.3.2017.

AND WHEREAS the appellate authority decided his appeal vide Director E&SE KPK No.2734-38/F.No.A-20/C:IV/appeal/Abdul Muneer dated 14.6.2017 that the accused was not dealt with under FR 53 as he was showed involved in criminal case vide FIR No.147 dated 11.9.2012

AND WHEREAS the appellate authority The Director E&SE Khyber Pakhtunkhwa Peshawar under section 17 read with rules 2(b) of E&D rules 2011 has decided to set aside the major penalty of Removal from Service imposed by this Office No.1156-69 dated 20.2.2016 and Reinstated Mr. Abdul Muneer Khan Ex N/Qasid GMS Barbara (Karak) in service w.e. from 11.9.2012. His Service are placed at the disposal of this Office for further adjustment against the vacant post of N/Qasid. The absconding/intervening period from 11.9.2012 to date is treated as Extra Ordinary Leave without pay vide Director E&SE KPK No.2734-38/F.No.A-20/C:IV/appeal/Abdul Muneer dated 14.6.2017.

Now therefore, Mr. Abdul Muneer Ex N/Qasid GMS Barabra is hereby Re-Instated and adjusted at GHSS Chanda Khuram against the vacant post of N/Qasid.

NOTE:- Necessary entries to this effect should be made in his Service Book.

DISTRICT EDUCATION OFFICER
(MALE) KARAK.

Endst: No. 4525-24 Dated Karak the 15/8 /2017

Copy to the:-

1. Director E&SE Khyber Pakhtunkhwa Peshawar w/r to his Office No.2734-38/F.No.A-20/C:IV/appeal/Abdul Muneer dated 14.6.2017.
2. Principal GHSS Chanda Khuram for n/action.
3. Head Master GMS Barbara.
4. District Accounts Officer Karak.
5. Dy DEO(M) Local Office for n/action.
6. B & AO for n/action.
7. Officer Concerned.

DISTRICT EDUCATION OFFICER
(MALE) KARAK.

Handwritten notes in Urdu: "میں نے اس کی کاپی لے لی ہے" (I have taken the copy), "15-8-2017" (15/8/2017), "17-8-17" (17/8/17)

Signature: *Shiraz*
Subin, Specialist
SS
Chanda Khuram

Signature: *[Signature]*
15/08/2017
DISTRICT EDUCATION OFFICER
(MALE) KARAK.

1. Name (ت) Abdul Muneer F (13)
2. Nationality and Religion Pakistani (Islam)
(قومیت اور مذہب)
3. Residence vill. Barkara Teh. B. D. Shik District. Karachi
(مستقل رہائش)
4. Father's Name and residence Shay Mazy Gul
(والد کا نام اور پتہ)
5. Date of birth Christian era as nearly as can be ascertained 1969
(تاریخ پیدائش مطابق سن عیسوی)
6. Exact height by measurement 5' 4"
(قد و قامت)
7. Personal mark of identification Scar on Right knee
(نشان شناخت)

8. Left hand/right hand thumb and finger impressions of (Non-gazetted officer)

(بزرگی کی صورت میں بائیں اور عورت کی صورت میں دائیں ہاتھ کی انگلیوں کے نشانات)

Little Finger (چھنگلیا) Ring Finger (چھنگلیا کے ساتھ کی انگلی) Middle Finger (انگشت میاں)

Fore Finger (انگشت شہادت) Thumb (انگوٹھا)

9. Signature of Govt. Servant. (سرکاری ملازم کے دستخط)

عبدالمصطفیٰ بھٹو

10. Signature and designatin of the Head of the Office or other Attesting officer

محمد تقی کھٹہ افسر کے دستخط اور مہر

Director Officer (Male)
School & Literacy Karachi/04

Note: The entries in this page should be renewed or re-aggested at least every five years and the signatures in lines 9 and 10 should be dated. Finger prints need not be taken after every 5 hears. under this rule.

اس صفحہ کے مندرجہ ذیل کم از کم پانچ سال بعد تصدیق ہونا ضروری ہیں اور نمبر ۹ اور ۱۰ میں دستخطوں کے نیچے تاریخ لکھنی چاہیے۔
انگلیوں کے نشانات کے لئے ہر پانچ سال کے بعد تصدیق کی ضرورت نہیں۔

Attested
By/In
Specialist
S. H. S. Karachi
Shahida Paracha

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1 Name of Post درجہ ملازمت	2 Whether Substantive of officiating any whether permanent or temporary عارضی مستقل یا قائم مقام	3 If officiating state- (i) substantive appointment of (ii) whether service counts for pension under rule 3-20 of C.S.R. (Pb.) Volume II اگر عارضی ہے تو رول کے مطابق پنشن کا مستحق ہے؟	4 Pay in substantive position تنخواہ بطور عارضی ملازمت		5 Additional pay for officiating زائد تنخواہ بطور قائم مقام		6 Other emoluments falling under the term pay ماسوائے تنخواہ دیگر الاؤنس	7 Date of appointment تاریخ تقرری	8 Signature of Government servant دستخط سرکاری ملازم
			Rs.	Ps.	Rs.	Ps.			
SMS Bar Bera	Fixed		Rs. 2800	Ps. 00	Rs. 200	Ps. 00			
S		P.S. 2	3000	P.M. 00	P.S. 12	2004			
S		P.S. -	3500	/-	P.S. 12	2005			
S		P.S. -	4000	/-	P.S. 12	2006			
A. Khuram									
E. Khuram									
E. Khuram									

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Reference to be recorded in the file of...

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1	2	3	4	5	6	7	8
Name of Post	Whether Substantive of officiating any, whether permanent or temporary	If officiating state- (i) substantive appointment of (ii) whether service counts for pension under rule 3-20 of C.S.R. (Pb.) Volume II	Pay in substantive position	Additional pay for officiating	Other emoluments falling under the term pay	Date of appointment	Signature of Government servant
			Rs. Ps.	Rs. Ps.			
درجہ ملازمت	عارضی سہ ماہی	اگر عارضی ہے تو رول کے مطابق پینشن کا مستحق ہے؟	تعمولہ بطور عارضی ملازمت	زائد تعمولہ بطور قائم مقام	باسوائے تعمولہ دیگر الاؤنس	تاریخ تقرری	دستخط سرکاری ملازم
15/19	BPS I	1870-	55-35-20 = (201)				
		Rs =	1870/PM			1/12	
		Rs =	1925/P			1/12	
	Pay revision of BPS 1	2150-	65-45-20 = (205)				
		Rs =	2215/PM			1/12	
		Rs =	2280/PM			1/12	
		Rs =	2345/PM			1/12	
	BPS revised	BPS I	Rs = 2475-75 = 4725/			1/12	
		Rs =	2700/P.M.			1/12	
	Amended BPS 2	Rs = 2530-	85-5080			1/12	
		Rs =	2785/P.M.			1/12	
		Rs =	2870/P.M.			1/12	
	Pay revision of BPS 2	3035-	100-6035				
		Rs =	3435/P.M.			1/12	
		Rs =	3535/			1/12	
		Rs =	3635/			1/12	

Signature of Government servant
 Chanda Kh...

9	10	11	12	13	14	15	
Signature and designation of the Head of the office or other attesting officer in attestation of column 1 to 8.	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal etc.)	Signature of the head of the officer or other Attesting officer	Nature and duration of leave taken	Allocation of period of leave of average pay up to four-months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government	Signature of the Head of the office other attesting Officer	Reference to any recorded punishment of censure, or reward, or praised of the Government servants
[Signature]	[Date]	[Reason]	[Signature]	[Nature]	[Allocation]	[Signature]	[Reference]
District Officer (Male) School & Literacy Karak	30/11/2011	[Reason]	[Signature]	[Nature]	[Allocation]	[Signature]	[Reference]
District Officer (Male) School & Literacy Karak	[Date]	[Reason]	[Signature]	[Nature]	[Allocation]	[Signature]	[Reference]
District Officer (Male) School & Literacy Karak	[Date]	[Reason]	[Signature]	[Nature]	[Allocation]	[Signature]	[Reference]
District Officer (Male) School & Literacy Karak	[Date]	[Reason]	[Signature]	[Nature]	[Allocation]	[Signature]	[Reference]
District Officer (Male) School & Literacy Karak	[Date]	[Reason]	[Signature]	[Nature]	[Allocation]	[Signature]	[Reference]
District Officer (Male) School & Literacy Karak	[Date]	[Reason]	[Signature]	[Nature]	[Allocation]	[Signature]	[Reference]
District Officer (Male) School & Literacy Karak	[Date]	[Reason]	[Signature]	[Nature]	[Allocation]	[Signature]	[Reference]
District Officer (Male) School & Literacy Karak	[Date]	[Reason]	[Signature]	[Nature]	[Allocation]	[Signature]	[Reference]
District Officer (Male) School & Literacy Karak	[Date]	[Reason]	[Signature]	[Nature]	[Allocation]	[Signature]	[Reference]
District Officer (Male) School & Literacy Karak	[Date]	[Reason]	[Signature]	[Nature]	[Allocation]	[Signature]	[Reference]
District Officer (Male) School & Literacy Karak	[Date]	[Reason]	[Signature]	[Nature]	[Allocation]	[Signature]	[Reference]
District Officer (Male) School & Literacy Karak	[Date]	[Reason]	[Signature]	[Nature]	[Allocation]	[Signature]	[Reference]

Office of the Accountant General
(Khyber Pakhtunkhwa Peshawar)

Pay Fixed in the Revised Basic Pay Scales
R.B.P.S. 253085-5-80 B

Pay Fixed @ Rs 22307 w.e.f. 01-07-2007
Adj. B

Pay Fixed @ Rs 33307 w.e.f. 01-07-2008
R.B.P.S. B

Pay Fixed @ Rs 42307 w.e.f. 01-07-2009
B

Date of Next increment is on 01-12-2011

[Signature]

Sub-Inspector
C.H.S
Chanda Khuram

Reference to
any recorded
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15

1 Name of Post درج ملازمت	2 Whether Substantive of officiating any whether permanent or temporary عارضی مستقل یا قائم مقام	3 If officiating state- (i) substantive appointment of (ii) whether service counts for pension under rule 3-20 of C.S.R. (Pb.) Volume II اگر عارضی ہے تو رول کے مطابق پینشن کا مستحق ہے؟	4 Pay in substantive position تنخواہ بطور عارضی ملازمت		5 Additional pay for officiating زائدہ تنخواہ بطور قائم مقام		6 Other emoluments falling under the term pay ماسوائے تنخواہ دیگر الادائش	7 Date of appoint- ment تاریخ تقرری	8 Signature of Government Secretary حکومتی ملازم
			Rs.	Ps.	Rs.	Ps.			
N/A									
6/14			373	7				1/12	
6/3			49	70	15000	2011		2/10	
			608	7				1/7	
								1/2011	
			675					1/12	
								1/2011	
			6430					1/2012	

Signature
Specialist
CLASS
Chanda Khuram

Handwritten notes and signatures on the right margin.

9	10	11	12	13	13	14	15
Signature and designation of the Head of the office or other attesting officer in attestation of column 1 to 8	Date of termination or appointment	reason of termination (such as promotion, transfer, dismissal etc.)	Signature of the head of the office or other Attesting officer	Nature and duration of leave taken	Allocation of period of leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debitab to another Government	Signature of the Head of the office other attesting Officer	Reference to any recorded punishment of censure, or reward, or praised o the Government servants
دستخط افسر مجاز	تاریخ انتقال ملازمت	وجوہات انتقال ملازمت ترقی تبادلہ بہ طرہ	دستخط افسر مجاز	رضیت فوجیت ومعید	چار ماہ تک کی رخصت کے لے اوسط تنخواہ کا تعین	دستخط افسر مجاز	16 کارکردگی کا ریکارڈ
[Signature]	30/11/2010		[Signature]			[Signature]	Service verified on 20-11-2010
[Signature]	30/6/2011		[Signature]			[Signature]	1-12-2007 to 30-11-2010
[Signature]	30/11/2011		[Signature]			[Signature]	Service verified on 20-11-2012
[Signature]	30/11/2011		[Signature]			[Signature]	Suspended vide D.O Com. Karachi No. 6425-27/ AE-TI Dated Karachi The 26/11/2012
[Signature]	30/11/2012		[Signature]			[Signature]	Removal from services w.e.f. 11/9/2012 w/r to The Dist. Edu. Officer C.M.D. Karachi office Sindh No. 1156-60 Dated Karachi The 20/02/2016
[Signature]	15/08/2017		[Signature]			[Signature]	Appeal for re-employment rejected vide the D.O. C.M.D. Karachi office memo No. 232 Dated 11/1/2017
[Signature]	11/09/2017		[Signature]			[Signature]	Notification of Re-employment issued vide Director ESSE C.P. Islamabad Sindh No. 2734-38/ Dated F.R.O/A-2010/W/Appell/Added Memoir Dated Karachi The 14/6/2017
[Signature]			[Signature]			[Signature]	Under Section 17 read with rule 2(b) of ESD rules 2011 and absconding/ Intervening period from 11/9/12 to 13/01/17 be treated as EPIL, with cond. pay, since adjusted against vacant Post of N/G P.T.O

Handwritten notes on the left margin, including 'A. M. Khan' and '11/09/2017'.

Dist. Education Officer
KARACHI

Dist. Education Officer
KARACHI

Reference to
document of
d. or
the

15

1	2	3	4	5	6	7	8
Name of Post	Whether Substantive of officiating any whether permanent or temporary	If officiating state- (i) substantive appointment of (ii) whether service counts for pension under rule 3-20 of C.S.R. (Pb.) Volume II	Pay in substantive position	Additional pay for officiating	Other emoluments falling under the term pay	Date of appointment	Signature of Government servant
درجہ ملازمت	عارضی مستقل یا قائم مقام	اگر عارضی ہے تو رول کے مطابق پیش کیا جا رہا ہے؟	تعمولہ بطور عارضی ملازمت	زائد تعمولہ بطور قائم مقام	اسوائے تعمولہ دیگر الادنیس	تاریخ تقرری	تعمولہ ملازمت
			Rs. Ps.	Rs. Ps.			
N/Assistant Chaudhary		R. P. 11/11/13	13-21	Rs. 4900 - 170		10/05/12	2011
Ms. Khan			Rs. 6430/-			01/12/12	عبدالحمید
Bachchan			Rs. 6600/-			01/12/13	عبدالحمید
			Rs. 6770/-			01/7/14	عبدالحمید
			Rs. 6940/-			01/12/14	عبدالحمید
						13-2 (Rs. 6335 - 220 - 12225)	2015
			Rs. 8975/-			01/7/15	عبدالحمید
			Rs. 9195/-			01/12/15	عبدالحمید
						B-4 (Rs. 6730 - 300 - 15730)	2015
			9430 300 9730/-			01/12/15	عبدالحمید
						Revised Paytable B-4 (Rs. 8280 - 370 - 19380)	2016
			Rs. 11580/-			01/7/16	عبدالحمید
			Rs. 12350/-			01/12/16	عبدالحمید
						Revised Paytable B-4 (Rs. 9900 - 440 - 23100)	2017
			Rs. 14740/-			01/7/17	عبدالحمید

Revised Entry Certificate

Male Karak

9 Signature and designation of the Head of the office or other attesting officer in attestation of column 1 to 8	10 Date of termination or appointment	11 reason of termination (such as promotion, transfer, dismissal etc.)	12 Signature of the head of the officer or other Attesting officer	13 Nature and duration of leave taken	Allocation of period of leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government	14 Signature of the Head of the office other attesting Officer	15 Reference to any recorded punishment of censure, or reward, or praised of the Government servants
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دستخط
افسر مجاز

تاریخ
تقطیع
ملازمت

وجوہات
تقطیع ملازمت
ترقی جوار
یہ طریق

دستخط
افسر مجاز

رضیت کی
نوٹیت
دستخط

چار ماہ تک کی رخصت کے
لے اوسط تنخواہ کا تعین

دستخط
افسر مجاز

سزاوار
بھروسہ
کارکردگی کا
ریکارڈ

17

at G.H.S.S Chanda Khurano vide Distt. Educn office
CM Karachi office Enrol no. 4528-34/ Dated 15/09/2017

[Signature]
DY-Distt. Education Officer
(Male) Karak

30/11/13 met.

[Signature]
DY-Distt. Education Officer
(Male) Karak

Dy. Distt. Education Officer
(Male) KARAK

[Signature]
DY-Distt. Education Officer
(Male) Karak

30/11/14 Allowed one month met.

[Signature]
DY-Distt. Education Officer
(Male) Karak

[Signature]
DY-Distt. Education Officer
(Male) Karak

30/11/14 met.

[Signature]
DY-Distt. Education Officer
(Male) Karak

[Signature]
DY-Distt. Education Officer
(Male) Karak

30/11/15 Revised Physically

[Signature]
DY-Distt. Education Officer
(Male) Karak

[Signature]
DY-Distt. Education Officer
(Male) Karak

30/11/15 met.

[Signature]
DY-Distt. Education Officer
(Male) Karak

[Signature]
DY-Distt. Education Officer
(Male) Karak

30/11/15 approved to 15-1

[Signature]
DY-Distt. Education Officer
(Male) Karak

[Signature]
DY-Distt. Education Officer
(Male) Karak

30/11/16 Revised Physically

[Signature]
DY-Distt. Education Officer
(Male) Karak

[Signature]
DY-Distt. Education Officer
(Male) Karak

30/11/16 met.

[Signature]
DY-Distt. Education Officer
(Male) Karak

[Signature]
DY-Distt. Education Officer
(Male) Karak

30/11/16 met.

[Signature]
DY-Distt. Education Officer
(Male) Karak

[Signature]
DY-Distt. Education Officer
(Male) Karak

30/11/17 Revised

[Signature]
DY-Distt. Education Officer
(Male) Karak

[Signature]
DY-Distt. Education Officer
(Male) Karak

30/11/17 met.

[Signature]
DY-Distt. Education Officer
(Male) Karak

[Signature]
DY-Distt. Education Officer
(Male) Karak

30/11/17 met.

[Signature]
DY-Distt. Education Officer
(Male) Karak

Revised Entry cancelled

F189
7N
D no 6-56458/
on the 17/11/17 to 31/12/17

1	2	3	4	5	6	7	8
Name of Post	Whether Substantive of officiating any whether permanent or temporary	If officiating state- (i) substantive appointment of (ii) whether service counts for pension under rule 3-20 of C.S.R. (Pb.) Volume II	Pay in substantive position	Additional pay for officiating	Other emoluments falling under the term pay	Date of appointment	Signature of Government
درج ملازمت	عارضی مستقل یا قائم مقام	اگر عارضی ہے تو رول کے مطابق پینشن کا مستحق ہے؟	تعمودہ بطور عارضی ملازمت	زائدہ تعمودہ بطور قائم مقام	اسوائے تعمودہ دیگر الاؤنس	تاریخ تقرری	حکومت کا نام
			Rs. Ps.	Rs. Ps.			
H/Oasid		Revised Expenses					
P.M.S		BPS-2 (4900-170-10000)					
Barbada			Rs. 6430/- P.M.			12/2012	جسٹس
			Rs. 6430/- P.M.			12/2013	جسٹس
			Rs. 6600/- P.M.			7/2014	جسٹس
			Rs. 6600/- P.M.			12/15	جسٹس
		Revised Pay/Scale on 1-7-2015					
		BPS-2 (6335-220-12935)					
			Rs. 9535/- P.M.			12/2015	جسٹس
		Two Pay Scale upgraded BPS 2 to BPS 4 with Govt of K.P. Finance Deptt No. 20/180 (FR) 7-29/2015 dt 30-6-2015					
		BPS-4 (6730-300-15730)					
			Rs. 9830 + 300				
			Rs. 9130/- P.M.			12/2015	جسٹس
		Pay Scale Revised on 1-7-2016	Rs. 9130/-			12/15	جسٹس
		BPS-4 (9290-370-19380)					
			Rs. 11240/- P.M.			12/2016	جسٹس

Signature of the office in attested column

Dy. Dist

Dy. Dist

Dy. Dist

Dy. Dist

Signature
Chanda Khur

180

9	10	11	12	13	Allocation of perit leave of average p to four months (or leave not exceeding days) to which salary is debitabl another Governmen	
Signature and designation of the Head of the office or other attesting officer in attestation of column. 1 to 8	Date of termination or appointment	reason of termination (such as promotion, transfer, dismissal etc.)	Signature of the head of the officer or other Attesting officer	Nature and duration of leave taken	پہلے اہلکار کی رخصت کے لئے اوسط سزاؤں کا تعین	اگر سزا ہو تو اس کا ذکر کریں
دستخط افسر مجاز	تاریخ انقطاع ملازمت	وجہات انقطاع ملازمت	دستخط افسر مجاز	رخصت کی نوعیت و معیار	Period	Government to which debitabl
DY: Distt. Education Officer (Male) Karak	No Dues		DY: Distt. Education Officer (Male) Karak			
DY: Distt. Education Officer (Male) Karak	No Dues		DY: Distt. Education Officer (Male) Karak			
DY: Distt. Education Officer (Male) Karak	No Dues	30-6 Revised Pay	DY: Distt. Education Officer (Male) Karak			
DY: Distt. Education Officer (Male) Karak	No Dues	30-6 Revised Pay	DY: Distt. Education Officer (Male) Karak			
DY: Distt. Education Officer (Male) Karak	No Dues	30-6 Revised Pay	DY: Distt. Education Officer (Male) Karak			
DY: Distt. Education Officer (Male) Karak	No Dues	30-6 Revised Pay	DY: Distt. Education Officer (Male) Karak			
DY: Distt. Education Officer (Male) Karak	No Dues	30-6 Revised Pay	DY: Distt. Education Officer (Male) Karak			

certified that Mr. Abdul Masud N/B has satisfactorily performed his duties from 01.01.2014 till the date. During this time he has never gone absent nor availed leave without pay nor involved in any disciplinary/criminal case.

H/O

Signature

Subject Specialist
CHSS
Chanda Khuram

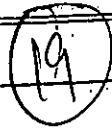
15
Reference to
recorded
ment of

3	4	5	6	7	8
If officiating state- (i) substantive appointment of (ii) whether service counts for pension under rule 3-20 of C.S.R. (Pb.) Volume II رول کے مطابق پیش کیا سکتا ہے؟	Pay in substantive position تجواہ بطور عارضی ملازمت	Additional pay for officiating زائد تجواہ بطور قائم مقام	Other emoluments falling under the term pay اسوائے تجواہ دیگر الاداش	Date of appointment تاریخ تقرری	Signature of Government servant دستخط سرکار کی ملازم
	Rs. Ps.	Rs. Ps.			
M. Qasid		Rs = 11270/-		12/12	
G.M.S				12/16	
Barbara Karadi		BPS-4 (9900 - 4400 - 23100)			
		Rs. 13420/- P.M.		12/2017	عبد الباقی
		Rs = 13420/-		12/2017	
<p>Revised Entries on Accounts of Re-combination of Pay W.P.F 01-07-2007 (BPS-2, Rs. 2530-35-5280)</p> <p>Pay on 01-07-2007 Rs = 2785/-</p> <p>01-09-2007 Rs = 2870/- (one sp. inc. due to upgradation to B-2)</p> <p>01-12-2007 Rs = 2955/-</p> <p>Pay Scale, BPS-2 Rs. 3035-10-635</p> <p>Pay on 01-07-2008 Rs = 3535 1/2</p> <p>01-12-2008 Rs = 3635 1/2</p>					

Attested
11/11

Subject Specialist
GMS
Chanda Khuram

Attested
Dy. Director
Karachi

9	10	11	12	13	13	14	15
Signature and designation of the Head of the office or other attesting officer in attestation of column 1 to 8	Date of termination or appointment	reason of termination (such as promotion, transfer, dismissal etc.)	Signature of the head of the officer or other Attesting officer	Nature and duration of leave taken	Allocation of period of leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government	Signature of the Head of the office other attesting Officer	Reference to any recorded punishment of censure, or reward, or praised of the Government servants
دستخط افسر مجاز	تاریخ انقطاع ملازمت	وجوہات انقطاع ملازمت ترقی یا پر طرئی	دستخط افسر مجاز	رضیت کی نوعیت دستخط	چار ماہ تک کی رخصت کے لئے اوسط تنخواہ کا تعین Period گرم Government to which debitable گورنمنٹ	دستخط افسر مجاز	سزا یا تعمیر کامیابی کا دیکھو
							
<p data-bbox="140 853 391 955">Dist. Education Officer (Male) Karak</p>							
<p data-bbox="223 1197 654 1261">Total Reversion W.B.F</p> <p data-bbox="223 1261 901 1324">11-9-2012 to 31-8-2015 Rs = 521213/-</p> <p data-bbox="223 1324 933 1388">Monthly Reversion Rs = 20000/- PM</p>							
<p data-bbox="606 1490 885 1567">Dist. Education Officer (Male) Karak</p>							
<p data-bbox="965 1617 1220 1770">Subject Specialist C.H.S.S Chanda Khirana</p>							

15
Reference to be recorded by Government of

1 Name of Post درجہ ملازمت	2 Whether Substantive of officiating any whether permanent or temporary عارضی مستقل یا قائم مقام	3 If officiating state- (i) substantive appointment of (ii) whether service counts for pension under rule 3-20 of C.S.R. (Pb.) Volume II اگر عارضی ہے تو رول کے مطابق پینشن کا مستحق ہے؟	4 Pay in substantive position تنخواہ بطور عارضی ملازمت		5 Additional pay for officiating زائدہ تنخواہ بطور قائم مقام		6 Other emoluments falling under the term pay ماسوائے تنخواہ دیگر الاؤنس	7 Date of appointment تاریخ تقرری	8 Signature of Government servant مقامی ملازم
			Rs.	Ps.	Rs.	Ps.			
			Pay on 01-12-2009 Rs=3735/-						
			Pay on 01-12-2010 Rs=3835/-						
			Pay scale 2011 B-R Rs=4900-1700-10000						
			Pay on 01-07-2011 Rs=6260/-						
			Pay on 01-12-2011 Rs=6430/-						
			Absconding / Anticipating period 02.11-9-2012 to 13-6-2017 be treated as E.O.L. without pay						
			Pay on 01-12-2012 Rs=6600/-						
			Pay on 01-12-2013 Rs=6600/- No. Incr.						
			Pay on 01-12-2014 Rs=6600/- No. Incr.						
			Pay scale 2015 B-R Rs=6335-2100-12435						
			Pay on 01-07-2015 Rs=8535/-						
			Notional wages paid to BIS-01						

Signature
Chanda Khuram

Signature
Date

8	9	10	11	12	13	14	15
Signature and designation of the Head of the office or other attesting officer in attestation of column 1 to 8	Date of termination or appointment	reason of termination (such as promotion, transfer, dismissal etc.)	Signature of the head of the officer or other Attesting officer	Nature and duration of leave taken	Allocation of period of leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debit to another Government پارہ تک کی رخصت کے لئے اوسط تنخواہ کا تعین Period Government to which debit عرصہ کو منت ہے	Signature of the Head of the office other attesting Officer دستخط افسر مجاز	Reference to any recorded punishment of censure, or reward, or praised o the Government servants سزا یا ایسا غیر مناسب کارکردگی کا ریکارڈ
دستخط افسر مجاز	تاریخ انقطاع ملازمت	دبوتات انقطاع ملازمت ترقی تبادلہ یا وطنی	دستخط افسر مجاز	رخصت کی نوعیت و معیار			(20)
<p style="text-align: center;">Handwritten notes:</p> <p>note = ROP</p> <p>An amount of Rs. 567098/- is recoverable on 9/0 ROP of pay & allowances on 11-9-2018 to 30/11/2018. Recovery of Rs. 2200/- started on 1-4-2018.</p> <p>726. 11/18 ✓</p> <p>726. 9539/-</p> <p>on 17/9/17 to 31/12/17</p> <p>Handwritten signatures and initials at the bottom of the page.</p>							

1	2	3	4	5	6	7	8
Name of Post	Whether Substantive of officiating any whether permanent or temporary	If officiating state (i) substantive appointment of (ii) whether service counts for pension under rule 3-20 of C.S.R. (Pb.) Volume II	Pay in substantive position	Additional pay for officiating	Other emoluments falling under the term pay	Date of appointment	Signature of Government servant
			Rs.	Ps.	Rs.	Ps.	
درجہ ملازمت	عارضی مستقل تائم مقام	اگر عارضی ہے تو رول کے مطابق پیش کش کی ہے؟	تعمودہ بطور عارضی ملازمت	زائد تعمودہ بطور تائم مقام	اسوائے تعمودہ دیگر الادنیس	تاریخ تقرری	۱۰ ۱۰/۱۰/۲۰۱۵
			BPS-04 Rs 6730/- 300/- 15730/-				
			Pay mo 1-07-2015 Rs 8830/- + 300/- 29130/-				
			Pay mo 1-12-2015 Rs 9130/- No Incr				
			Pay Scale Rs 700 B-4 Rs 2922/- 270/- 1922/-				
			Pay on 07-7-2016 Rs 11240/-				
			Pay on 07-7-2016 Rs 11240/- No Incr				
			Pay Scale Rs 700 B-4 Rs 2922/- 270/- 1922/-				
			Pay on 07-07-2017 A				

Re-instated in service and adjusted to GHS Chaman Jhurran via DEO (M) Harok office. Empl. No = 4525-24/01 Harok 15-2-2017 in the light of Director's letter dated 14/6-2017 (Abolishing / Noting up period used 11-9-2012 to 13-6-2017 he treated as sol without pay)

[Handwritten signature]

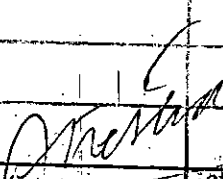
[Handwritten signature]
Principal
GHS Chaman Jhurran

Subj: 11/11/15
Khandu Khandu

8
11

Sign the office in a col

1 Name of Post	2 Whether Substantive of officiating any whether permanent or temporary	3 If officiating state- (i) substantive appointment of (ii) whether service counts for pension under rule 3-20 of C.S.R. (Pb.) Volume II	4 Pay in substantive position		5 Additional pay for officiating		6 Other emoluments falling under the term pay	7 Date of appointment	8 Signature of Government
			Rs.	Ps.	Rs.	Ps.			
N/Rabialat	عارضی مستقل قائم مقام	آر کے عارضی ہے تو رول کے مطابق پیش کش کا مستحق ہے؟							
G.H.S.S. Chanda Khurana	Pay on 14-6-2017		Rs		11240/-				
W. Khurana									(21)
	Pay on 09-07-2017		Rs		13420/-				
	Pay on 01-12-2017		Rs		13860/-				
-do-								01/12/2018	
G.H.S.S. Chanda Khurana	Pay revised/Revision of pay 01/07/2017 BPS-09 (9900-440-23100)								
W. Khurana	Pay fixed Rs 13420/- P.M 17-8-2017								
-do-	-do-							01/12/2017	
-do-	-do-							01/12/2018	


 Subject Specialist
 G.H.S.S.
 Chanda Khurana

The officiating in attested column
 دستخط
 انٹر چارج

PR
G.H.S.S.

2018
 2017
 2018

9	10	11	12	13	13	14	15
Signature and designation of the Head of the office or other attesting officer in attestation of column 1 to 8	Date of termination or appointment	reason of termination (such as promotion, transfer, dismissal etc.)	Signature of the head of the officer or other Attesting officer	Nature and duration of leave taken	Allocation of period of leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government Period Government to which debitable	Signature of the Head of the office or other attesting Officer	Reference to any recorded punishment of censure, or reward, or praised or the Government servants

دستخط
افسر مجاز

تاریخ
انقطاع
مجازت

درجہ
انتقال
مجازت
پر مبنی

دستخط
افسر مجاز

درجہ
نوعیت
وسیلہ

چار ماہ تک کی رخصت کے
لئے اوسط تنخواہ کا تعین

Period Government to which debitable

دستخط
افسر مجاز

Reference to any recorded punishment of censure, or reward, or praised or the Government servants

22

T-167
1/18/2018

Director of Education
95391/2018

30/11/2018
A/mc

PRINCIPAL
M.S.S. Chanda Khurram
Karak

Sanctioned P.P. Fund Adv.
Rs. 43700/- vide District
Education Officer (M) Karak
Fund No. 27-69-70 P.P. Fund
file dated Karak the 21-2-2018

[Signature]

M.S.S. Chanda Khurram
Karak

SP-35

Rs. 43700/-
Date 18/12/18

4300/02/03/18
18/12/18

PRINCIPAL
M.S.S. Chanda Khurram
Karak

DDO
Govt. Higher Secondary School
Chanda Khurram (Karak)
30/11/2018
A/mc

DDO
Govt. Higher Secondary School
Chanda Khurram (Karak)
30/11/2018
A/mc

DDO
Govt. Higher Secondary School
Chanda Khurram (Karak)
30/11/2018
A/mc

DDO
Govt. Higher Secondary School
Chanda Khurram (Karak)
30/11/2018
A/mc

DDO
Govt. Higher Secondary School
Chanda Khurram (Karak)
30/11/2018
A/mc

Service verified on 28/11/2017

To 30/11/2017 From office record

Subject Specialist
M.S.S.
Chanda Khurram
Karak

PRINCIPAL
M.S.S. Chanda Khurram
Karak

To,

The Director, (E&SE) Department,
Khyber Pakhtunkhwa, Peshawar.

**Subject: DEPARTMENTAL APPEAL FOR MODIFICATION OF THE
IMPUGNED ORDER DATED 15.8.2017 TO THE EXTENT
OF BACK BENEFITS AND AGAINST THE IMPUGNED
ENTRY DATED 04.01.2018 REGARDING RECOVERY OF
RS. 5,67,098/-.**

Respected Sir,

With your humble permission it is stated that I **Mr. Abdul Munir Khan** posted before your good self Department as **Naib Qasid** at GMS Barbara District Karak. During service I was awarded with major penalty of removal from service on the basis of involvement in criminal case, against which I filled departmental appeal followed by service appeal before the Khyber Pakhtunkhwa Service Tribunal, Peshawar. During the pendency of my service appeal the concerned department re-instated me order dated 14.6.2017 while the intervening period i.e. 11.09.2011 15.08.2017 has treated as extra ordinary leave without pay which is against law and rules. So much so the salaries that has been received by me also be recovered amounting to Rs. 5,67,098/- entered on 4.1.2018 in my service book that needs to be expunged from the service of book. I am feeling aggrieved filed this Departmental appeal before your good self for the satisfaction of my grievances.

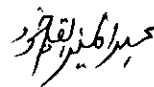
It is therefore, requested that on acceptance of this Departmental appeal the very order dated 15.8.2017 may kindly be modified/extended to the extent of back benefits and the entry dated 4.1.2018 in the service book regarding recovery of Rs. 5,67,098/- be expunged.

Dated: 16.05.2019.

ATTESTED



Your Obediently



**Abdul Munir Khan
Naib Qasid**

GMS Barbara District Karak

VAKALATNAMA

Before the KP Service Tribunal, Peshawar

OF 2019

Abdul Muneer

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt.

(RESPONDENT)
(DEFENDANT)

I/We Abdul Muneer

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

Dated. 12 / 9 / 2019

Abdul Muneer
CLIENT

Abdul Muneer
ACCEPTED
NOOR MOHAMMAD KHATTAK

SHAHZULLAH YOUSAFZAI

&
MIR ZAMAN SAFI
ADVOCATES

OFFICE:
Flat No.3, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.
Mobile No.0345-9383141

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR.

Service appeal No. 1145 of 2019

Abdul Muneer (Appellant)

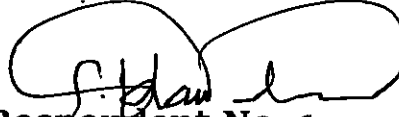
V E R S U S

Director (E & SE) Department KP & Others. (Respondents)

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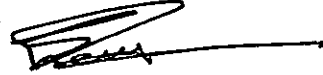
S. No	Description of documents	Annexure	Page
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Dated:-----/-----/2020



Respondent No. 1

Director, Elementary & Secondary
Education Department KPK
Peshawar.



Respondent No. 2

District Education Officer
(Male), Karak

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR.

Service appeal No. 1145 of 2019

Abdul Muneer (Appellant)

V E R S U S

**Director (E & SE) Department KP & Others.
(Respondents).**

Joint Parawise Written Comments of Respondents

Respectfully Sheweth

Joint Written comments on behalf of Respondents No. 1 & 2
Preliminary Objections.

1. That appellant has got no cause of action to file the instant service appeal.
2. That the above titled service appeal is wrong, incorrect and against the law & facts.
3. That the appellant is estopped to file the instant service appeal by his own conduct . . .
4. That the instant service appeal is not maintainable & enter-tainable in its present form.
5. That the appellant has not come to this honourable court with clean hands and concealed the facts.

6. That the instant service appeal is liable to be dismissed due to mis-joinder & non-joinder of the party.
7. That the instant service appeal is liable to be dismissed in limine.

Factual Objections

1. That although the appellant is employee of Education Department, Karak but the appellant has not served to the entire satisfaction of his immediate as well as superior officers as because the appellant was remained absent from his lawful duty without information and approval of his competent authorities.
2. Para No. 2 of the instant appeal is incorrect and wrong hence denied. Although the appellant was involved in criminal case FIR No. 147 under section 302/324/34 PPC dated 11-09-2012 and since then the appellant remained absent from official duty as the appellant was remained absconder and has not surrendered to the local police, therefore, he was suspended vide office Endst: No. 6425-27/AE-II dated 26/09/2012.

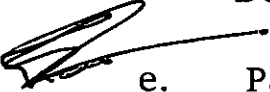
Absent notice was issued against the appellant vide No. 4031 dated 20/10/2015 and No. 4908 dated 22/12/2015 and finally issued notice in daily Mashriq dated 28/01/2016 with the direction to the appellant to report to DEO (M), Karak for personal hearing or to surrender to local police but the appellant failed so the appellant was removed from service under Sub Rule 4-B Sub Section -III and 9 of KK E & D Rules 2011

vide office order No. 1156-60 dated 20/02/2016. (Photocopy of office order No. 1156-60 dated 20/02/2016 is annexed as Annexure "A")

3. Para No. 3 of the instant appeal is incorrect and wrong hence denied. Although appellant was acquitted in the above mentioned case FIR by the learned Additional Sessions Judge Banda Daud Shah 09/11/2016 only the basis of compromise. The departmental appeal for re-instantment was rejected on 11/01/2017 on the ground that the appellant remained absent from official duty without any information to the department as well as the appellant was involved in the above mentioned criminal case but he did not surrender to the local police, therefore, the departmental appeal was rejected.
4. That later on, although the appellant was re-instated on the acceptance of his departmental appeal by the Director Elementary & Secondary Education Department KP, Peshawar under section 17 read with rules 2(b) of E & D Rules 2011 and major penalty of Removal from Service imposed on 20/01/2016 w.e.f 11/09/2012. The department has rightly and lawfully treated absent period (intervening period) w.e.f 11/09/2012 to 15/08/2017 as leave without pay as the appellant has not performed of his official duty in any school.
5. It is correct that the Education Department, Karak has rightly and lawfully made entry in his service book on 04/01/2018 for recovery of illegal paid salary Rs. 5, 67098/- which appellant has illegally received during suspension period as he was remained absent from official duty and also absconder in the above mentioned criminal case

6. Incorrect and wrong. The appellant has been treated according to law. The appellant is not entitled of salary Rs. 5, 67098/- with the reason mentioned above, therefore, his departmental appeal in this respect in not enter-tainable.

Objection on Grounds.

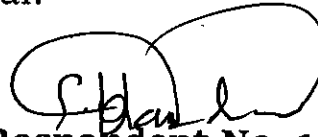
- a. That Para No. "A" is incorrect and wrong. Tthe appellant is not entitled of salary of intervening period as he remained absent from official duty w.e.f 11/09/2012 to 15/08/2017, therefore, the Education Department, Karak right treated the appellant according to law and rightly made recovery of illegal payment paid to him during suspension period.
- b. Para No. "B" is incorrect and wrong. The appellant has been treated according to law, therefore, the respondents have not violated the Article 4 & 25 of the constitution of Islamic Republic of Pakistan, 1973.
- c. Para No. "C" is incorrect and wrong hence denied.
- d. Para No. "D" is also incorrect and wrong hence denied. Detail reply is given in the above mentioned para.
-  e. Para No. "E" is incorrect and wrong. The appellant is entitled of salary of absent period e.w.f. 11/09/2012 to 15/08/2017 as he remained absent from official duty and has not attended the office of respondent No. 3 on issuance notice against him and further he also remained absconder in the above mentioned criminal case.

- f. Para "F" is incorrect and wrong hence denied. The appellant has not been discriminated rather he has been treated according to law .
- g. Para "G" need no comments.

Prayer

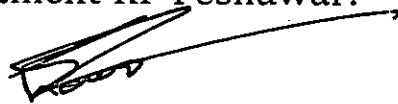
So it is, therefore, most humbly and respectfully prayed that keeping in view the above mentioned written comments this Hon'able KPK Service Tribunal may very kindly be pleased to dismiss the service appeal.

Dated:-----/-----/2020



Respondent No. 1

Director, Elementary & Secondary
Department KP Peshawar.



Respondent No. 2

District Education Officer
(Male), Karak

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO.1145/2019

Mr. Abdul Muneer, Naib Qasid,
GHSS Chanda Khurram ,
District Karak.

..... (APPELLANT)

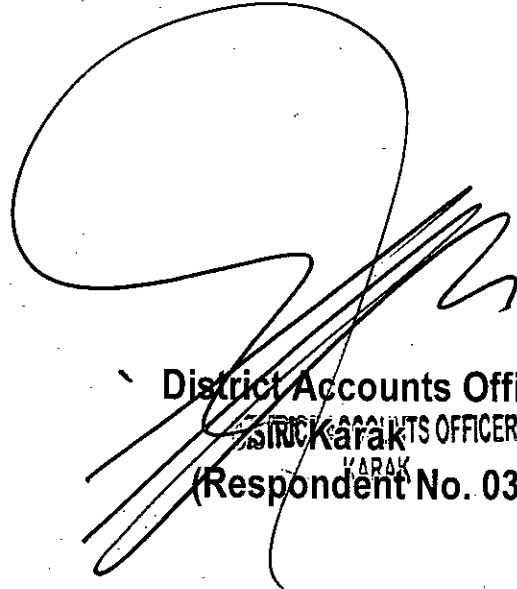
Versus

District Accounts Officer Karak.

..... (RESPONDENT NO.03)

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District Accounts Officer
District Karak
(Respondent No. 03)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
SERVICE APPEAL NO.1145/2019

Mr. Abdul Muneer, Naib Qasid,
GHSS Chanda Khurram ,
District Karak.

..... (APPELLANT)

Versus

District Accounts Officer Karak.

..... (RESPONDENT NO.03)

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUNGED ORDER
DATED: 15-08-2017 WHEREBY THE INTERVENING PERIOD W.E.F 11-
09-2012 IS TREATED AS EXTRA ORDINARY LEAVE WITHOUT PAY
AND AGAINST THE ORDER DATED:04-01-2018 REGARDING
RECOVERY OF RS.5,67098/- AND AGAINST NO ACTION ON THE
DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE
STATUTORY PERIOD OF NINETY DAYS.

Respectfully Sheweth,

A Preliminary Objections:

1. That the Appeal has got no cause of action.
2. That the Appeal is time barred.
3. That the Appellant is not maintainable in the present forum.
4. That the Appeal is bad for mis-joinder & non joinder of necessary parties.
5. That the Appeal has not come to this court with clean hands.
6. That the Appeal is barred by law.

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 03 ARE AS UNDER:-

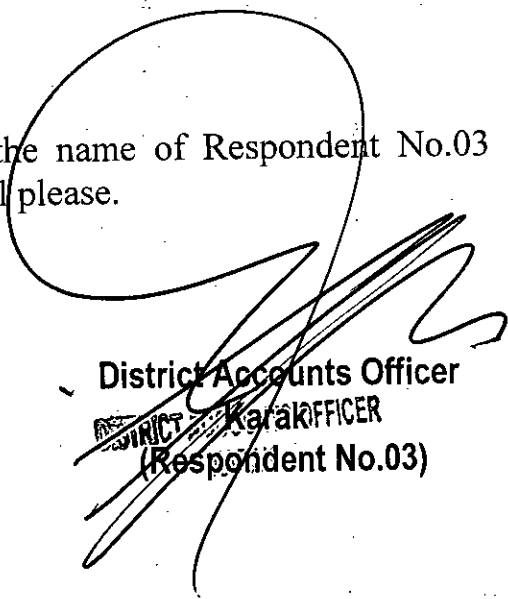
FACTS: -

1. Pertain to the Appellant and Respondent No.02.
2. Pertain to the Appellant and Respondent No.02.
3. No Comments.
4. Pertain to the Respondent No.02.
5. Pertain to the Respondent No.02.

6
GROUNDS: -

1. No Comments.
2. No Comments.
3. Pertain to the Respondent No.01 & 02.
4. Pertain to the Respondent No. 01 & 02.
5. Pertain to the Respondent No. 01 & 02.
6. Pertain to the Respondent No. 01 & 02.
7. No Comments.

It is humbly prayed that the name of Respondent No.03 may kindly be withdrawn from the service appeal please.



District Accounts Officer
District Karak Officer
(Respondent No.03)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO.1145/2019

Mr. Abdul Muneer, Naib Qasid,
GHSS Chanda Khurram ,
District Karak.

..... (APPELLANT)

Versus

District Accounts Officer Karak.

..... (RESPONDENT NO.03)

AFFIDVIT

I Mr. Muhammad Rehman , Senior Auditor (BPS-16) O/o the District Accounts Office Karak, do hereby solemnly affirms & declare that the reply on behalf of Respondent No.03 is true and correct to the best of my knowledge and belief and that nothing has been concealed from this honorable court.



DEPONENT
CNIC. 14203-2047600-9

Identified by

Advocate General
Khyber Pakhtunkhwa,
Peshawar.