

EP 05/18

15.11.2021

Counsel for the petitioner and Mr. Muhammad Rasheed, DDA alongwith Sohail Ahmad Zaib, Litigation Officer for the respondents present.

It is not disputable that the petitioner once upon a time was compulsorily retired from service as a matter of major penalty. He after having pursuit the departmental remedy invoked the jurisdiction of this Tribunal vide Appeal No. 1025/2016 which was accepted vide judgment dated 23.11.2017. It was observed in the said judgment that if the appellant was inefficient and complaint was submitted by elders of the locality against his inefficiency, then the proper course was to have conducted either departmental proceedings on the basis of inefficiency or to have ordered the retirement under Section 13 of the Khyber Pakhtunkhwa Civil Servants Act, 1973. On acceptance of the appeal with direction for reinstatement of appellant alongwith back benefits, liberty was given to the department to proceed on the compliance in accordance with the observations mentioned above. The present petition having the said judgment at his credit was again ordered to retire on compulsory basis after holding a proper enquiry in compliance with the judgment of this Tribunal. The counsel for the petitioner has stated that an appeal against the subsequent order of compulsory retirement of the petitioner is pending before this Tribunal. The respondent department has complied with the judgment in Service Appeal No. 1025/2016 and the subsequent imposition of penalty is the outcome of enquiry for which the department was given liberty under same judgment. Therefore, the judgment pressed into service for execution through this petition has met its fate, leaving no room for further proceedings. File be consigned to the record room.


Chairman
Camp Court, A/Abad

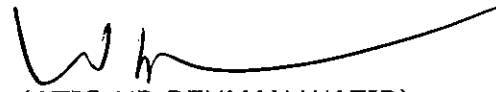
M. Hafeez

20.09.2021

Nemo for the petitioner. Mr. Riaz Khan Paindakheil, Assistant Advocate General alongwith Mr. Sohail Ahmed Zeb, Litigation Officer on behalf of respondents No.1 to 3 present.

Representative of respondents stated at the bar that the petitioner has filed a fresh service appeal No. 59/2019 in this Tribunal, therefore, the instant execution petition has become in-fructuous.

Vide order sheet dated 17.11.2020 respondent No.4 was issued notice for submission for reply/comments for 20.01.2021 but in the month of January 2021, the schedule of Camp Court, Abbottabad was cancelled due to pandemic of COVID-19, therefore, petitioner as well as respondent No.4 be put on notice for submission of reply/comments. To come up for further proceedings on 15.11.2021 before S.B at Camp Court, Abbottabad.



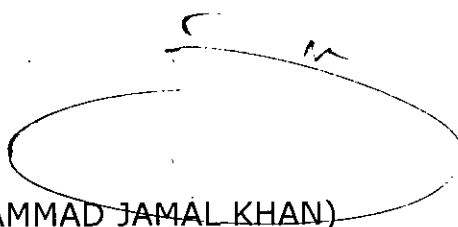
(ATIQ UR REHMAN WAZIR)
MEMBER (E)

Camp. Court, A/Abad.

17.11.2020

No one has forth come for the petitioner despite having been called time and again. Mr. Usman Ghani, District Attorney and Mr. Sohail Ahmad Zeb, Litigation Officer, on behalf of respondents No. 1 to 3 are present.

Perusal of record reveals that respondent No. 4 has not been noticed though he has been arrayed in the column of respondents, therefore, notice be issued to him for 20.01.2021 directing him to submit reply/comments. File to come up for further proceedings before S.B at Camp Court, Abbottabad.


(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT ABBOTTABAD

20.1.2021


Due to Covid-19, The case is adjourned to 20-9-2021 as before.


Reader

E.P No. 05/2018

18.12.2019

Counsel for the petitioner and Mr. Usman Ghani, District Attorney alongwith Mr. Sohail Ahmed Zeb, Litigation Officer for the respondents present. Learned counsel for the petitioner requested for adjournment. Adjourned to 17.02.2020 for further proceedings before S.B at Camp Court Abbottabad.


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

Due to covid ,19 case to come up for the same on / /
at camp court abbottabad.

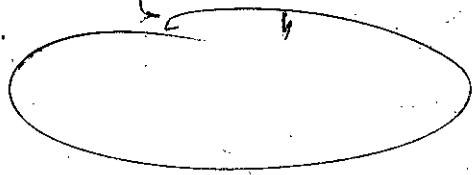
Reader

Due to summer vacation case to come up for the same on 114
9 / 2020 at camp court abbottabad.


Reader

14.09.2020

Mr. Hamayun Khan, Advocate for petitioner is present. Mr. Usman Ghani, District Attorney alongwith representative of the department Mr. Sohail Ahmad Zeb, Assistant Litigation are also present. Learned counsel for petitioner is seeking adjournment. Adjourned to 17.11.2020. File to come up for further proceedings before S.B at Camp Court, Abbottabad.


(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT ABBOTTABAD

17.09.2019

Learned counsel for the Petitioner present. Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith Mr. Mr. Sohail Ahmed Zeb Litigation Officer for the respondents present. Notice was not issued to the respondent No.4, therefore, fresh notice be issued to the respondent No.4 for attendance and submitting reply/comments on the next dated positively. Adjourned. To come up for further proceedings on 19.11.2019 before S.B.



(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

19.11.2019

Counsel for the petitioner present. Mr. Usman Ghani, District Attorney alongwith Mr. Sohail Ahmad Zeb, Assistant for respondents present. Learned counsel for the petitioner seeks adjournment. Adjourn. To come up for further proceedings on 18.12.2019 before S.B at Camp Court, Abbottabad.



Member
Camp Court Abbottabad

19.08.2019

Learned counsel for the petitioner present. Mr. Muhammad Bilal learned DDA alongwith Sohail Ahmad Zeb Litigation Assistant present. Adjournment requested. Adjourned to 21.08.2019 before S.B at Camp Court, Abbottabad, at the request of learned counsel for the petitioner.



Member
Camp Court A/Abad

21.08.2019

Learned counsel for the petitioner present. Mr. Muhammad Bilal learned Deputy District Attorney alongwith Sohail Ahmad Zeb Litigation Officer present.


Learned counsel for the petitioner submitted application for initiation of contempt proceedings against District Accounts Officer Abbottabad on the plea that the District Accounts Officer has refused to release back benefits to the petitioner and thereby intentionally disobeyed the judgment of this Tribunal dated 23.11.2017 in the service appeal bearing No.1025/2016.

In the given circumstances the District Accounts Officer is also arrayed in the calendar of respondents as respondent No.4 in the present execution petition. Notice of the instant application be issued to the newly added respondent No.4 for reply/comments. Adjourn. To come up for reply of newly added respondent, arguments on maintainability of the instant application and further proceedings on the next date fixed as 17.09.2019 before S.B at Camp Court, Abbottabad.


Member
Camp Court, A/Abad

21.05.2019


Petitioner in person and Mr. Zubair Ali, ADO alongwith Mr. Muhammad Bilal, Deputy District Attorney for the respondents present. Petitioner stated that his counsel is ill and unable to attend the court today. Adjourned to 17.06.2019 for further proceedings before S.B at Camp Court Abbottabad.


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

17.06.2019

Counsel for the petitioner and Mr. Muhammad Bilal, DDA alongwith Mr. Sohail Ahmad Zeb, Assistant (Lit) for respondents present.

Representative of the respondents submitted implementation report and a copy of the same was handed over to the learned counsel for the petitioner. Case to come up for further proceedings on 19.08.2019 before S.B at camp court Abbottabad.


(Ahmad Hassan)
Member
Camp Court A/Abad

15.11.2018

None for the appellant and Sohail Ahmad L O for the respondent present. Due to retirement of the Hon'ble Chairman the Service Tribunal is incomplete. Tour to Camp Court Abbottabad has been cancelled. To come up for the same on 17.01.2019 at camp court Abbottabad.


Reader

17.01.2019

Learned counsel for the petitioner and Mr. Muhammad Bilal learned Deputy District Attorney alongwith Shamrez ASI present. Learned counsel for the petitioner seeks adjournment. Adjourn. To come up for further proceedings on 20.03.2019 before S.B at Camp Court Abbottabad.



Member
Camp Court A/Abad

20.03.2019

Petitioner absent. Learned counsel for the petitioner absent. Sohail Ahmaz Zeb Litigation Assistant present and submitted copy of office order dated 27.09.2018 whereby the petitioner was awarded major penalty of compulsory retirement from service. Adjourn. To come up for further proceedings on 21.05.2019 ~~22.05.2019~~ before S.B at Camp Court A/Abad.




Member
Camp Court A/Abad.


18.07.2018

Muhammad Hafeez, Petitioner in person alongwith his counsel, Mr. Hamayun Khan, Advocate present. None of the representative of the respondents present, however, Mr. Usman Ghani, District Attorney put appearance on their behalf.

On previous date, representative of the respondents was directed to submit implementation report about the payment of the salary of the petitioner but today none is in attendance. As such District Education Officer (Male) E&SE, Abbottabad is directed to personally attend the Tribunal and apprise this Tribunal regarding non-compliance of the order of this Tribunal on the next date. To come up for further proceedings on 20.09.2018 before S.B at camp court, Abbottabad.



Chairman
Camp Court, A/Abad

Note:-
18.7.2018

Later on, one Shahid Ahmad put appearance
& submitted Enquiry report, which
is placed on file 
18.7.2018.

19.09.2018


Since 21st September, 2018 has been declared as public holiday on account of Moharram, therefore, case is adjourned to 15.11.2018 for further proceedings before the S.B at camp court, Abbottabad.


Chairman
Camp court, A/Abad

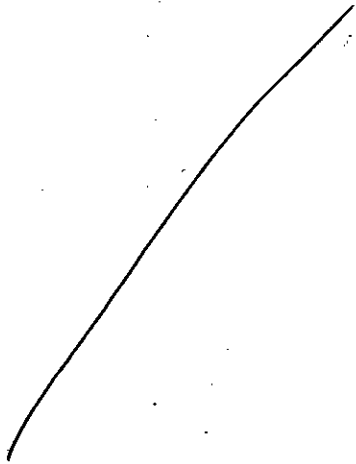
25.06.2018

Counsel for the Petitioner, Hamayun Khan, Advocate present. Mr. Sohail Ahmad, Assistant alongwith Mr. Usman Ghani, District Attorney for the respondents present. Learned counsel for the appellant produced order dated 14.02.2018 whereby he has been reinstated in service and posted at GPS Saranda (Bakote). In the meanwhile de-novo enquiry has also been initiated against the appellant. Learned counsel for the petitioner further argued that full salary has not been paid to the appellant despite aforementioned reinstatement order.

On the other hand representative of the respondents produced implementation report, a copy of which was handed over to the learned counsel for the petitioner. Enquiry proceedings were initiated on 05.03.2018 but have not yet been finalized. The respondents are directed to finalize the enquiry proceedings within fortnight, positively and also submit written report about payment of salary to the appellant. To come up for further proceedings on 18.07.2018 before S.B at camp court, Abbottabad.

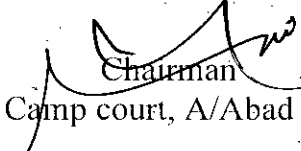

Member

Camp court, A/Abad



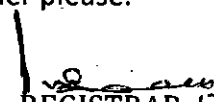


16.04.2018

Petitioner with counsel and Mr. Usman Ghani District Attorney alongwith Sohail Ahmad Zaib, Assistant for the respondents present. Learned counsel for the appellant submitted that the petitioner has not been released the back benefits. Departmental representative informed the Tribunal that denovo proceedings have been initiated against the petitioner and the back benefits shall be subject to the final outcome of denovo proceedings. But the learned counsel for the appellant is not in agreement with the departmental representative and is of the view that according to the judgment, the petitioner is entitled for back benefits. The department is directed to release the current salary of the petitioner from the date of reinstatement without any delay. To come up for arguments on 25.06.2018 before the S.B at camp court, Abbottabad.


Chairman
Camp court, A/Abad

FORM OF ORDER SHEET

Execution Petition No. 5/2018

S.No.	Date of order Proceedings	Order or other proceedings with signature of Judge
1	2	3
1	05.01.2018	<p>The Execution Petition of Mr. Muhammad Hafeez submitted today by Mr. Hamayun Khan Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR 5-10-18</p>
2-	11-1-2018	<p>This Execution Petition be put up before Touring S. Bench at Abbottabad on <u>20-2-2018</u></p> <p style="text-align: right;"> CHAIRMAN</p>
20.02.2018		<p>Counsel for the petitioner present. Notices be issued to the respondents. To come up for reply/implementation report on 16.04.2018 before S.B, <u>at camp court, A/Abad.</u></p> <p style="text-align: right;"> Member Camp court, A/Abad.</p>

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

Execution Petition No. 5 /2018

Muhammad Hafiz son of Akram, (PST Teacher), resident of Khankhurd cum Bakot, Tehsil and District, Abbottabad.

...PETITIONER

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary (E&SE) Peshawar & others.

...RESPONDENTS

APPLICATION

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1.	Application	1 to 2	
2.	Copy of appeal	3-9	"A"
3.	Copy of judgment	10-13	"B"
4.	Copy of application	14	"C"

...PETITIONER

Through

Dated: 8-01 /2018



(HAMAYUN KHAN)

Advocate High Court, Abbottabad
Office No. 15, New Lawyers Plaza,
Kutchery Compound Abbottabad
Cell No. 0312-0861681

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

1. **er Pakhtunkhwa
rvice Tribunal**

2. **y No. 43**

Dated 18/01/2018

Execution Petition No. 5 /2018

Muhammad Hafiz son of Akram, (PST Teacher), resident of Khankhurd cum Bakot, Tehsil and District, Abbottabad.

...PETITIONER

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary (E&SE) Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Male), Abbottabad.

...RESPONDENTS

4. *District Accounts Officers Abbottabad.*

**APPLICATION FOR IMPLEMENTATION
OF JUDGMENT DATED 23/11/2017 PASSED
BY THIS HONOURABLE TRIBUNAL IN
APPEAL NO. 1025/2016 TITLED
"MUHAMMAD HAFIZ V/S GOVT. OF KPK
& OTHERS.**

Respectfully Sheweth:-

1. That petitioner filed service appeal No. 1025/2016 against impugned order passed by respondent No 3. Copy of appeal is attached as Annexure "A".

*vide
order sheet
dated 21-8-17*

2. That on 23/11/2017 after hearing of arguments this Honourable tribunal accepted appeal of the petitioner alongwith all back benefits. Copy of judgment is attached as annexure "B".
3. That thereafter on 29/11/2017 petitioner filed application before the respondent No. 3 for implementation/ reinstatement with back benefits. Copy of application is attached as Annexure "C".
4. That after laps of 40 days respondents not implemented judgment of this Honourable Tribunal and similarly they have not filed any appeal before August Supreme Court of Pakistan against the judgment of Honourable Tribunal.
5. That respondent No. 3 instead of complying with the direction of this Honourable Tribunal, straightaway refused to comply with the direction of this Honourable Tribunal.
6. That other point would be raised at the time of arguments with kind permission of this Honourable Tribunal.

It is therefore, humbly prayed that on acceptance of instant application respondent No. 3 be kindly be directed forth with comply with the direction of this Honourable Tribunal contained in judgment dated 23/11/2017 in it true letter and spirit


...PETITIONER

Dated: 6-1/2018

Through


(HAMAYUN KHAN)

Advocate High Court, Abbottabad

1. Annexure A^s 2 3

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

Appeal No. 1025 -A/2016

Muhammad Hafeez son of Akram, Ex PST teacher resident of Khan Khard
Cum Bakot, Tehsil & District, Abbottabad.

...APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Male) Abbottabad.
4. ✓ Muneeb Abbasi Assistant Education Officer (Male) Abbottabad.

...RESPONDENT

*Attested
H. Tari*

**APPEAL UNDER SECTION 4 KPK SERVICE
TRIBUNAL ACT AGAINST THE IMPUGNED
RETIREMENT ORDER NO. 4172/EB-H/F-
NO.21/VOL/COMPLAINANT DATED 24/05/2016
ISSUED BY RESPONDENT NO.3 WHICH IS**

ILLEGAL, AGAINST THE LAWS FACTS
CIRCUMSTANCE AND LIABLE TO BE SET ASIDE.

PRAYER:- ON ACCEPTANCE OF THE INSTANT
APPEAL, IMPUGNED RETIREMENT ORDER
NO.4172 DATED 24/05/2016 MAY KINDLY BE
DECLARED NULL AND VOID, AND APPELLANT
BE RESISTED ALONG WITH ALL BACK BENEFITS
AND ANY OTHER RELIEF WHICH THIS
HONOURABLE COURT DEEM FIT AND PROPER.

Respectfully Sheweth;-

Attested
A. S. Path

This appeal mainly proceeds on bellow stated factual and
legal grounds.

1. That appellant was appointed on 03/08/1984 as
P.S.T teacher in education department.
2. That therefore appellant joined service and
continuously performed duty in different schools
with full devotion and liability till 24/05/2016 and
there had no complaint against appellant in respect

of duty. Copy of relevant pages of attendance register and pay slip Annexed "A".

3. That on 15/06/2013 respondent No.3 issued transfer order of appellant from GMPS Topa Khan Khurd to GMPS Sangal kote against vacant post and after receiving transfer order appellant took charge in the said school, and started duty therein.
4. That on 18/08/2015 ADO respondent No.4 on surprise visit to the school signed so called retirement order from appellant on the basis of interference of the local (MPA). Copy of application annexed as Annexure "A-1".
5. That on 19/08/2016 appellant preferred application before the DO / Respondent No.3 and stated all actual position of the incident. Copy of application dated 19/08/2015 annexed as Annexure "B".
6. That therefore, on 04/11/2015 and on 05/11/2015 appellant filed applications before respondent No.1 and 2 respectively. Copies application is annexed as Annexure "C".


Attested
A

7. That on 14/01/2016 respondent No.3 issued show cause notice on the allegation of absence from duty and on 26/01/2016 appellant filed reply of the show cause notice. Copy of show cause and reply is annexed as Annexure "D".
8. That thereafter, on 24/05/2016, respondent No.3 issued so called impugned retirement order of the appellant. Copy of order is annexed as Annexure "E".
9. That on 06/06/2016 appellant filed departmental appeal before the respondent No.2 against the impugned order dated 24/05/2016 issued by respondent No.3 but till dated respondent No.2 not given any response and similarly not passed any order on the said appeal. Copy of appeal is annexed as Annexure "F".
10. That feeling aggrieved with the orders so passed, appellant invokes, the jurisdiction of this Honourable Court on the following major points of law.


Alleged
H. [Signature]
V. A. [Signature]

GROUNDS:-

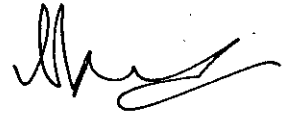
- a. That impugned order dated 24/05/2016 against the law, facts and circumstances. Hence liable to be set aside.
- b. That order dated 24/05/2016 passed without personal hearing and legal formalities hence liable to be set aside.
- c. That impugned order passed against the basic principle of natural justice therefore liable to be set aside.
- d. That at the time of passing impugned order respondent No. 3 ignored all basic and legal requirement of law and procedure.
- e. That impugned order against the well known precedents of the superior courts of the country.

Attested


- f. That all proceeding were conducted on the direction of local (MPA) for political revenge.
- g. That order dated 214/05/2016 against the fundamental rights of the appellant.
- h. That respondent No. 3 not considered different application filed by the appellant for bringing actual facts and personal revenge of the respondent No. 4. hence order dated 24/05/2016 is liable to be set aside.
- i. That respondent No. 3 issued impugned order on the recommendation of respondent No. 4 and through which they deprived appellant from his basic right of further service hence order dated 24/05/2016 is liable to be set aside.
- j. That other points would be urge at the time of Arguments with the kind permission of this Honourable Court Tribunal Court.

Attended


It is, therefore, humbly prayed that on acceptance of the instant appeal, impugned retirement order No. 4172 dated 24/05/2016 may kindly be declared null and void, and appellant be resisted along with all back benefits and any other relief which this Honourable court deem fit and proper.



...APPELLANT

Through

Dated: 28-9 /2016



(HAMAYUN KHAN)

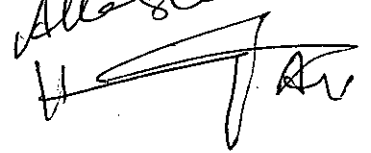
Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.



...APPELLANT

Attested


BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT ABBOTTABAD

Service Appeal No. 1025/2016

Date of Institution... 30.09.2016

Date of decision... 23.11.2017



Muhammad Hafeez son of Akram Ex-PST Teacher resident of Khan Khard Cum Bakot, Tehsil and District, Abbottabad. ... (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education, Peshawar and 3 others. (Respondents)

MR. HAMAYUN KHAN,
Advocate

... For appellant.

MR. KABEERULLAH KHATTAK,
Addl. Advocate General,

... For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. AHMAD HASSAN,

... CHAIRMAN
... MEMBER.

Attested
[Signature]

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: Arguments of the learned counsel for the parties heard and record perused.

FACTS

2. The appellant is aggrieved from an order dated 24.05.2016 whereby he was retired from service prematurely, against which the appellant filed a departmental appeal on 06.06.2016 which was not responded to and thereafter he filed the present service appeal on 30.09.2016.


ATTESTED


[Signature]
CHAIRMAN
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ARGUMENTS

3. The learned counsel for the appellant argued that signature of the appellant was obtained on a blank paper by ADO on 18.08.2015 which was then written by the said ADO as an application for retirement. That on the next day the appellant submitted an application to the District Education Officer concerned, stating therein that on 18.08.2015, ADO Muneeb Abbasi came to his school and asked him to sign the blank paper. That the appellant signed blank paper and he then filled the same paper and directed him that he was not required any more in service and that he had been terminated forcibly. This application was not responded to and the appellant then moved another application to the Director of Education, Elementary & Secondary Education on 04.11.2015 which was also not responded to then he filed another application on 05.11.2015 to the Secretary concerned. He further argued that on 11.1.2016 the appellant was given a show cause notice for his absence from duty from 30.09.2015 to 11.12.2015 which was duly replied to by the appellant. That thereafter, the impugned order was passed. He next contended that the whole proceedings are violative of law and rules and are not sustainable in the eyes of law.

4. On the other hand the learned Addl. Advocate General argued that there was a complaint on behalf of elders of the locality against the appellant regarding his inefficiency. That the appellant himself submitted an application for early retirement. That in a questionnaire during personal hearing on 14.5.2016, the appellant admitted his application for retirement.

Attested


ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

CONCLUSION.

5. The very impugned order dated 24.05.2016 does not refer to any application moved by the appellant. This order does not give any clear cut message that under which provision and on which basis this order was passed. Had it been on the application of the appellant then under rules such pension is called "Retiring Pension". (under Rule 3.5 of the West Pakistan Civil Services Pension Rules). The premature pension is dealt with by Section 13 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 where under such pension can be ordered on the completion of 20 years of qualifying service for pension. But in case under Section 13, a notice is must to be given to the concerned civil servant which has not been done in this case. Presuming it for arguments sake that this order was passed on the basis of application submitted by the appellant then the concerned authority had not taken into consideration his other applications negating his application dated 18.08.2015. A civil servant cannot be dealt with by the department in the method in which the appellant was treated. Normally, when any person asks for retirement, it is the duty of the superior to look into the matter and to satisfy himself about voluntariness of the civil servant concerned and if the authority reaches the conclusion that any undue influence is exercised or application was in any manner not voluntary then such orders cannot be passed. But in the present case the appellant by so many applications to all the authorities had expressed his unwillingness of retirement. But despite all these circumstances the authority passed the order of retirement.

6. If the appellant was inefficient and complaints were submitted by the elders of the locality against his inefficiency, then the proper course was to have

Alleged
[Signature]

TESTED

[Signature]
Khyber Pakhtunkhwa
Tribunal,
Peshawar

13

conducted either departmental proceedings on the basis of inefficiency or to have ordered the retirement under Section 13 of the Khyber Pakhtunkhwa Civil Servants Act, 1973. But an inefficient person cannot be shown the doors ^{out of} ~~by~~ by adopting such indirect means.

7. Consequently the present appeal is accepted and the appellant is reinstated in service with all back benefits. The department is however, at liberty to proceed on the complaints in accordance with the observations mentioned above. Parties are left to bear their own costs. File be consigned to the record room.

Announced 23.11.2017 SDF- Niaz Muhammad Khan,
Chairman
Camp Const A/Abad.

Certified true copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

SDF- Ahmad Hassan
Member

Attested
H [Signature]

Date of Presentation of Application	28-11-17
Number of Words	1600
Copying Fee	10.00
Urgent	2.00
Total	12.00
Name of Copyist	[Signature]
Date of Completion of Copy	28-11-17
Date of Delivery of Copy	28-11-17

کورٹ فیس

وکالت نامہ

BEFORE THE K. P. K. Senior Tribunal

بعدالت

MUHAMMAD HAFEEZ نام Court

عنوان:

PETITIONE

منجانب:

EXECUTION PETITION: نوعیت مقدمہ:

ABBOTTABAD باعث تحریر آنکے

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آن مقام

Hamayun Khan Advocate High Court

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل

صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری

کرنے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت

ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی

بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا

ساختہ پرداختہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے

مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا

حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں

کوئی جز و بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد

استجارت نالاش بصیغہ مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

محمد شفیع

المرقوم: 17-01-20

بمقام:

Accepted

حیاء رپورٹ

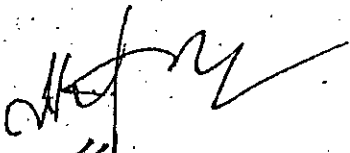
مسی محمد حفیظ PST آرڈر برائے D.E.O
صائب مورثہ $14\frac{2}{18}$ کو $9\frac{3}{18}$ جاری کیا گیا۔ گورنمنٹ پرائمری

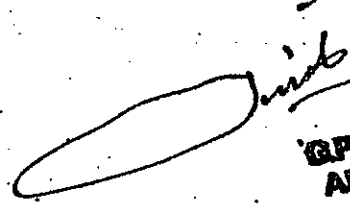
سکول سرانڈہ کھنڈاں آرڈر نمبر 52-2048

آج مورثہ $16\frac{3}{18}$ کو اپنے عہدہ کا حیا راج

لے لیا ہے

رپورٹ عین حقیقت ہے


دستیخط حیا راج گرنڈہ


16-3-18
PST
GPS SARANDA
ABBOTTABAD
دستیخط حیا راج گرنڈہ

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD
REINSTATEMENT

In pursuance to Judgment of Honorable Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad passed in Service Appeal No.1025/2016 dated 23.11.2017, Mr. Muhammad Hafeez, Ex-PST GMPS Sangal Kot (Bakote), Abbottabad is hereby reinstated in service and further posted at GPS Saranda (Bakote) till the finalization of departmental proceedings.

Sd/-
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Endst: No 2048-S / PF Hafeez PST(Litig)
Copy forwarded to the:-

Dated 16/03/2018

1. Registrar Honourable Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad w/r to Judgment passed in service appeal No.1025/2016 dated 23.11.2017.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Comptroller of Accounts Abbottabad
4. Sub Divisional Education Officer (Male) Abbottabad.
5. Mr. Muhammad Hafeez, Ex-PST GMPS Sangal Kot presently reinstated & posted at GPS Saranda (Bakote) Abbottabad.

To: AC-1000
17/03/18
Mr. Hafeez
concerned
17/03/18

Sd/-
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Received
Bonus
17/3/18

311
7/3/18

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR AT CAMP COURT ABBOTTABAD.

Execution Petition No. 05/2018

In

Service Appeal No. 1025/2016

Muhammad Hafiz.....Appellant

VERSUS


Government of Khyber Pakhtunkhwa & OthersRespondents

IMPLEMENTATION REPORT ON BEHALF OF RESPONDENT NO. 03

INDEX

Sr.No	Description	Page Nos	Annexures
1	Implementation Report alongwith affidavit	01 to 02	
2	Copy of Reinstatement Order dated 14-02-2018	03	"A"
3	Copy of Notification dated 22-02-2018	04	"B"
4	Copy of Charge Sheet	05	"C"
5	Copy of Statement of Allegation	06	"D"
6	Copy of Reply of the Petitioner	07	"E"

Dated: 14/04/2018


District Education Officer (M)
Abbottabad.
(Respondent No. 03)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR AT CAMP COURT ABBOTTABAD.**

Execution Petition No. 05/2018

In

Service Appeal No. 1025/2016

Muhammad Hafiz.....Appellant

VERSUS

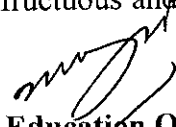
Government of Khyber Pakhtunkhwa & OthersRespondents

IMPLEMENTATION REPORT ON BEHALF OF RESPONDENT NO. 03

Respectfully Sheweth:-

1. That the Para No. 1, of the instant Execution Petition is correct.
2. In reply to Para No. 2, of the Execution Petition it is submitted that appeal of the petitioner was accepted however, Honourable Tribunal held that department is at liberty to proceed on the complaints. Petitioner was reinstated in service vide letter No. 2048-52 dated 14-02-2018, till the finalization of departmental proceedings and a Notification regarding conducting of regular inquiry under E&D Rules 2011, vide Endst: No. 2402-6 dated 22-02-2018, has been issued alongwith charge sheet & statement of allegation were served upon the petitioner and petitioner submitted his reply to charge sheet & statement of allegation on 05-03-2018 and proceedings of inquiry is under process. (Copy of reinstatement order, Notification dated 22-02-2018, charge sheet, statement of allegation & reply of the petitioner are annexed herewith as annexure "A", "B", "C", "D" & "E" respectively).
3. That the Para No. 3, of the instant Execution Petition is subject to proof.
4. In reply to Para No. 4, of the Execution Petition it is submitted that petitioner has joined the inquiry proceedings and departmental proceedings is under process.
5. That the Para No. 5, of the Execution Petition as composed is incorrect hence, denied as petitioner has concealed the material facts from this Honourable Tribunal regarding initiating of departmental proceedings.
6. No comment.
7. That answering respondent seeks leave of this Honourable Tribunal to raise additional grounds at the time of arguments.

It is therefore, humbly prayed that the instant Execution Petition of the petitioner is premature and devoid of merit, being infructuous and may kindly be dismissed throughout with cost.


**District Education Officer (M)
Abbottabad.
(Respondent No. 03)**

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR AT CAMP COURT ABBOTTABAD.

Execution Petition No. 05/2018

In

Service Appeal No. 1025/2016

Muhammad Hafiz.....Appellant

VERSUS

Government of Khyber Pakhtunkhwa & OthersRespondents

AFFIDAVIT

I, Mr. Qazi Tajjamal Hussain, District Education Officer (M) Abbottabad, declare on oath that the contents of the forgoing Implementation Report are correct and true according to the best of my knowledge and belief and nothing has been suppressed / concealed from this Honorable Tribunal.


DEPONENT

Anx "A"
03

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

REINSTATEMENT

In pursuance to Judgment of Honorable Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad passed in Service Appeal No.1025/2016 dated 23.11.2017, Mr. Muhammad Hafeez, Ex-PST GMPS Sangal Kot (Bakote), Abbottabad is hereby reinstated in service and further posted at GPS Saranda (Bakote) till the finalization of departmental proceedings.

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Endst: No. 204850 / PF Hafeez PST(Litig)
Copy forwarded to the:-

Dated 14/02/2018

1. Registrar Honourable Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad w/r to Judgment passed in service appeal No.1025/2016 dated 23.11.2017.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Comptroller of Accounts Abbottabad
4. Sub Divisional Education Officer (Male) Abbottabad.
5. Mr. Muhammad Hafeez, Ex-PST GMPS Sangal Kot presently reinstated & posted at GPS Saranda (Bakote) Abbottabad..

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

Anx "B"
(04)

NOTIFICATION

In pursuance to Judgment of Honorable Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad passed in service appeal No.1025/2016 dated 23.11.2017, Dr. Ianayat ur Rehman, V/Principal GHS No.1 Havelian is hereby appointed as Inquiry Officer to conduct inquiry under E&D Rules 2011, in respect of Mr. Muhammad Hafeez, Ex-PST GMPS Sangal Kot (Bakote) presently reinstated & posted at GPS Saranda Bakote and submit comprehensive report.

TERMS OF REFERENCE

To probe the following issues:-

- a) Mr. Muhammad Hafeez, PST GMPS Sangal Kot/^{is}an inefficient and cannot read the Urdu news paper as per complaint against him received through inhabitants of village Sangal Kot Bakote, .

The inquiry officer shall submit report to the undersigned within fifteen (15) days with solid recommendation as laid down in Rules 11 to 14 of the Khyber Pakhtunkhwa Govt: Servants Efficiency & Disciplinary Rules 2011. Opportunity of self defense and cross examination, the witness/evidence be provided to the accused.

sd
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Endst: No. 2402-06 / PF M. Hafeez PST (Litg)

Dated 22/2/2018

Copy forwarded to the:-

1. Registrar Honorable Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad w/r to Judgment passed in service appeal No.390/2016 dated 22.11.2017.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
3. Dr. Ianayat ur Rehman, V/Principal GHS No.1 Havelian alongwith copy relevant documents.
4. Sub Divisional Education Officer (Male) Abbottabad with the remarks to cooperate with the inquiry officer.
5. Mr. Muhammad Hafeez, Ex-PST GMPS Sangal Kot (Bakote) presently reinstated & posted at GPS Saranda Bakote.


sd
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

CHARGE SHEET

Anx "C"
05

I Qazi Tajammal Hussain, District Education Officer (Male) Abbottabad as Competent Authority, hereby charge you, Mr. Muhammad Hafeez, Ex-PST GMPS Sangal Kot (Bakote) presently reinstated & posted at GPS Sarhanda Bakote as follows:

1. That you, while posted as PST at GMPS Sangal Kot Circle Birote Abbottabad committed the following irregularities:
 - a) You are an inefficient and cannot read the Urdu news paper as per complaint filed by inhabitant of village Sangal Kot Bakote.
2. By reason of the above, you appear to be guilty of inefficiency, under Rule-3 of the Khyber Pakhtunkhwa Govt: Servants (E&D) Rules 2011 and have rendered yourself liable to all or any of the penalties specified rules 4 of the rules ibid.
3. You are, therefore, required to submit your written defense within ten days of the issuance of this Charge Sheet to the Inquiry Officer.
4. Your written defence, if any, should reach the Inquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.
5. Intimate whether you desire to be head in person.
6. A statement of allegations is enclosed.

 **COMPETENT AUTHORITY**

Mr. Muhammad Hafeez, PST
GPS Sarhanda Bakote

DISCIPLINARY ACTION

Anx "D"
06

Qazi Tajammal Hussain, District Education Officer (Male) Abbottabad as Competent Authority, am of the opinion that Mr. Muhammad Hafeez, Ex-PST GMPS Sangal Kot Bakote presently reinstated & posted at GPS Saranda Bakote has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

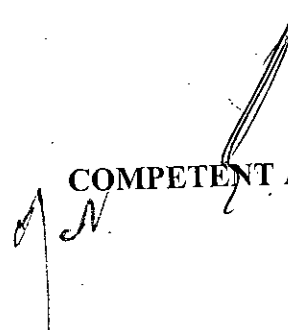
STATEMENT OF ALLEGATIONS

- a) You are an inefficient and cannot read the Urdu news papers as per complaint filed against inhabitant of village Sangal Kot Bakote, .

For the purpose of inquiry of the said accused with reference to the above allegation Dr. Inayat ur Rehman V/Principal, GHS Havelian is hereby appointed as inquiry officer under Rule 10 (1) (a) of the Ibid Rules:

2. The inquiry officer shall, in accordance with the provisions of the Ibid Rules, provide you reasonable opportunity of hearing to the accused, record it findings and make, within fifteen days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
3. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer.

Mr. Muhammad Hafeez, PST
GPS Saranda Bakote


COMPETENT AUTHORITY

جواب خارج شدت نمبر 22/02/2018

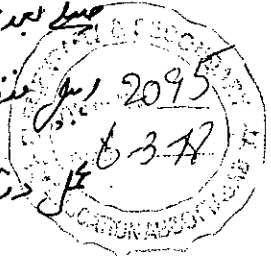
ADDO B&P
M. Mustafa
03000000000

جواب ذیل ہے۔

1- یہ کہ عدلیہ تعیناتی جیتت PSI/PTC سال 1984ء میں بعد از شدت انٹرویو ہوئی۔

2- یہ کہ بعد از تعیناتی میں باقاعدگی سے اپنے فرائض سرانجام دینا یا مگر سال 2013ء کے جنرل الیکشن اور بعد ازاں سال 2015ء میں بلدیاتی الیکشن میں مخالف امیدواران کو ووٹ نہ دینے کی وجہ سے مجھے سیاسی انتقام کا نشانہ بنایا گیا، کیونکہ موجودہ MPA سلسلہ 45 کے کارندہ مجھ سے ووٹ کا مطالبہ کرتا رہے اسی طرح بلدیاتی نمائندگان جن میں میرے قبیل و خلیق کو نسل و دیگر صحبران جن کو میں نے ووٹ نہ دیا تھا، انہوں نے مجھے نشانہ بنایا اور او مجھے پتھروں پر اتر آئے۔ میرا خلاف بے بنیاد درخواست بازی کرتے رہے اور مذکورہ بالا صحبران کے ایما پر سابقہ ADO سرکل نے مجھے سیاسی انتقام کا نشانہ بنایا اور مجھے جبراً ریٹائرڈ کیا اور سکول میں میرے داخلہ پر پابندی لگائی۔

بعد میں نے KPK سروس ٹریبونل میں سروس اپیل کی اور عزیز عدالت نے فری منظور کرنے سے مجھے بعد سابقہ مراعات جمالی کا حکم صادر فرمایا جس پر تاحال در آمد نہ ہوا ہے۔ اور نہ ہی مجھے ڈھائی سال کی تنخواہ ملی ہے۔



3- یہ کہ مذکورہ بالا انتظامی کارروائی میں دفتری عملہ اور سیاسی یوسٹوں پر تعینات ADOs شامل رہے اور تاحال انتقام کے درجے ہیں۔

4- یہ کہ بروئے قانون تعیناتی کے بعد کسی بھی ملازم سے دوبارہ شدت اور انٹرویو نہ لیا جائے۔ لیکن یہ کہ مجھ سے تین دھائیوں کے بعد اس کا مطالبہ کیا جانا کہ شدت اور انٹرویو دوں، دیوانہ کی سوچ معلوم ہوتی ہے۔ اور اگر اس سے بھی تو سارے محکمہ کے ملازمین سے دوبارہ شدت اور انٹرویو لیا جائے تو میں بھی تیار ہوں۔

یہ کہ میں "الحمد للہ" محنت و مزدور سندھت ہوں اور اپنے فرائض حسب سابق بخوبی ادا کرتا ہوں عزیز یہ کہ آپ کے دفتری ایچکاران کی بدینہی اس امر سے بھی واضح ہو چکی ہے کہ مورخہ 22/02/2018 کی خارج شدت آج مورخہ 05/03/2018 کو معقول ہوئی۔

{فنا خارج شدت
لغز}

لکھنا سندھت عاصمہ مذکورہ خارج شدت والی لکھی ہوئی حکم عدالت کی تعمیل کی جائے۔
05/03/2018
محمد حفیظ سابقہ PSI/PTC

Handwritten signature

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

EXECUTION PETITION No. 05/2018

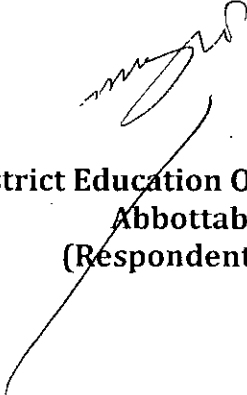
Muhammad Hafiz VERSUS Govt of Khyber Pakhtunkhwa & Others

IMPLEMENTATION REPORT

INDEX

S #	Description	Page Nos	Annexures
1	Application alongwith Affidavit	01 to 02	
2	Copy of Notification dated 28-05-2019	03	"A"
3	Copy of Final Order dated 27-09-2019	04	"B"

dated: 28-05-2019


District Education Officer (M)
Abbottabad.
(Respondent No.3)

Before the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar

EXECUTION PETITION NO. 05/2018

Muhammad Hafiz VERSUS Govt of Khyber Pakhtunkhwa & Others

IMPLEMENTATION REPORT

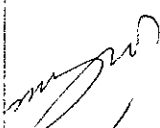
Respectfully Sheweth:-

It is submitted as under:

1. That in pursuance to the judgment of this Honourable Tribunal dated 23-11-2017, department reinstated the petitioner with all back benefits w.e.f. 24-05-2016 to the date of imposing major penalty of Compulsory Retirement from service vide Endst No. 6273-77 dated 28-05-2019. (Copy of reinstatement notification dated 28-05-2019 is annexed herewith as Annexed "A").
2. That department conducted regular inquiry and issued the final order vide Endst No. 11585-91 dated 27-09-2018 and petitioner also challenged the order dated 27-09-2018 before this Honourable Tribunal and filed Service Appeal No. 58/2019 and the same is fixed for reply on 17-06-2019. (Copy of Final Order dated 27-09-2019 is annexed herewith as annexure "B").

It is, therefore, respectfully prayed that on acceptance of this application the Execution petition in hand may please be dismissed with cost.

Dated: 28-05-2019


**District Education Officer (M)
Abbottabad.
(Respondent No.3)**

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

EXECUTION PETITION No. 05/2018

Muhammad Hafiz VERSUS Govt of Khyber Pakhtunkhwa & Others

IMPLEMENTATION REPORT

AFFIDAVIT

I, Mr. Qazi Tajjamal Hussain, District Education Officer (M) Abbottabad, do hereby affirm and declare that contents of forgoing Application are correct and true according to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.


DEPONENT

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

NOTIFICATION

In pursuance to the Judgment of Honorable Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad passed in Service Appeal No.1025/2016 dated 23.11.2017 and in supersession of this office Endst: No.2048-52 dated 14.02.2018, Mr. Muhammad Hafeez, Ex-PST GPS Sarhanda (Bakote), Abbottabad is hereby reinstated in service with all back benefits w.e.from 24.5.2016 to the date of imposing major penalty of compulsory retirement from service issued vide this office Endst: No.11585-91 dated 27.9.2018.

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Endst: No. 1273-77 / PF Hafeez PST(Litig)

Dated 28/5 /2019

Copy forwarded to the:-

1. Registrar Honorable Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad w/r to Judgment passed in service appeal No.1025/2016 dated 23.11.2017 & EP No.5/2018.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Comptroller of Accounts Abbottabad
4. Sub Divisional Education Officer (Male) Abbottabad with the remarks to submit compliance within seven days positively.
5. Mr. Muhammad Hafeez, Ex-PST GPS Sarhanda (Bakote).

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) ABBOTTABAD

ORDER

1. WHEREAS, Mr. Muhammad Hafeez, PST Primary School Teacher GMPS Sangal Kot (presently posted at GPS Sarhanda) Circle Birote was retired from service w.e.from 20.8.2015 upon completion of 30 years, 11 months & 15 days qualifying service vide this office Endst: No.4172 dated 24.5.2016.
2. AND WHEREAS, in pursuance to the judgment of Honourable Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad passed in Service Appeal No. 1025/2016 dated 23.11.2017, he was reinstated in service and further posted as GPS Sarhanda till the finalization of departmental proceedings vide this office Endst: No.2048-52 dated 14.02.2018.
3. AND WHEREAS, you Mr. Muhammad Hafeez, PST Primary School Head Teacher GPS Sarhanda (Birote) was proceeded under Rule-3 of the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011.
4. AND WHEREAS, Inquiry Officer was appointed vide this Office Notification issued under Endst No. 2402-6 dated 22.02.2018 to conduct inquiry in accordance with law and provide you opportunity of self defence as well as cross examination, the witness against you. Charge Sheet and Statement of Allegations were served upon you through SDEO (M) Abbottabad vide this office Memo: No.2410 dated 22.02.2018.
5. AND WHEREAS, On receipt of findings of Inquiry report dated 23.2.2018, Show Cause Notice regarding your *inefficiency* was served upon you through Sub Divisional Education Officer (Male) Abbottabad vide this office Memo: No.5197 dated 28.4.2018, wherein major penalty of Compulsory Retirement from service was tentatively imposed upon you under Rule-3 of Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rule, 2011.
6. AND WHEREAS, you submitted reply of the show cause notice on 27.8.2018 instead of stipulated period. You were summoned for personal hearing on 03.7.2018 vide this office of Memo: No.7415 dated 28.6.2018, but you failed to attend the same and recalled for personal hearing on 07.9.2018 through SDEO (M) Abbottabad vide this office Memo: No.9501 dated 31.8.2018 to avail the opportunity of self defence.
7. AND WHEREAS you appeared for personal hearing on 10.9.2018 and failed to defend the charges leveled against you.
8. And by reason of the above, charges leveled against you have been proved and you are found guilty of *inefficiency* under Rule-3 of the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rule, 2011.
9. NOW THEREFORE, the Competent Authority in exercise of the power conferred upon him under Rule-4 (1) (b) sub Rule (ii) of Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rule, 2011 is pleased to impose major penalty of "**COMPLUSORY RETIREMENT FROM SERVICE**" upon Mr. Muhammad Hafeez, PST Primary School Teacher GPS Sarhanda (Birote) with immediate effect as you remained out of service from 20.8.2015 to 13.02.2018.

Endst: No. 11523 /M.Hafeez, PST/Lit

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Dated 27/9 /2018

Copy for information & necessary action to the:-

1. Registrar Honourable Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad w.r to Judgment passed in Service Appeal No.1025/2016 dated 23.11.2017.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
3. District Comptroller of Accounts Abbottabad.
4. District Monitoring Officer (IMU) Abbottabad.
5. Sub Divisional Education Officer (M) Abbottabad.
6. Assistant Programmer EMIS Branch Local Office
7. Mr. Muhammad Hafeez, PST Primary School Teacher GPS Sarhanda (Birote).

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD



GPs Signal Kot (Bakda)



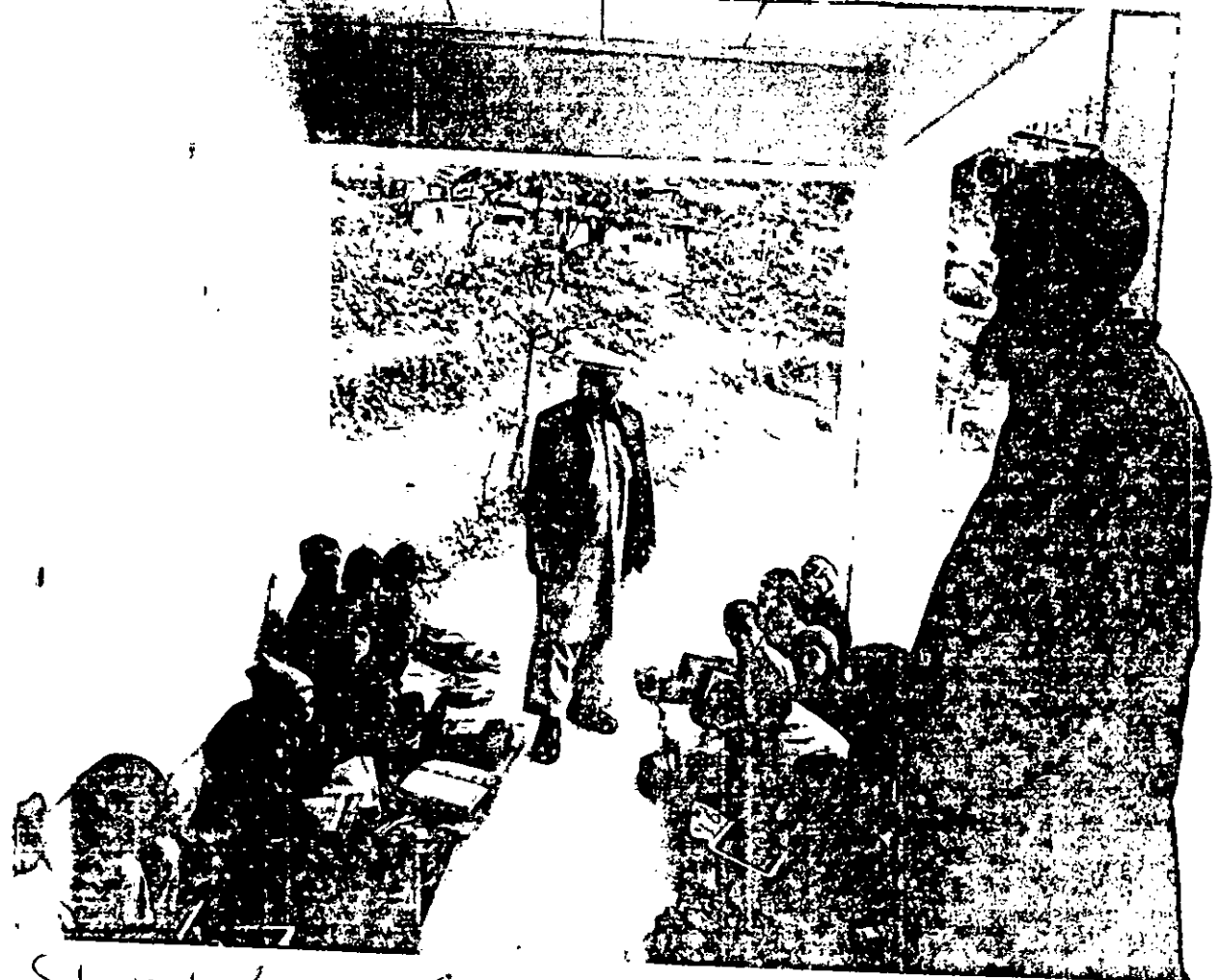
Main Gate, GPs Saranda (Bakda)

پہاڑیوں کو انکس میڈیہ تعلیم
کیا تہ ماہہ دینی و اخلاقی تعلیم
دی جاتی ہے۔ اور صاف ستھرا ماحول

اور دیگر بچال کرنے والے
ورثہ کی قدر و قیمت کو مد نظر رکھتے ہوئے
رہ سکیں۔



Sweet Baskets at G.P.S Saranda on floor for thirsting their
Knowledge



Students G.P.S Sargol Kot sitting on floor

Head Teacher G.P.S. Saranda Pravia
classmate/record to Euzum Africa



Bigby of Ica White Conancing
Bigby at G.M.P.S. Sagittat.



Mr. Muhammad Ali Khan



کی پانچویں گزرتے ہیں ایچ و ایچ
ایچ و ایچ

Mr. Tariq Khan Casarida

قدت جناب ڈسپلینڈ انجینئر ایگزیکٹو ایف او ڈی اے
عنوان ریٹائرمنٹ سروس

Annex-A
10

بہانت احترام سے گزارش ہے کہ سائل 55 ⁰⁹ 1984 سے

خدمات انجام دے رہا ہے۔ سائل کی سروس 30 سال سے زیادہ ہے۔

سائل ایک مزید سروس جاری نہیں رکھ سکتا۔ لہذا سائل اپنی سروس

سروس سے ریٹائرمنٹ لینا چاہتا ہے۔ مجھے 20 ⁰⁸ 2015 سے ریٹائرمنٹ دی جائے۔

لہذا گزارش ہے کہ سائل کی ریٹائرمنٹ کی منظوری دی جائے

اور سائل کے واجبات سائل کو ادا کیے جائیں۔

العارض

سائل محمد حفیظ پی ایس ٹی
سرگرم بیروٹ اینٹ آباد

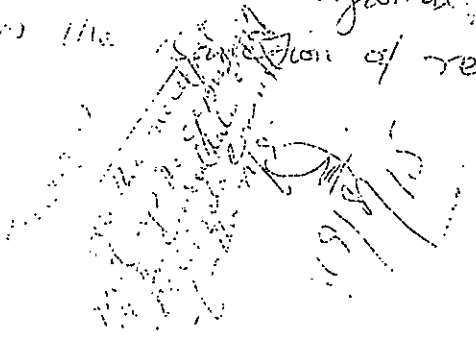
GMPs سٹیل کوٹ یونین کوئٹہ

8646 پرنسپل ممبر
CNIC: 13101-0885519.1

[Signature]
18-8
2015

Submitted in original to SDEO (M) Atd along with S/let
on the occasion of retirement w.e.f 20/08/2015.

[Signature]
19/08/2015



Annexure - B

Annexure - E

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

RETIREMENT/ENCASUREMENT

Sanction is hereby accorded to the grant of encashment of leave in lieu of not availing LPR for 365 days in respect of Mr. Muhammad Hafeez, PST GMPS Sangal Kot (Circle) Birote as due and admissible to him under the rules.

He stands retired from service on 20.8.2015 (Pre-Mature) upon completion of 30 Years-11 Months 15 days qualifying service

Note:

1. Necessary entries to this effect should be made in his service book.
2. Recovery of over payment, if any be made good from the official concerned.

Sd/---
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Encls: No. 472 / EB-III/F.No.21/Vol-II/Complaint Dated 24-5-2015

Copy forwarded for information and necessary action to the:

1. Sub Divisional Education Officer (Male) Abbottabad w/r to his K.A. dated 30.11.2015 alongwith Service Book of the above named teacher.
2. District Accounts Officer Abbottabad
3. Mr. Muhammad Hafeez, PST GMPS Sangal Kot (Circle) Birote

[Signature]
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

*Tausif Khan
Ishaq Khan sb.
for info please.*

[Signature]
26/05

*Attested
[Signature]*

بخدمت جناب DEO (مردانہ) ضلع ایبٹ آباد

عنوان: وضاحت منسوخی درخواست بتاریخ 18/08/2015 بابت ریٹائرمنٹ سائل:

جناب عالی!

مؤدبانہ گزارش ہے کہ سائل نے مورخہ 18/08/2015 کو ایک درخواست بابت ریٹائرمنٹ آجنٹاب وڈن تھی جنہیں جناب میڈم مہتابی صاحب سابقہ ADO نے مجھ سے جبری طور پر دستخط کروائے تھے میں نے اپنی خوشی و رضامندی کے ساتھ دستخط نہیں کئے تھے اور میں نہ تو اس وقت ریٹائر ہونا چاہتا تھا اور نہ اب ریٹائر ہونا چاہتا ہوں بلکہ اپنی سروس جاری رکھنا چاہتا ہوں۔ یہ کہ سائل کو مورخہ 18/08/2015 سے مسلسل فرائض منتہی کی ادائیگی سے روکا جاتا ہے اور مجھے رجسٹر حاضری پر دستخط ثابت کرنے سے زبردستی روکا ہوا ہے جبکہ سائل ریگولر اپنی ڈیوٹی پر حاضر ہوتا ہوں اور اپنے فرائض بطریق احسن ادا کر رہا تھا جس کے ثبوت کے طور پر یہ اساتذہ ریکارڈ گواہت۔

لہذا آجنٹاب سے التماس ہے کہ سائل کی ریٹائرمنٹ والی مذکورہ بالا درخواست بتاریخ 18/08/2015 کو منسوخ فرمایا جاوے اور سائل کو اپنے فرائض منتہی ادا کرنے کے احکامات صادر فرمائے جائیں تاکہ سائل احسن طریقے سے اپنے فرائض سرانجام دینے کے قابل ہو سکے۔

المرقوم: 14/05/2016

العارض:

OK if

محمد حفیظ PST

گورنمنٹ مسجد سکول - ننگل کوٹ کھن کاں - یو۔ پی۔ ٹی۔ ٹکوٹ

اللہ اعلم
H. J. Khan

19/5/2016
19/5/2016

Timeare "F"

Annex - C II
27

اپیل

بخدمت جناب ڈائریکٹر سکرٹری جنرل حکومت پاکستان

علی

مذکورہ آڈیو کے ساتھ کہ سائٹ 2016-5-14 آئیٹ درخواست DEO
آئیٹ آباد منسوحی ریٹائرمنٹ کے لیے میری درخواست پر کارروائی کرنے
کے بجائے مجھے 2016-5-16 آرڈر نمبر 417 کے تحت 10 ماہ قبل سے
ریٹائر کر دیا گیا ہے۔
جناب ڈائریکٹر کے تحت آئیٹ سے قبل از وقت ریٹائرمنٹ

لیٹین لینا چاہتا ہوں۔
لنڈن جناب سے اسنادی چیک ہیرا ریٹائرمنٹ
کا آرڈر نمبر 41720 تاریخ 2016-5-16 منسوحی ریٹائرمنٹ

الحاج علی
محمد حنیف P.S.T. کوہستان سیکورس کونسل کے کونسلر
آئیٹ آباد

محمد حنیف P.S.T. کوہستان سیکورس کونسل کے کونسلر
آئیٹ آباد
6/6/2016

6/6/2016

الحاج علی
محمد حنیف

Annexure C
An e-111

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

Appeal No. 1025 -A/2016

Muhammad Hafeez son of Akram, Ex PST teacher resident of Khan Khard
Cum Bakot, Tehsil & District, Abbottabad.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Elementary & Secondary
Education Peshawar and others.

...RESPONDENT

SERVICE APPEAL

INDEX

S.#	Description	Page No.	Annexure
1.	Memo of Appeal	1 to 7	
2.	Copy of relevant pages of attendance register	8-17	"A"
3.	Copy of application	18	"A-I"
4.	Copy of application dated 19/08/2015	19	"B"
5.	Copies application	20-22	"C"
6.	Copy of show cause and reply	23-25	"D"
7.	Copy of order	26	"E"
8.	Copy of appeal	27-29	"F"
9.	Wakalatnama	30	

...APPELLANT

Through

Dated: 26-9 /2016


(HAMAYUN KHAN)
Advocate High Court, Abbottabad

2016 SD/30 office ATD

2

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. _____ -A/2016

Muhammad Hafeez son of Akram, Ex PST teacher resident of Khan Khard
Cum Bakot, Tehsil & District, Abbottabad.

...APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Male) Abbottabad.
4. Muneeb Abbasi Assistant Education Officer (Male) Abbottabad.

...RESPONDENT

APPEAL UNDER SECTION 4 KPK SERVICE
TRIBUNAL ACT AGAINST THE IMPUGNED
RETIREMENT ORDER NO. 4172/EB-H/F-
NO.21/VOL/COMPLAINANT DATED 24/05/2016
ISSUED BY RESPONDENT NO.3 WHICH IS

3

ILLEGAL, AGAINST THE LAWS FACTS
CIRCUMSTANCE AND LIABLE TO BE SET ASIDE.

PRAYER:- ON ACCEPTANCE OF THE INSTANT
APPEAL, IMPUGNED RETIREMENT ORDER
NO.4172 DATED 24/05/2016 MAY KINDLY BE
DECLARED NULL AND VOID, AND APPELLANT
BE RESISTED *Resisted* ALONG WITH ALL BACK BENEFITS
AND ANY OTHER RELIEF WHICH THIS
HONOURABLE COURT DEEM FIT AND PROPER.

Respectfully Sheweth:-

This appeal mainly proceeds on bellow stated factual and
legal grounds.

1. That app~~ellant~~ was appointed on 03/08/1984 as
P.S.T teacher in education department.
2. That the ~~appellant~~ appellant joined service and
continuously performed duty in different schools
with full ~~responsibility~~ and liability till 24/05/2016 and
there had ~~no complaint~~ against appellant in respect

of duty. Copy of relevant pages of attendance register and pay slip Annexed "A".

3. That on 15/06/2013 respondent No.3 issued transfer order of appellant from GMPS Topa Khan Khurd to GMPS Sangal kote against vacant post and after receiving transfer order appellant took charge in the ~~said~~ school, and started duty therein.
4. That on 18/08/2015 ADO respondent No.4 on surprise visit to the school signed so called retirement order from appellant on the basis of interference of the local (MPA). Copy of application annexed as Annexure "A-1".
5. That on 19/08/2015 appellant preferred application before the DO Respondent No.3 and stated all actual position of the incident. Copy of application dated 19/08/2015 annexed as Annexure "B".
6. That therefore, 04/11/2015 and on 05/11/2015 appellant filed applications before respondent No.1 and 2 respectively. Copies application is annexed as Annexure

7. That on 14/01/2016 respondent No.3 issued show cause notice on the allegation of absence from duty and on 26/01/2016 appellant filed reply of the show cause notice. Copy of show cause and reply is annexed as Annexure "D".

8. That thereafter, on 24/05/2016, respondent No.3 issued so called impugned retirement order of the appellant. Copy of order is annexed as Annexure "E".

9. That on 06/01/2016 appellant filed departmental appeal before the respondent No.2 against the impugned order dated 24/05/2016 issued by respondent No.3 but till dated respondent No.2 not given any response and similarly not passed any order on the said appeal. Copy of appeal is annexed as Annexure "F".

10. That feeling aggrieved with the orders so passed, appellant invokes the jurisdiction of this Honourable Court on the following major points of law.

6

GROUNDS:-

- a. That impugned order dated 24/05/2016 against the law, facts and circumstances. Hence liable to be set aside.
- b. That order dated 24/05/2016 passed without personal hearing and legal formalities hence liable to be set aside.
- c. That impugned order passed against the basic principle of natural justice therefore liable to be set aside.
- d. That at the time of passing impugned order respondent No. 3 ignored all basic and legal requirement of law and procedure.
- e. That impugned order against the well known precedents of the superior courts of the country.

- f. That all proceeding were conducted on the direction of local (MPA) for political revenge.
- g. That order dated ^{24/5/2016} 214/05/2016 against the fundamental rights of the appellant.
- h. That respondent No. 3 not considered different application filed by the appellant for bringing actual facts and personal revenge of the respondent No. 4. hence order dated 24/05/2016 is liable to be set aside.
- i. That respondent No. 3 issued impugned order on the recommendation of respondent No. 4 and through which they deprived appellant from his basic right of further service hence order dated 24/05/2016 is liable to be set aside.
- j. That other points would be urge at the time of Arguments with the kind permission of this Honourable Court Tribunal Court.

7

(2)

It is, therefore, humbly prayed that on acceptance of the instant appeal, impugned retirement order No. 4172 dated 24/05/2016 may kindly be declared null and void, and appellant be resisted along with all back benefits and any other relief which this Honourable court deem fit and proper.

instated

Dated: 9 /2016.

Through

...APPELLANT

(HAMAYUN KHAN)
Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

...APPELLANT

Anno xue **D**
I

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

NOTIFICATION

In pursuance to Judgment of Honorable Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad passed in service appeal No.1025/2016 dated 23.11.2017, Dr. Ianayat ur Rehman, V/Principal GHS No.1 Havelian is hereby appointed as Inquiry Officer to conduct inquiry under E&D Rules 2011, in respect of Mr. Muhammad Hafeez, Ex-PST GMPS Sangal Kot (Bakote) presently reinstated & posted at GPS Saranda Bakote and submit comprehensive report.

TERMS OF REFERENCE

To probe the following issues:-

- a) Mr. Muhammad Hafeez, PST GMPS Sangal Kot/ⁿan inefficient and cannot read the Urdu news paper as per complaint against him received through inhabitants of village Sangal Kot Bakote, .

The inquiry officer shall submit report to the undersigned within fifteen (15) days with solid recommendation as laid down in Rules 11 to 14 of the Khyber Pakhtunkhwa Govt: Servants Efficiency & Disciplinary Rules 2011. Opportunity of self defense and cross examination. the witness/evidence be provided to the accused.

[Signature]
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Endst: No. *7-402-06* / PF M. Hafeez PST (Litg)

Dated *22/2*/2018

Copy forwarded to the:-

1. Registrar Honorable Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad w/t to Judgment passed in service appeal No.390/2016 dated 22.11.2017.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
3. Dr. Ianayat ur Rehman, V/Principal GHS No.1 Havelian alongwith copy relevant documents.
4. Sub Divisional Education Officer (Male) Abbottabad with the remarks to cooperate with the inquiry officer.
5. Mr. Muhammad Hafeez, Ex-PST GMPS Sangal Kot (Bakote) presently reinstated & posted at GPS Saranda Bakote.

[Signature]
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Answer - D

To

Sub Divisional Education Officer,
(M) Primary Abbottabad.

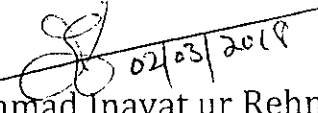
Subject:- **PROVISION OF RECORD/FILE FOR ENQUIRY.**

Memo,

Reference DEO (M/S) Abbottabad vide Endst: No.2402-06/PF M.Hafiz PST (Litg) dated Abbottabad the 22.02.2018 on the subject cited above, the undersigned have been appointed as Enquiry Officer for enquiry against Mr. Muhammad Hafiz Ex-PST GMPS Saranda (Bakote) Circle Bakote (the same also endorsed to you).

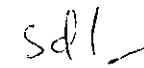
It is requested that to provide relevant record/file in respect of teacher concerned and also inform him for his defense.

Your cooperations as well as if a conversant representative for your Office accompanied the under signed on enquiry date will be highly appreciated in the best interest of public.


02/03/2018
Dr.Muhammad Inayat ur Rehman
V.Principal, GHS No.1 Havelain, A. Abad
(Enquiry Officer)

Copy to;

1. District Education Officer(M/S) Abbottabad refer to his Endst: No.as above
2. Mr. Muhammad Hafiz PST GPS Saranda(Bakote) with the direction to be present on enquiry date for his defense, and if needed contact undersigned on the cell No. as below.


Dr.Muhammad Inayat -ur Rehman
(Enquiry Officer).
Contact: 0344_0322-9663279.
Office 0992-810700

خدمت صباب دائرہ برائے سٹیٹ بینک پاکستان
(انٹوائری آفسٹر)
Date: 03/05/2018

محترمی عنایت الرحمن صاحب - انٹوائری آفسٹر

صباب

ہر کہ میں سائل محمد حفیظ PST نے خارج سٹیٹ

جاری کردہ مجاز اتھارٹی / DO (مردانہ) ضلع

ایبٹ آباد ٹھکرہ 22/02/2018 جو سائل کو 03/05/2018 کو

موصول ہوا اور اسی روز میں سائل نے خارج سٹیٹ

کا جواب مجاز اتھارٹی کے پاس جمع کیا جبکہ

مذکورہ جواب خارج سٹیٹ کی کاپی آپ نے موصول

کرنے سے میں دفعہ انکار کیا۔

لکھا خارج سٹیٹ اور جواب خارج سٹیٹ

کی نقولامت لف صفا ہو کر آئیگی بزرگ

عبر AD ارسال کی جارہی ہیں۔

المرفوعہ: 03/05/2018

محمد حفیظ PST سکنہ کھنڈ خورد بکوٹ تحصیل ضلع
ایبٹ آباد

محمد حفیظ

نوٹ: درخواست ہذا کی کاپی میرے پاس محفوظ ہے

ڈسٹرکٹ ایجوکیشن آفیسر ایف اے آباد

جواب ذیل ہے۔

1۔ سیکرٹری تعلیمی جیت PSI/PTC سال 1984ء میں بعد از ٹیسٹ انٹرویو ہوئی۔

2۔ یہ کہ بعد از تعلیمی میں باقاعدگی سے اینڈ فرالٹن سرانجام دینا یا ٹیکس سال 2013ء کے جنرل الیکشن اور بعد ازاں سال 2015ء میں بلدیاتی الیکشن میں مخالف امیدواران کو ووٹ نہ دینے کی وجہ سے مجھے سیاسی انتقام کا نشانہ بنایا گیا، کیونکہ موجودہ MPA سلسلہ 45-PR کے کارندہ مجھ سے ووٹ کا مطالبہ کرتے رہے اسی طرح بلدیاتی نمائندگان میں میں غیر متعلقہ و ضلع کونسل و دیگر محبران میں کو میں نے ووٹ نہ دیا تھا۔ انہوں نے مجھے نشانہ بنایا اور او مجھے ہتھکنڈوں پر آئے۔ میرے خلاف بے بنیاد درخواست بازی کرتے رہے اور مذکورہ بالا محبران کے امداد پر سابقہ ADO سرکل نے مجھے سیاسی انتقام کا نشانہ بنایا اور مجھے جبراً ریٹائرڈ کیا اور سکول میں میرے داخلہ پر پابندی لگائی۔ جبکہ بعد میں نے KPK سروس ٹریبونل میں سروس اپیل کی اور معزز عدالت نے میری اپیل منظور کرتے ہوئے مجھے بعد سے بقدر امانت بحالی کا حکم صادر فرمایا جس پر تاحال عمل درآمد نہ ہوا ہے۔ اور نہ ہی مجھے ڈھائی سال کی تنخواہ ملی ہے۔

DFF 2018
Dated 26/03/18

3۔ یہ کہ مذکورہ بالا انتقامی کارروائی میں دفتری عملہ اور سیاسی لوگوں پر تشدد شامل رہا اور تاحال انتقام کے درجے میں۔

4۔ یہ کہ بروئے قانون تعلیمی کے بعد کسی بھی ملازم سے دوبارہ ٹیسٹ اور انٹرویو نہ لیا جائے۔ لیکن یہ کہ مجھ سے تین دھائیوں کے بعد اس کا مطالبہ کیا جاتا ہے ٹیسٹ اور انٹرویو دوں، دیوانے کی سوچ معلوم ہوتی ہے۔ اور اگر ایسا ہی ہے تو سارے محکمہ کے ملازمین سے دوبارہ ٹیسٹ اور انٹرویو لیا جائے تو میں بھی تیار ہوں۔

یہ کہ میں ”الحمد للہ“ محنت مند اور تندرست ہوں اور اینڈ فرالٹن حسب سابق بخوبی ادا کر سکتا ہوں عزیز یہ کہ آپ کے دفتری ایلیکٹران کی بہ نسبتی اس امر سے بھی واضح ہو سکتی ہے کہ مورخہ 22/02/2018 کی خارج ٹیسٹ آج مورخہ 05/03/2018 کو معہ وصول ہوئی۔

لکھنا اس کے ساتھ مذکورہ خارج ٹیسٹ والی لٹیر سے ملے ہوئے حکم عدالت

{ نقل خارج ٹیسٹ }
{ لفٹ }

کی تعمیل کی جائے۔
05/03/2018

THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

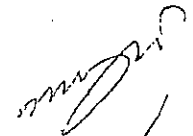
No. 2410 /PF M Hafeez PST

Dated 20/12 /2018

Sub-Divisional Education Officer
Abbottabad

Subject: STATEMENT OF ALLEGATIONS/CHARGE SHEET
Memo:

Statement of allegations/ Charge sheet in respect of Mr. Muhammad Hafeez, PST GPS Saranda (Bakote) is attached herewith. You are directed to serve the same to the concerned official and return one copy to this office as a token of receipt duly received by him.


DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

*R. ADAM
ASST
Mr. D. J. Khan
concerned.*
M
20/12/18

ASST. CHIEF BAKOTE
20/12/18

*Received
27/12*

Sub-Div. Ed. Officer
Abbottabad
23/12/18

DISCIPLINARY ACTION

1. Qazi Tajanmal Hussain, District Education Officer (Male) Abbottabad is Competent Authority, am of the opinion that Mr. Muhammad Hafeez, Ex-PST GMPS Sangal Kot Bakote presently reinstated & posted at GPS Saranda Bakote has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- a) You are an inefficient and cannot read the Urdu news papers as per complaint filed against inhabitant of village Sangal Kot Bakote, .

For the purpose of inquiry of the said accused with reference to the above allegation Dr. Inayat ur Rehman V/Principal, GHS, Havelian is hereby appointed as inquiry officer under Rule 10 (1) (a) of the Ibid Rules:

2. The inquiry officer shall, in accordance with the provisions of the Ibid Rules, provide you reasonable opportunity of hearing to the accused, record it findings and make, within fifteen days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
3. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer.


COMPETENT AUTHORITY


Mr. Muhammad Hafeez, PST
GPS Saranda Bakote

Dated 22/2/2018

CHARGE SHEET

I Qazi Tajammal Hussain, District Education Officer (Male) Abbottabad as Competent Authority, hereby charge you, Mr. Muhammad Hafeez, Ex-PST GMPS Sangal Kot (Bakote) presently reinstated & posted at GPS Sarhanda Bakote as follows:

1. That you, while posted as PST at GMPS Sangal Kot Circle Birote Abbottabad committed the following irregularities:
 - a) You are an inefficient and cannot read the Urdu news paper as per complaint filed by inhabitant of village Sangal Kot Bakote.
2. By reason of the above, you appear to be guilty of inefficiency, under Rule-3 of the Khyber Pakhtunkhwa Govt: Servants (E&D) Rules 2011 and have rendered yourself liable to all or any of the penalties specified rules 4 of the rules ibid.
3. You are, therefore, required to submit your written defense within ten days of the issuance of this Charge Sheet to the Inquiry Officer.
4. Your written defence, if any, should reach the Inquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.
5. Intimate whether you desire to be head in person.
6. A statement of allegations is enclosed.


COMPETENT AUTHORITY

Mr. Muhammad Hafeez, PST
GPS Sarhanda Bakote

Ex-ASDE (N) circle Birela. Jtd

Ann F-I
Annex F_I

The inquiry officers/

Principal

GHS Bareilly.

Statement regarding to the retirement
of Muhammad Hafeez Ex-PSI, GMPs Sangolka.

Mr. Hafeez PSI, got written application for
his retirement from Muhammad Hafeez
Sri Khan Kalam, Mr. Muhammad Hafeez PSI
signed and affixed stamp on it. Mr. Hafeez
Kalam, Mr. Muhammad Bilal C.D. in
Kalam were its witness.

Mr. Muhammad Hafeez PSI is not
in possession of K.G. 2nd and 3rd.

[Signature]
Munibur. Khan
Ex-ASDE (N) circle
Lota Distt Office
Elem & Serv. Eq.
Ahmednagar

عنوان: ابتدائی ثانویہ مدرسہ خصوصی آئی. ڈی. پی. س. آئی. پی. ایس. سیکولر کونسل آف پاکستان

پا - 6

میں آئی. ڈی. پی. س. آئی. پی. ایس. محمد رفیع الدین جو کہ کل 2016 میں C.P.S. سیکولر کونسل 4 ماہ تک تعلیمات رہا، جو کہ سیکولر سیکولر ہزارہ میں تعلیمات کے سال 2016 کا جب کہ وہ اس وقت انڈیا کے رہائے ہیں تو سیکولر کونسل کے ہی "Peer" کا اہلکار کی حالت بھی بہت غراب تھی۔ چونکہ میں سیکولر ہزارہ سیکولر کونسل میں آئیڈیہ لے کر آئے ہیں اس لیے ان سال کے خصوصی مدرسہ کے دوران مذہبی مدرسہ آئی. ڈی. پی. س. آئی. پی. ایس. ہزارہ میں آئے ہیں۔ اس سیکولر کونسل میں قاضی صاحب نے بھی انہیں حاضر کیا تھا۔

تمام دستاویزات

محمد رفیع الدین
آئی. ڈی. پی. س. آئی. پی. ایس. سیکولر کونسل
پتہ: سیکولر ہزارہ سیکولر کونسل

N.C.C 13106 6631602-3
Cell
0346-9595904

(Signature)

Ann F-III - جناب یار کثیر ... PST عکبہ پرنسپل سکول سنگھ پورہ

موصفاً Ex-PST کا حلفِ حکم اور دعوائی فائزگان کے طرف سے جو کارروائی کی گئی ہے۔ ان کے بارے میں ایسا واضح بیان حقیقت پر مبنی زیر دستخطی کو قلمبند ہے۔ تاکہ اہل صاف کے تقاضوں کے مطابق مزید کارروائی ہو سکے۔

ڈاکٹر عکبہ پرنسپل سکول سنگھ پورہ

یاد رہے کہ یہ سبھی کارروائیاں سنگھ پورہ ضلعی عدالت سے جاری ہیں۔
 2005ء میں یہ سبھی کارروائیاں جاری ہوئی تھیں۔ اس وقت عدالت نے یہ فیصلہ دیا تھا کہ یہ سبھی کارروائیاں چھوڑ دی جائیں۔
 لیکن بعد میں عدالت نے یہ فیصلہ دیا کہ یہ سبھی کارروائیاں جاری رہیں۔
 اس کے بعد عدالت نے یہ فیصلہ دیا کہ یہ سبھی کارروائیاں جاری رہیں۔
 اس کے بعد عدالت نے یہ فیصلہ دیا کہ یہ سبھی کارروائیاں جاری رہیں۔
 اس کے بعد عدالت نے یہ فیصلہ دیا کہ یہ سبھی کارروائیاں جاری رہیں۔

یاد رہے کہ یہ سبھی کارروائیاں 17/10/17 - 17/10/17

(Bakote)

عنوان: انکوائری کے لیے درخواستیں پوسٹ شدہ آفس کے ذریعہ اسکول کے پرنسپل کو
 تحصیل و ضلع ریت آباد سرکول سیرسٹ

فیہ عالی

2013 - 2014
 2015 تک گورنمنٹ میڈیئر اسکول سٹریٹ ٹاؤن میں ریت آباد اسکول کی تعلیمی حالت بہت ہی گھبرور رہی۔ بار بار ایچ ڈی او نے درخواستیں
 شکایات کیں۔ بالآخر ایک دن اجازت حاصل کر کے اسکول کے پرنسپل اور اساتذہ کی
 صاف نے انہیں حوصلہ کر دیا۔ پھر اسکول کے پرنسپل اور اساتذہ کی
 تعلیمی حالت بہت ہی خوب اور ناکتم ہو گئی۔
 الحاح و لورٹ طر عن سے۔

محمد سعید محمد حبیب 9-0948106-13101
 محمد آفتاب ولد محمد افسان خان 5-131019108423

محمد محمد لولہ - 1-8214-31014
 مشتاق ولد محمد حبیب 1-0905774-13101

شیراز ولد اقبال - 5-13101-092-1158
 محمد رفیق - 3-13101-6857489

اشرف ولد محمد لولہ - 7-13101-0895004

محمد سلطان ولد محمد زمان - 1-0417522-12101

24

OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) ABBOTTABAD

No. 251/F.No.21/Vol-II

Dated 11/01/2016

SHOW CAUSE NOTICE

I Zia-ud-Din, District Education Officer (Male). Abbottabad as Competent Authority under the Khyber Pakhtunkhwa Government servants (Efficiency & Discipline) Rules, 2011, do hereby serve you Mr. Muhammad Hafeez, PST Govt. Primary School, Sangal Kot (Circle Birote) Abbottabad follows:

- a. You remained absent from duty w.e.f 30/09/2015 to 11/12/2015 as per report of ASDEO (Circle) Birote Abbottabad vide No. 34 dated 15/12/2015.
- b. There is no need of holding former enquiry in this case.
- c. In exercise of the power conferred by the Khyber Pakhtunkhwa, Govt. Servant (Efficiency & Discipline) Rules, 2011, the Competent Authority is hereby pleased to dispense with the conduct of a formal enquiry and serve you with the instant show cause notice regarding your willful absence from duty with the direction to submit your defence in writing within 15 (fifteen) days of the issuance of this notice as to why the major penalty of Rule 4 (b) of the said rules should not be imposed upon you and also intimate whether you desire to be heard in person.
- d. In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defence to offer and ex-parte decision will be taken against you.

Attested for

COMPETENT AUTHORITY

Mr. Muhammad Hafeez, PST Govt. Primary School, Sangal Kot (Circle Birote) Abbottabad

گورنمنٹ ڈپارٹمنٹ آف ایجوکیشن، لاہور

25

عنوان: ...

No 251
F.No. 21/100.11

تاریخ: ...

ذیل کے جوابات دیے گئے ہیں۔
1۔ ...
2۔ ...
3۔ ...
4۔ ...
5۔ ...

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Attested
H Jan

Ann H_A
Annex H_A

1
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT ABBOTTABAD

Service Appeal No. 1025/2016

Date of Institution... 30.09.2016

Date of decision... 23.11.2017



Muhammad Hafeez son of Akram Ex-PST Teacher resident of Khan Khard Cum Bakot, Tehsil and District, Abbottabad. ... (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education, Peshawar and 3 others, ... (Respondents)

MR. HAMAYUN KHAN,
Advocate ... For appellant.

MR. KABEERULLAH KHATTAK,
Addl. Advocate General, ... For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. AHMAD HASSAN, ... CHAIRMAN
... MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: Arguments of the learned counsel for the parties heard and record perused.

FACTS

2. The appellant is aggrieved from an order dated 24.05.2016 whereby he was retired from service prematurely, against which the appellant filed a departmental appeal on 06.06.2016 which was not responded to and thereafter he filed the present service appeal on 30.09.2016.

[Handwritten signature]

ARGUMENTS

The learned counsel for the appellant argued that signature of the appellant was obtained on a blank paper by ADO on 18.08.2015 which was then written by the said ADO as an application for retirement. That on the next day the appellant submitted an application to the District Education Officer concerned, stating therein that on 18.08.2015, ADO Muneeb Abbasi came to his school and asked him to sign the blank paper. That the appellant signed blank paper and he then filled the same paper and directed him that he was not required any more in service and that he had been terminated forcibly. This application was not responded to and the appellant then moved another application to the Director of Education, Elementary & Secondary Education on 04.11.2015 which was also not responded to then he filed another application on 05.11.2015 to the Secretary concerned. He further argued that on 11.1.2016 the appellant was given a show cause notice for his absence from duty from 30.09.2015 to 11.12.2015 which was duly replied to by the appellant. That thereafter, the impugned order was passed. He next contended that the whole proceedings are violative of law and rules and are not sustainable in the eyes of law.

4. On the other hand the learned Addl. Advocate General argued that there was a complaint on behalf of elders of the locality against the appellant regarding his inefficiency. That the appellant himself submitted an application for early retirement. That in a questionnaire during personal hearing on 14.5.2016, the appellant admitted his application for retirement.

ADMITTED
14/5/2016

CONCLUSION.

5. The very impugned order dated 24.05.2016 does not refer to any application moved by the appellant. This order does not give any clear cut message that under which provision and on which basis this order was passed. Had it been on the application of the appellant then under rules such pension is called "Retiring Pension". (under Rule 3.5 of the West Pakistan Civil Services Pension Rules). The premature pension is dealt with by Section 13 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 where under such pension can be ordered on the completion of 20 years of qualifying service for pension. But in case under Section 13, a notice is must to be given to the concerned civil servant which has not been done in this case. Presuming it for arguments sake that this order was passed on the basis of application submitted by the appellant then the concerned authority had not taken into consideration his other applications negating his application dated 18.08.2015. A civil servant cannot be dealt with by the department in the method in which the appellant was treated. Normally, when any person asks for retirement, it is the duty of the superior to look into the matter and to satisfy himself about voluntariness of the civil servant concerned and if the authority reaches the conclusion that any undue influence is exercised or application was in any manner not voluntary then such orders cannot be passed. But in the present case the appellant by so many applications to all the authorities had expressed his unwillingness of retirement. But despite all these circumstances the authority passed the order of retirement.

6. If the appellant was inefficient and complaints were submitted by the elders of the locality against his inefficiency, then the proper course was to have

... either departmental proceedings on the basis of inefficiency or to have
... the retirement under Section 13 of the Khyber Pakhtunkhwa Civil
... Servants Act, 1973. But an inefficient person cannot be shown the doors ^{out of}
~~by~~ by adopting such indirect means.

3. Consequently the present appeal is accepted and the appellant is reinstated in
service with all back benefits. The department is however, at liberty to proceed on
the complaints in accordance with the observations mentioned above. Parties are
left to bear their own costs. File be consigned to the record room.

Announced
23-11-17
SD/- Niaz Muhammad Khan
Chairman
Appellate Tribunal

SD/- Ahmed Hassan
Member

28-11-17
1600
1000
200
1000
28-11-17
28-11-17

Annexure - I

حکومت صاحبہ ڈاکٹر محمد عبادت الرحمان راولپنڈی ایجنسیز پی پی
ضلع جہلم

گزارش خدمت جس کے تحت سر محمد حفیظ PST ہمارے
کول گورنمنٹ پرائمری اسکول سرانندہ کنوینشن
میں 16 مارچ 2018 سے اپنی ڈیوٹی سرانجام دے رہے
9 اپریل 2018 سے اپنی کلاس میں شروع کی گئی ہیں
اور سر محمد حفیظ PST کو کچھ کلاس دی گئی اور ہم
بیکر ایگ کی تدریس سے مطمئن ہیں ہم صاحب
سے اپیل کرتے ہیں کہ سر محمد حفیظ PST جی میں
زیادتر دیو جائے گا

13101-8400505-9
0344-9499108

محمد عبادت الرحمان
PSHT
GPS SARANDA
ABBOTTABAD

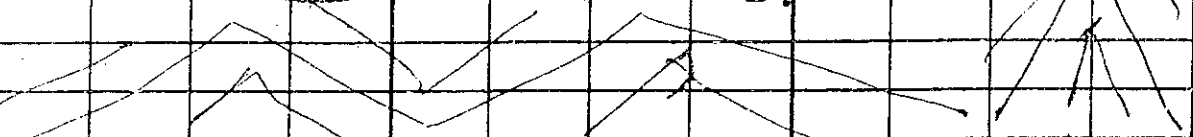
سر محمد عبادت الرحمان سرانندہ کنوینشن ایجنسیز پی پی جہلم
CNIC # 12101-49686419
CELL # 03441-5566256

سر محمد عبادت الرحمان
1201-11-18
سر محمد عبادت الرحمان PSHT

سر محمد عبادت الرحمان PSHT
13101-8400505-9
0344-9499108

کامیابان نڈیہ			عام بیرونی			حکومتی			نمبر
P.S.T			P.S.T			P.S.T			عہدہ
دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	نمبر
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									رقعت
									اقتاریہ
									استحقاقیہ
									بھاری
									میزان

2018
 26
 2018
 26
 2018
 26



Annexure - J

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

REINSTATEMENT

In pursuance to Judgment of Honorable Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad passed in Service Appeal No.1025/2016 dated 23.11.2017, Mr. Muhammad Hafeez, Ex-PST GMPS Sangal Kot (Bakote), Abbottabad is hereby reinstated in service and further posted at GPS Saranda (Bakote) till the finalization of departmental proceedings.

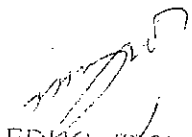
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Endst: No. / PF Hafeez PST(Litig)

Dated / / 2018

Copy forwarded to the:-

1. Registrar Honourable Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad w/r to Judgment passed in service appeal No.1025/2016 dated 23.11.2017.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Comptroller of Accounts Abbottabad
4. Sub Divisional Education Officer (Male) Abbottabad.
5. Mr. Muhammad Hafeez, Ex-PST GMPS Sangal Kot presently reinstated & posted at GPS Saranda (Bakote) Abbottabad..


DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

SERVICE APPEAL NO.1025/2016 TITLED AS MUHAMMAD HAFEEZ VS GOVT. OF
KHYBER PAKHTUNKHWA THROUGH SECRETARY ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT AND OTHERS.

A meeting of the Scrutiny Committee was held on 10-01-2018 at 14:00 hours in the office of Additional Secretary (Opinion) Law Department under his Chairmanship to determine the fitness of the subject case for filing of appeal / CPLA in the proper forum. Assistant Advocate General (Mr. M. Sohail) was also present during the meeting being representative of Advocate General Khyber Pakhtunkhwa.

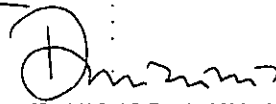
2. The meeting started with the recitation from the Holy Quran and thereafter Chairman of the Committee invited the representatives of E&SE Department Mr. Fazale Subhan Section Officer (Lit-II) to apprise the Committee about the background of the case. The representative informed the Scrutiny Committee that locals community has moved a complaint against the appellant. Where after the appellant submitted an application for his retirement. After necessary proceeding the competent authority issued his retirement order against which the appellant filed representation. Thereafter the appellant filed service appeal in service tribunal and the Tribunal accepted the appeal and reinstated the appellant with all back benefits. The tribunal further placed the department at liberty to on complaints. Now the department wanted to file CPLA against the judgment on the following grounds:-

GROUND:-

3. The grounds proffered by the representative were that as there were complaints on behalf of the resident of the locality therefore the appellant himself submitted the application for his retirement. The application was accepted in accordance with law and the rules. There was no undue influence on the appellant from respondent side for submission of application for his retirement. A query was raised that when there was complaint against the appellant regarding his inefficiency then why the department did not proceeded against him in accordance with law and the rules and why accepted the application of his retirement. On this the representative stated that the appellant submitted an application for his retirement and there was qualified service for pension on the part of the appellant therefore the authority issued his retirement order and the complaint was not processed.

DECISION:-

4. After threadbare discussion it was decided with consensus by the Scrutiny Committee that the subject was not a fit case for filing appeal / CPLA before the Supreme Court of Pakistan. However the department may proceed against the appellant on the bases of the complaint in accordance with law and the rules


TAHIR IQBAL KHATTAK
DEPUTY SOLICITOR

چارج رپورٹ

Amman J
B

مسی محمد حفیظ PST آرڈر برائے D.E.O

صاف حورثہ $14 \frac{2}{18}$ کو $9 \frac{3}{18}$ کو جاری کیا گیا۔ گورنمنٹ پرائمری

سکول سرانڈہ کھنڈاں آرڈر نمبر 52-2048

آج حورثہ $16 \frac{3}{18}$ کو اپنے عہدہ کا چارج

لے لیا ہے

رپورٹ میں خدمت ہے

دستیخط چارج کرینڈہ

16-3-18
PSHT
GPS SARANDA
ABBOTTABAD
دستیخط چارج کرینڈہ

تصدیق کی جاتی ہے کہ سہمی محمد حفیظ ولد محمد اکرم ساکن گھن گورد

گورنمنٹ پرائمری سکول ٹیڑھی موٹر میں بطور P.T. کے

11/11/1995 تک اپنے وظائف انجام دیتے رہے

اس دوران سہمی مذکورہ انتہائی محنتی اور بااقتدار رہے ہیں۔

محنت اپنے وظائف سرسبی احسن طریقے سے انجام دیتے ہیں

مدرسہ بورڈنگ پیکرنگ ۵۰ گورنمنٹ سکول کے پیریل سکول دیتے رہے

مدرسہ کا ایکٹو اور کلاس رومز میں لگیا رہا ہے

انہذا مسائل کے ساتھ انہماک کا فائدہ کیا ہے اور انہماک کیوں حال کی جائے

رہبرانہ عملی صورت ہے

گورنمنٹ پرائمری سکول ٹیڑھی موٹر

26/11/2018

Head Teacher
Govt. Primary School
Nari Hoteh Abbottabad

سروس سرٹیفکیٹ کے بارے میں جاننے کے لیے 2004، 2006

گورنمنٹ پرائمری سکول چلیھوٹا

سروس سرٹیفکیٹ PSAT کے بارے میں جاننے کے لیے 2004، 2006

ہائیکس سٹیٹس کے بارے میں جاننے کے لیے 2004، 2006

ہائیکس سٹیٹس کے بارے میں جاننے کے لیے 2004، 2006

اور ایچ ڈی کے بارے میں جاننے کے لیے 2004، 2006

گورنمنٹ پرائمری سکول چلیھوٹا


Handwritten signature

P.S.H.T
G.P.S Challihota
Abbottabad

دستخط

تصدیق کی جاتی ہے کہ منی محمد حفیظ وار خیر اسکول کماؤن کھن فورڈ نے گورنمنٹ
 سجدہ پرائمری سکول ٹوبہ کھن فورڈ میں کی طور پر 2009ء تا 2012ء
 اپنے فرائض سرانجام دیئے۔ اس کے فرائض اس عرصہ کے دوران
 باقاعدگی سے سرانجام دیئے۔ مدرس کارڈ کی کارڈ اور کلاس رولز
 اچھا رہا ہے۔ مذکورہ سکول سجدہ پرائمری سکول ٹوبہ کھن فورڈ ایک ختم حرفت
 ہے اور میں سکول کے ڈائریکٹر اور ڈیپٹی سیکرٹری سسر تعلیم جہاز ریس
 سکول پیر کماؤن کا سکول ہے اور پھر سکول کے قریب واقع ہے۔
 اس رولز میں خدمت ہے۔

ان کے


 P.S.H.T
 Govt. Primary School
 Khun Khurd At d

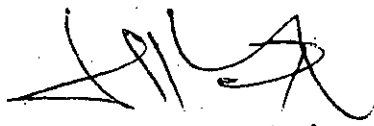
محمد حفیظ وار خیر
 کماؤن کھن فورڈ

ہم پھر پتہ P.T.C گروپس کے ساتھ برائے اسکول سے دور سے
 اس بات کی گواہی دیتے ہیں کہ شیخ محمد حفیظ جو کہ اس اسکول
 میں تعلیمات لے رہے ہیں ان کے ساتھ ساتھ سے سرانجام دیا گیا ہے
 اور اسکول میں باقاعدہ ایسی ڈیوٹی سرانجام دیا گیا ہے
 دوران ڈیوٹی اسکول سے غلط اخراجات نہ کیے گئے اور شیخ محمد حفیظ
 کی فوری تہا ہے تو جس کا حق ہے تمہیں کو بھی فوری
 پر بحال فرمایا جائے۔

نام	ممبرہ	دستی	فون نمبر
عائزہ بیگم	ممبرہ	پتہ	3078142800 - 13101-0895193-1
محمد کفیل	ممبرہ	کفیل	3082425385 - 13101-7315860-5
محمد سعید	ممبرہ	محمد سعید	3065398117 - 13101-086673-9
محمد رحمان	ممبرہ	محمد رحمان	3085277629 - 13101-7360758-7
دی بیگم	ممبرہ	دی بیگم	3432785775 - 13101-1903325-3
محمد سرفراز	ممبرہ	محمد سرفراز	13101-1357048-5
رحمۃ افتخار	ممبرہ	رحمۃ افتخار	3469991812 - 1301-0921158-5

ذیابہ

مناظرہ کی طرح پتہ P.T.C. محمد رحمان نے اسکول سے دور سے
 خود حفیظ کی کارکردگی رپورٹ کو دیکھ کر
 لکھنا ہے کہ وہ ایسی ڈیوٹی سرانجام دیا ہے
 سزا دلائی ہے۔


 Muhammad Taj Abbasi
 Naib Nazim
 V.C. Bakote II, Abbottabad


 Muhammad Nazir
 General Councilor
 V.C. Bakote II, Abbottabad


 S. SHAHID ZAMAN
 GENERAL COUNCILOR
 V.C. Bakote II, Abbottabad


 Muhammad Ismail
 Nazim
 Village Council Bakote II
 Abbottabad

Annex - M. I عرفی نام جو اب طلبی -

حصہ - ماں (1) میں نے اپنے جواب نامہ میں میاں سی منبادوں پر لکھا دیا

کا جو کچھ بیان کیا ہے - وہ تب عنقا ضمیمہ کی بنیاد پر ہوا ہے -

MPA اور فلسفی اور عقلمندانہ نظریوں نے میرا خلاف کوئی انتہائی

گمراہی نہیں کی (2) علامہ اڑبیں AD سے کچھ نے بھی کوئی انتہائی

گمراہی نہیں کی ہے - اور نہ ہی دفتر کا عملہ نے جو جمع انتہائی

کائنات بنایا ہے - میری بنیاد پر ہوا ہے - میں حملہ سے اس

خلاف ضمیمہ پر مبنی بیان کی معافی چاہتا ہوں

(3) حملہ کے بارے میں ٹائمرس القابو میں نے اپنے بیان میں

لکھے ہیں اپنے القابو والوں کو اور حملہ سے معافی

کا طالبکار ہوں - میں ایک عزیز آدمی ہوں - آپ سے اس

سے کہ جمع معاف فرمائیں اور اعزاز و محبت کے ساتھ

آدگی دینی 17/4/72 عرض میرا عملہ آدگی ہوں خودی طور

پر رہتا رہتا ہے اس کے صادر ہونے جا رہی

(5) یہ بات کبھی باکلی دوست ہے کہ لکھو یا لکھو یہ حالات اور معافی

مسائل کی وجہ سے مسالہ

I. ~~XXXXXXXXXX~~ مینی پریشیاں میں میٹرو کے اس کے لئے

میں دیکھ لیں - پینڈا سائل کو ملنے والے ملک کے ساتھ
سروں سے رہنا شروع کیا جائے

میزہ "نا صیانت دعا کو رہیگی"

کلیفٹ
سہ وقتہ و اولم حاجی (آج) کھنڈا کو رز

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یا سر
میں کراہ
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محمد نسیم ایس آئی پی
C.A.S
فون نمبر
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الہ
کو رز
محمد ارشد صاحب
محمد ارشد صاحب
A

M. IRSHAD ABBASI
General Councilor
V/C Bakote II Abbottabad

غیر مذہباً - دیکھو انگریزی انجیل کے مطابق اللہ تعالیٰ نے جو کتابیں
پہلیں

عنوان : عفا فی نامہ اور غلطی کا اعتراف کرنا ہوں

صبا - عالی -

مردمانہ گناہوں میں کہ میں مرد عقیقتاً آدمی اور انگریزی کے ساتھ ہیں

ڈاکٹر محمد عقیقہ الرحمٰن صاحب آجروفہ ۱۹-۱۰-۱۹۸۰ء سے شروع کر لیں
۱۸-۲-۱۹۸۰ء

صبا - عالی ! میں حلقاً اور بروٹو ہوں کے اپنے ہوش و حواس میں

پہلیں تھا کہ جو انگریزی انجیل کا کو جواب بھیجا وہ غلط تھا

۱۹۸۰ء میں نفاذ میں آجروفہ کے خدق جو میں درج کر رہا

میں نے غلطی سے میں تھا - جسے آپ کی انگریزی میں

۱۹۷۲ء میں غلطی میں غلطی آفس میں ڈاکٹر محمد

۱۹۷۲ء میں غلطی میں غلطی آفس میں ڈاکٹر محمد

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۱۹۷۲ء میں غلطی میں غلطی آفس میں ڈاکٹر محمد

۲۲۵

پھر ایسا ہے۔۔۔ کہ دو دانہ کھیں پھر ہنڈ پھر
میں لوگوں سے کافی رقم ادا ہوئی ہے اور میں تین تین گریڈ
نہیں ہیں۔۔۔ پیچھے میرے ساتھ القاف والے معاملہ فرما کر
شکوہ جنوں فرمایا ہے۔

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13101-8551901

عمیرہ عقیقہ و عقیقہ لکھنؤ
عمیرہ لکھنؤ
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عمیرہ لکھنؤ

13101-7593749-7
0347 9578866
N.I.C 13101-8578287-1
mobile - 0301-3361791

M. IRSHAD ABBASI
General Councillor
V/C Bakote II Azimabad

N.I.C. 13101-6631602-3
phone. 0346-9595904

شاہد زمان جنرل کونسلر
N.I.C 13101-5334782-5
mobile 0346-5079483

To:

Plan m file
18/7/2018

District Education Officer,
(M) Secondary, Abbottabad.

Subject:- **SUBMISSION OF ENQUIRY REPORT.**
Memo:-

Enclosed please find herewith an enquiry report along with relevant/supporting documents in respect of Mr. Muhammad Hafiz Ex-PST GMPS Sanakot (Bakote) Abbottabad for further proceeding into the matter.

[Signature] 23/8/18

Dr. Muhammad Inayat ur Rehman
(Enquiry Officer)

V. Principal, GHS No.1 Havelain, A. Abad
Contact: 0344_0322-9663279.

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243-18

ADD (Lit)
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**ENQUIRY AGAINST MR. MUHAMMAD HAFIZ EX-PST GMPS
SANAKOT (BAKOTE) ABBOTTABAD.**

Enquiry Constituted By.	Enquiry constituted by District Education Officer (M) Secondary Abbottabad vide Endst: No.2402-06/PF.M.Hafiz PST (litig) dated Abbottabad the 22.02.2018 .
Enquiry Officer.	Dr, Muhammad Inayat-ur-Rehman (B-18) Vice Principal GHS No.1.Havelian District Abbottabad
Enquiry Against.	Mr. Muhammad Hafiz Ex-PST GMPS Sanakot (Bakote) presently as PST GPS Saranda District Abbottabad.
Period of Enquiry.	7 th ,8 th March,16 th ,17 th April 2018

NATURE OF ENQUIRY;

The genesis of enquiry was re-instatement of Mr. Muhammad Hafiz Ex-PST GMPS Sanakot (Bakote) vide order of Service Tribunal Khyber Pakhtunkhwa, Abbottabad branch dated 28, November 2017 & liberty proceeding on complaints against him.

HISTORY OF ENQUIRY.

Mr. Muhammad Hafiz Ex-PST GMPS Sanakot(Bakote) by completing his thirty one(31) years service submitted an application to department on his own option/choice which is annexed as **(Annexure-A)**.

The department accepted his application, and sanctioned, (pre-mature) retirement from service wef 20.08.2015 vide Endst:No.4172/EB-II/F.No.21-Vol-II/complaint dated 24.05.2016 which is annexed as **(Annexure-B)**.

Later on Mr. Muhammad Hafiz submitted an appeal to the department, but according to his statement, that his appeal was not considered by department.

He submitted applications to DEO (M) Abbottabad on dated 14.05.2016 and Director Elementary & Secondary Education kpk on 26.06.2016 which are annexed as **(Annexure-C-I& II)**.

He filed an appeal on **30.09.2016** in the Service Tribunal Abbottabad branch for resolving his grievances. The Honorable Service Tribunal admitted his **appeal No.1025/2016** for hearing. **(Annexure C-III)**

The Service Tribunal re-instated his service with all back benefits and advised the department for liberty proceeding on the complaints charged against him.

In the pursuance of Service Tribunal Abbottabad branch the District Education Officer (M/S) Abbottabad constituted an enquiry vide office Endst: No.**2402-06/PF.M.Hafiz PST (ligit)** dated **22.02.2018** annexed as **(Annexure-D)**.

On receiving the office letter, the undersigned informed Mr. Muhammad Hafiz Ex-PST through official letter as well as telephonically to attend/contact him in connection with enquiry, and also SDEO (M) primary Abbottabad, and Mr.Muneebur-Rehman Ex-ASDEO (M) for favour and recording their statements in this connection.

Muhammad Hafiz Ex-PST stated that, he was serving in Education department for last thirty years & no complaint has been received nor any deficiency found against him. He further stated that due to some political interference and one Mr.Munibur-Rehman Ex-ASDEO take action against him and signed a blank paper from him, which was later on used for the purpose of retirement.

He arrived on 02.03.2017 & 08.03.2017 respectively, and stated that I will bring the relevant & supporting documents for his defense including Log book of the institutions previously served, but on contact him time to time he replied that I shall bring the same, but on 17.03.2018 he sent the reply of charge sheet on post is annexed as **(Annexure-E)**. His reply is not relevant to the charge sheet served but claimed/explained his views.

Mr.Muneebur-Rehman Ex-ASDEO circle claimed that the application has been written by himself for retirement and Mr.Arshad Abbasi and Muhammad Bilal were witnesses for the same, and stated that

Mr. Muhammad Hafiz is incompetent and inefficient for teaching to class I and II (**Annexure-F-I**).

Mr. Fahimuddin Ex-Head-Teacher GMPS Sanakot and present Head-Teacher GMPS Sanakot Mr. Yasir Bashir and statement of elders inhabitants of Sanakot are attached as annexed as (**Annexure-F-II-III-IV**).

It was observed that Mr. Muhammad Hafiz Ex-PST was very disturb and also in tension/depression. He recorded his statement very frightfully. He stated that I am in tension and under pressure.

FINDINGS;

From perusal of relevant record/documents following findings/facts were concluded.

1. The teacher under enquiry Mr. Muhammad Hafiz have thirty one years Service in department as PTC/PST teacher.
2. Sanction has been accorded for retirement from service (pre-mature) w.e.f. 20.08.2015, to the teacher concerned.
3. Mr. Muhammad Hafiz filed an appeal against his retirement in Service Tribunal Branch Abbottabad on 30.09.2016.
4. The Honorable Court recorded in its conclusion at S.No.5. that no proper proceeding was adopted for the retirement of applicant but on scrutiny the documents it was observed that show cause notice was issued by the then and Late DEO Mr. Ziauddin vide **No.251/F.No.21/Vol-II** dated **11.01.2016**, however no proper proceeding was adopted into the matter is annexed as (**Annexure-G**) and reply to show cause notice by Muhammad Hafiz is also annexed as (**Annexure-H**).
5. The learned court in its decision at S.No.6, recorded that "*If the Appellant was inefficient and complaints were submitted by the elders of the locality against his inefficiency, then the proper course was to have conducted either department proceedings on the basis of inefficiency or to have ordered the retirement under section 13 of the Khyber Pakhtunkhwa Civil Servants Act, 1973. But an inefficient person cannot be shown the doors by adopting such indirect means*" Now in pursuance of the conclusion

7. Honorable Court, the District Education Officer (M) Abbottabad constituted an enquiry for proceeding as already annexed Annexure-d.

6. The Honorable Service Tribunal Khyber Pakhtunkhwa Abbottabad branch re-instated his service with all back benefits from the date of his retirement in its decision announced on **23.11.2017**. (Annexure — HA)

7. Mr. Muhammad Hafiz has not been personally attended the undersigned as directed by DEO (M) Abbottabad vide No.3396/Hafiz dated 17.03.2018, but he sent reply through regd: letter, which was irrelevant to the charge sheet served by authorities, but on dated **19.04.2018**, the undersigned personally visited **GMPS Sanakot** and **GPS Saranda(Bakote)** and recorded statements of **Muhammad Hafiz PST**, and Head-Teacher **GPS Saranda** are attached as **(Annexure-I)**.

8. In compliance with the order of Honorable Service Tribunal Abbottabad Branch, Services of Mr. Muhammad Hafiz have been re-instated vide District Education Officer (M/S) Abbottabad **Endst: No.2048-52/PE Hafiz PST (litig)** dated **14.02.2018** at **GPS Saranda/Bakote** against vacant post **(Annexure-J)**.

RECOMMENDATIONS;

On the bases of above findings following recommendations are suggested for favorable consideration

1. In compliance with decision of Honorable Service Tribunal Abbottabad Branch Mr. Muhammad Hafiz may be entitled for back benefits from the date of his retirement as **20.08.2015**, as the scrutiny committee also advised that the subject case was not a fit case for filling appeal/CPLA before the Supreme Court of Pakistan **(Annexure-K)**.

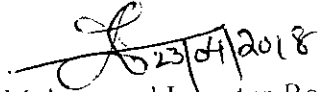
2. It is a matter of great concern that while an in-efficient teacher performing his duties for last thirty one years and department has played a roll of silent spectator. The Teacher has also submitted good performance certificates from the institutions previously attended as well as from the present Head teacher are annexed as **(Annexure-L)**

3. The teacher concerned is under tension and depression as noted, he is unable for teaching in the department. Further due to new curriculum and English medium it is difficult for him to teach the students in the best interest of public.

4 The teacher under enquiry has no sence some time he says that my services have been terminated by department. Some time says he want to be retired from services. It was observed from his behavior as well as performance. He has submitted his **Excuse/Request** to department for filling appeal as well as other remarks (**Annexure-M, I, II**).

In nutshell it is kindly requested that due to his request of option/choice, retirement order may please be restored if authorities agreed on humanaterious bases and an attested **Affidavit** may be obtained on proper stamp paper for this purpose.

Enquiry was conducted in the best interest of public.


Dr. Muhammad Inayat-ur-Rehman
V.P, GHS No.1. Havelian ATD
(Enquiry officer).



GPS Saranda (Balçete)



OFFICE OF THE DISTRICT EDUCATION OFFICER (M) ABBOTTABAD

DER

WHEREAS, Mr. Muhammad Hafeez, PST Primary School Teacher GMPS Sangal Kot (presently posted at GPS Sarhanda) Circle Birote was retired from service w.e.from 20.8.2015 upon completion of 30 years, 11 months & 15 days qualifying service vide this office Endst: No.4172 dated 24.5.2016.

2. AND WHEREAS, in pursuance to the judgment of Honourable Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad passed in Service Appeal No. 1025/2016 dated 23.11.2017, he was reinstated in service and further posted as GPS Sarhanda till the finalization of departmental proceedings vide this office Endst: No.2048-52 dated 14.02.2018.
3. AND WHEREAS, you Mr. Muhammad Hafeez, PST Primary School Head Teacher GPS Sarhanda (Birote) was proceeded under Rule-3 of the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011.
4. AND WHEREAS, Inquiry Officer was appointed vide this Office Notification issued under Endst No. 2402-6 dated 22.02.2018 to conduct inquiry in accordance with law and provide you opportunity of self defence as well as cross examination, the witness against you. Charge Sheet and Statement of Allegations were served upon you through SDEO (M) Abbottabad vide this office Memo: No.2410 dated 22.02.2018.
5. AND WHEREAS, On receipt of findings of Inquiry report dated 23.2018, Show Cause Notice regarding your *inefficiency* was served upon you through Sub Divisional Education Officer (Male) Abbottabad vide this office Memo: No.5197 dated 28.4.2018, wherein major penalty of Compulsory Retirement from service was tentatively imposed upon you under Rule-3 of Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rule, 2011.
6. AND WHEREAS, you submitted reply of the show cause notice on 27.8.2018 instead of stipulated period. You were summoned for personal hearing on 03.7.2018 vide this office of Memo: No.7415 dated 28.6.2018, but you failed to attend the same and recalled for personal hearing on 07.9.2018 through SDEO (M) Abbottabad vide this office Memo: No.9501 dated 31.8.2018 to avail the opportunity of self defence.
7. AND WHEREAS you appeared for personal hearing on 10.9.2018 and failed to defend the charges leveled against you.
8. And by reason of the above, charges leveled against you have been proved and you are found guilty of *inefficiency* under Rule-3 of the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rule, 2011.
9. NOW THEREFORE, the Competent Authority in exercise of the power conferred upon him under Rule-4 (1) (b) sub Rule (ii) of Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rule, 2011 is pleased to impose major penalty of "*COMPLUSORY RETIREMENT FROM SERVICE*" upon Mr. Muhammad Hafeez, PST Primary School Teacher GPS Sarhanda (Birote) with immediate effect as you remained out of service from 20.8.2015 to 13.02.2018.

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Endst: No. 11585-a1 /M.Hafeez, PST/Lit

Dated 27/9 /2018

Copy for information & necessary action to the:-

1. Registrar Honourable Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad w/r to Judgment passed in Service Appeal No.1025/2016 dated 23.11.2017.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
3. District Comptroller of Accounts Abbottabad.
4. District Monitoring Officer (IMU) Abbottabad.
5. Sub Divisional Education Officer (M) Abbottabad.
6. Assistant Programmer EMIS Branch Local Office
7. Mr. Muhammad Hafeez, PST Primary School Teacher GPS Sarhanda (Birote).

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

To

District Education Officer,
(M) Secondary, Abbottabad.

Subject:- **SUBMISSION OF ENQUIRY REPORT.**
Memo:-

Enclosed please find herewith an enquiry report along with relevant/supporting documents in respect of Mr. Muhammad Hafiz Ex-PST GMPS Sanakot (Bakote) Abbottabad for further proceeding into the matter.


23/04/18

Dr. Muhammad Inayat ur Rehman
(Enquiry Officer)

V. Principal, GHS No.1 Havelain, A. Abad
Contact: 0344_0322-9663279.

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**ENQUIRY AGAINST MR. MUHAMMAD HAFIZ EX-PST GMPS
SANGALKOT (BAKOTE) ABBOTTABAD.**

Enquiry Constituted By.	Enquiry constituted by District Education Officer (M) Secondary Abbottabad vide Endst: No.2402-06/PF.M.Hafiz PST (litig) dated Abbottabad the 22.02.2018 .
Enquiry Officer.	Dr, Muhammad Inayatur-Rehman (B-18) Vice Principal GHS No.1.Havelian District Abbottabad
Enquiry Against.	Mr. Muhammad Hafiz Ex-PST GMPS Sanakot (Bakote) presently as PST GPS Saranda District Abbottabad.
Period of Enquiry.	7 th ,8 th March,16 th ,17 th April 2018

NATURE OF ENQUIRY;

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HISTORY OF ENQUIRY.

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The department accepted his application, and sanctioned, (pre-mature) retirement from service wef 20.08.2015 vide Endst:No.4172/EB-II/F.No.21-Vol-II/complaint dated 24.05.2016 which is annexed as **(Annexure-B)**.

Later on Mr. Muhammad Hafiz submitted an appeal to the department, but according to his statement, that his appeal was not considered by department.

He submitted applications to DEO (M) Abbottabad on dated 14.05.2016 and Director Elementary & Secondary Education kpk on 06.06.2016 which are annexed as **(Annexure-C-I&II)**.

He filed an appeal on **30.09.2016** in the Service Tribunal Abbottabad branch for resolving his grievances. The Honorable Service Tribunal admitted his **appeal No.1025/2016** for hearing. **(Annexure C-III)**

The Service Tribunal re-instated his service with all back benefits and advised the department for liberty proceeding on the complaints charged against him.

In the pursuance of Service Tribunal Abbottabad branch the District Education Officer (M/S) Abbottabad constituted an enquiry vide office Endst: No.**2402-06/PF.M.Hafiz PST (ligit)** dated **22.02.2018** annexed as **(Annexure-D)**.

On receiving the office letter, the undersigned informed Mr. Muhammad Hafiz Ex-PST through official letter as well as telephonically to attend/contact him in connection with enquiry, and also SDEO (M) primary Abbottabad, and Mr.Muneebur-Rehman Ex-ASDEO (M) for favour and recording their statements in this connection.

Muhammad Hafiz Ex-PST stated that, he was serving in Education department for last thirty years & no complaint has been received nor any deficiency found against him. He further stated that due to some political interference and one Mr.Munibur-Rehman Ex-ASDEO take action against him and signed a blank paper from him, which was later on used for the purpose of retirement.

He arrived on 02.03.2017 & 08.03.2017 respectively, and stated that I will bring the relevant & supporting documents for his defense including Log book of the institutions previously served, but on contact him time to time he replied that I shall bring the same, but on 17.03.2018 he sent the reply of charge sheet on post is annexed as **(Annexure-E)**. His reply is not relevant to the charge sheet served but claimed/explained his views.

Mr.Muneebur-Rehman Ex-ASDEO circle claimed that the application has been written by himself for retirement and Mr.Arshad Abbasi and Muhammad Bilal were witnesses for the same, and stated that

Mr. Muhammad Hafiz is incompetent and inefficient for teaching to class
*G.I and II(**Annexure-F-I**).

Mr.Fahimuddin Ex-Head-Teacher GMPS Sanakot and present Head-Teacher GMPS Sanakot Mr, Yasir Bashir and statement of elders/inhabitants of Sanakot are attached as annexed as (**Annexure-F-II-III-IV**).

It was observed that Mr. Muhammad Hafiz Ex-PST was very disturb and also in tension/depression. He recorded his statement very frightfully. He stated that I am in tension and under pressure.

FINDINGS;

From perusal of relevant record/documents following findings/facts were concluded.

1. The teacher under enquiry Mr. Muhammad Hafiz have thirty one years Service in department as PTC/PST teacher.
2. Sanction has been accorded for retirement from service (pre-mature) w.e.f. 20.08.2015, to the teacher concerned.
3. Mr. Muhammad Hafiz filed an appeal against his retirement in Service Tribunal Branch Abbottabad on 30.09.2016.
4. The Honorable Court recorded in its conclusion at S.No.5.that no proper proceeding was adopted for the retirement of applicant but on scrutiny the documents it was observed that show cause notice was issued by the then and Late DEO Mr. Ziauddin vide **No.251/F.No.21/Vol-II** dated **11.01.2016**, however no proper proceeding was adopted into the matter is annexed as (**Annexure-G**) and reply to show cause notice by Muhammad Hafiz is also annexed as (**Annexure-H**).
5. The learned court in its decision at S.No.6, recorded that “ *If the Appellant was inefficient and complaints were submitted by the elders of the locality against his inefficiency, then the proper course was to have conducted either department proceedings on the basis of inefficiency or to have ordered the retirement under section 13 of the Khyber Pakhtunkhwa Civil Servants Act, 1973. But an inefficient person cannot be shown the doors by adopting such indirect means*” Now in pursuance of the conclusion

5. Honorable Court , the District Education Officer (M) Abbottabad constituted an enquiry for proceeding as already annexed Annexure-d.

6. The Honorable Service Tribunal Khyber Pakhtunkhwa Abbottabad branch re-instated his service with all back benefits from the date of his retirement in its decision announced on **23.11.2017**. (Annexure - HA)

7. Mr. Muhammad Hafiz has not been personally attended the undersigned as directed by DEO (M) Abbottabad vide No.3396/Hafiz dated 17.03.2018, but he sent reply through regd: letter, which was irrelevant to the charge sheet served by authorities, but on dated **19.04.2018**, the undersigned personally visited **GMPS Sanakot** and **GPS Saranda(Bakote)** and recorded statements of **Muhammad Hafiz PST**, and Head-Teacher GPS Saranda are attached as **(Annexure-I)**.

8. In compliance with the order of Honorable Service Tribunal Abbottabad Branch, Services of Mr. Muhammad Hafiz have been re-instated vide District Education Officer (M/S) Abbottabad **Endst: No.2048-52/PE Hafiz PST (litig)** dated **14.02.2018** at GPS Saranda/Bakote against vacant post **(Annexure-J)**.

RECOMMENDATIONS;

On the bases of above findings following recommendations are suggested for favorable consideration

1. In compliance with decision of Honorable Service Tribunal Abbottabad Branch Mr. Muhammad Hafiz may be entitled for back benefits from the date of his retirement as **20.08.2015**, as the scrutiny committee also advised that the subject case was not a fit case for filling appeal/CPLA before the Supreme Court of Pakistan **(Annexure-K)**.


2. It is a matter of great concern that while an in-efficient teacher performing his duties for last thirty one years and department has played a roll of silent spectator. The Teacher has also submitted good performance certificates from the institutions previously attended as well as from the present Head teacher are annexed as **(Annexure-L)**

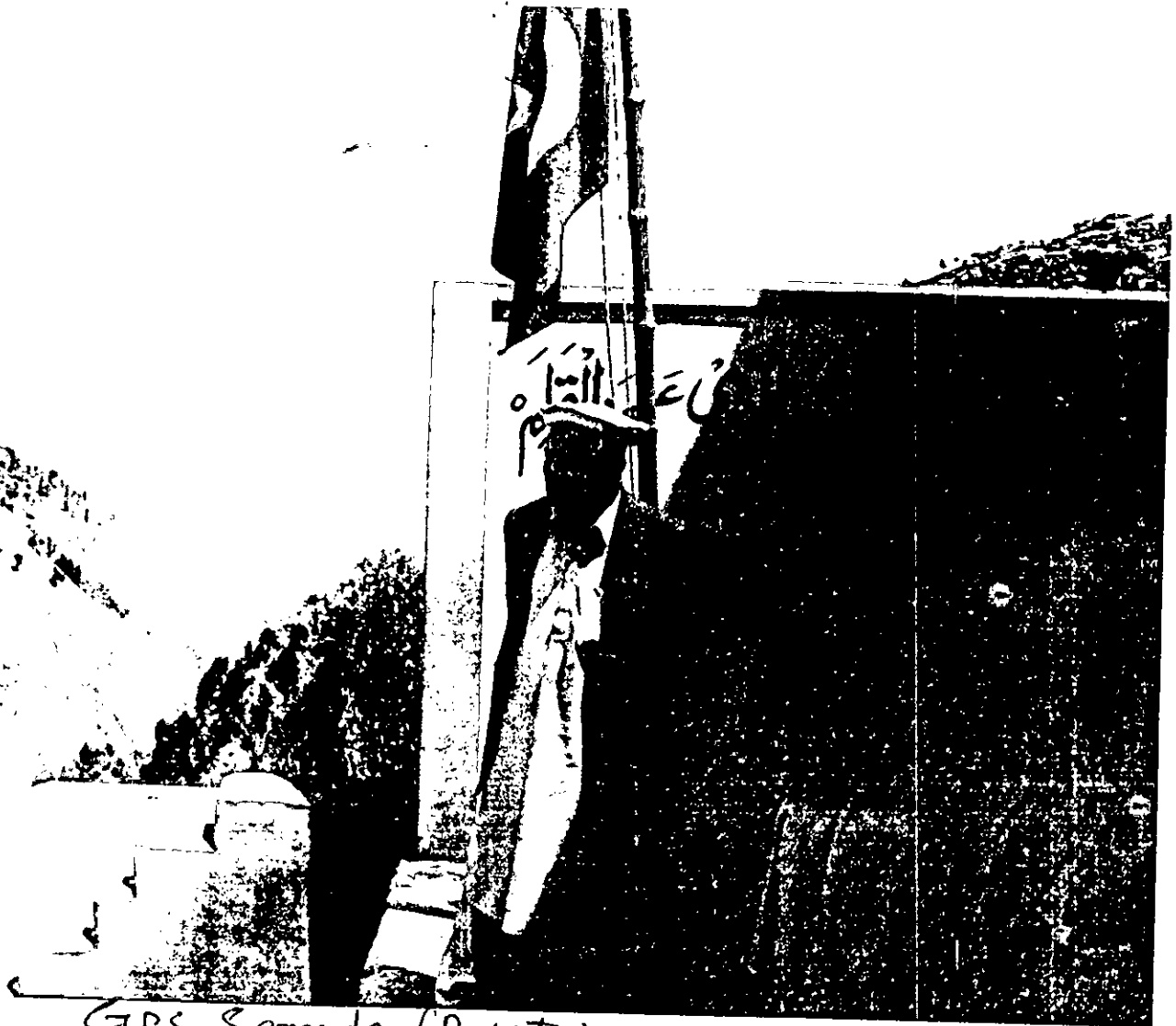
3. The teacher concerned is under tension and depression as noted, he is unable for teaching in the department. Further due to new curriculum and English medium it is difficult for him to teach the students in the best interest of public.

4 The teacher under enquiry has no sence some time he says that my services have been terminated by department. Some time says he want to be retired from services. It was observed from his behavior as well as performance. He has submitted his **Excuse/Request** to department for filling appeal as well as other remarks (**Annexure-M, I, II**).

In nutshell it is kindly requested that due to his request of option/choice, retirement order may please be restored if authorities agreed on humanaterious bases and an attested **Affidavit** may be obtained on proper stamp paper for this purpose.

Enquiry was conducted in the best interest of public.


Dr. Muhammad Inayat-Rahman
V.P, GHS No.1. Havelian ATD
(Enquiry officer).



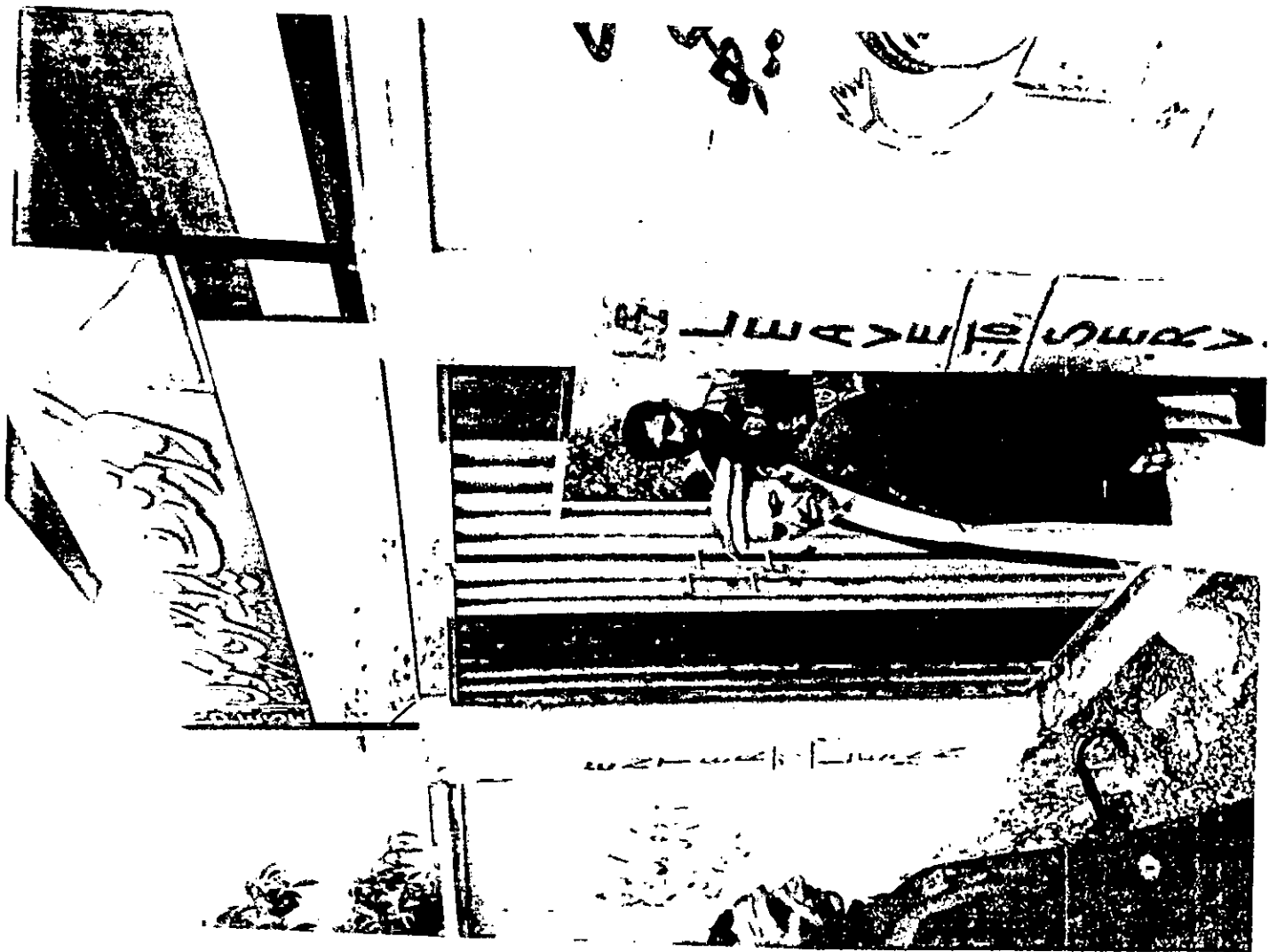
GPS Saranda (Balçeta)



Camos Sagnalka



G.P.s Sagnal Kot (Bakota)



Main Gate, G.P.s Saranda (Bakota)

بہاؤ پڑھنے والوں کو انگلیش میڈیم میں
 کیا تہ ماہہ دینی و اخلاقی تعلیم
 دی جاتی ہے۔ اور صاف ستھرا ماحول آ۔

ر اور دیکھ بھال کرنے والے
 ورثہ کی قدر و قیمت کو مد نظر رکھتے ہوئے
 رکھیں۔



Sweet Bazaars at G.P.S Saranda on floor for thirsting them
 Khat



Students G.P.S Sargal Kot sitting on floor