

20th Feb, 2023

Learned counsel for the appellant and Mr. Asif Masood Ali Shah
Deputy District Attorney for the respondents present.

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Deputy District Attorney for the respondents present.


2. At the very outset, it was pointed out that Appeal bearing No. 5793/2020 titled "Khani Zaman Versus Secretary, Elementary & Secondary Education Department Peshawar and 02 others", had been decided by this bench of the Tribunal in the following manner:-

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A perusal of the record would show that a scrutiny committee was constituted for scrutinizing the documents of the appellants as well as others for determining of their eligibility for appointment in light of the Sacked Employees Act, 2012. The scrutiny committee recommended the appellants for their appointment and has mentioned in its report that the scrutiny committee checked the record of all the candidates one by one. A meeting of the District Selection Committee was then held under the Chairmanship of DEO (Male) Mansehra, wherein the appellants were recommended for appointment on their respective posts and thus their appointment Notifications were issued by the competent Authority. The minutes of Departmental Selection Committee are available on the record, wherein it is mentioned that the committee had made thorough deliberations and had perused the record minutely. The appellants were, however later on issued show-cause notices on the ground that upon verification, fake and fabricated documents were found in their service record. Final show-cause notices were then issued to the appellants without mentioning therein that

regular inquiry was dispensed with. It appears that the main allegations against the appellants were that their names had been inserted in the respective termination orders by way of tempering. The question of tempering being factual in nature was required to have been ascertained through a regular inquiry but the same has not been done. The departmental Authority was required to have adduced evidence in support of the allegations against the appellants by providing them opportunity of cross-examination. Although it is mentioned in the impugned Notifications that proceedings were conducted under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 but the mandatory provisions of the same were not complied with. In these circumstances, conducting of de-novo inquiry in the matter is necessary for reaching a just and right conclusion.

In view of the above discussion, the appeal in hand as well as connected Service Appeal bearing No. 5892/2020 titled "Ejaz Ahmad Versus Secretary, Elementary and Secondary Education Department Peshawar and two others", Service Appeal bearing No. 8634/2020 titled "Rafaqat Ali Versus Secretary, Elementary and Secondary Education Department Peshawar and two others" and Service Appeal bearing No. 8635/2020 titled "Zardad Khan Versus Secretary, Elementary and Secondary Education Department Peshawar and two others" are allowed by setting-aside the impugned orders and the appellants are reinstated in service for the purpose of de-novo

A handwritten signature in black ink, followed by the date '27/02/23' written vertically.

inquiry. The departmental Authority shall conduct de-novo inquiry strictly in accordance with the relevant law/rules within a period of 90 days of receipt of copy of this judgment and the result be intimated to this Tribunal through Registrar. Needless to mention that the appellants shall be associated with the inquiry proceedings and fair opportunity be provided to them to defend themselves. Keeping in view peculiar facts and circumstances of the cases, the issue of salary and back benefits shall be subject to outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

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3. This appeal being no different with the fact of the above stated appeal is also decided in the same manner. Disposed of accordingly. Consign.

4. Pronounced in open court in Abbottabad and given under our hands and seal of the Tribunal on this 20th day of February, 2023.



(Salah Ud Din)
Member (Judicial)
Camp Court Abbottabad

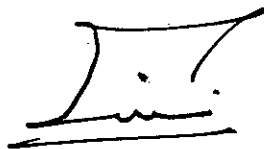


(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

14th Nov, 2022

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Learned counsel for the appellant seeks adjournment in order to properly assist the court on the next date. To come up for arguments on 12.12.2022 before the D.B at Camp Court Abbottabad.



(Salah Ud Din)
Member (Judicial)
Camp Court Abbottabad



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

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12th Dec, 2022

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

Learned counsel for the appellant seeks adjournment in order to properly assist the court on the next. Adjourned. To come up for arguments on 20.02.2023 before the D.B at Camp Court Abbottabad.



(Salah Ud Din)
Member (Judicial)
Camp Court Abbottabad



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

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18th July 2022

Learned counsel present. Syed Naseer Ud Din Shah, Asst: AG alongwith Mr. Hamid Mansoor, Assistant for respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the brief. Adjourned. To come up for arguments on 19.09.2022 before D.B at camp court Abbottabad.



(Salah Ud Din)
Member(Judicial)

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(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

19.09.2022

Appellant present through counsel.

Muhammad Jan, District Attorney alongwith Hamid Mansoor, Assistant for respondents present.

Former made a request for adjournment as he has not prepared the brief. Adjourned. To come up for arguments on 14.11.2022 before D.B at Camp Court, Abbottabad.



(Fareeha Paul)
Member (E)
Camp Court, A/Abad



(Rozina Rehman)
Member (J)
Camp Court, A/Abad

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Postwar

SA No. 8636/2020

27.12.2021

Counsel for the appellant present. Preliminary arguments heard.

Subject to all just and legal objection, the appeal is admitted for full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 14.03.2022 before S.B at camp court, Abbottabad.

Appellant Deposited
Security Process Fee

24/12/21



Chairman

Camp Court, A/Abad

16.05.2022

None for the appellant present. Mr. Muhammad Riaz Khan Painsdakhel, Assistant Advocate General along with Mr. Hamid Maqsood, Assistant for the respondents present.

Written reply/comments on behalf of respondent No. 1 to 3 submitted which is placed on file. A copy of the same is also handed over to the appellant. To come up for rejoinder as well as arguments on 18.07.2022 before D.B at camp court Abbottabad.

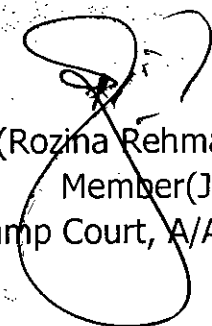

Kalim Ashad Khan
Chairman

Camp Court, Abbottabad

18.02.2021

Junior to counsel for appellant present.

He made a request for adjournment as senior counsel for appellant is not in attendance. Adjourned. To come up for preliminary hearing on 14.06.2021 before S.B at Camp Court, Abbottabad.


(Rozina Rehman)
Member(J)
Camp Court, A/Abad

14.06.2021

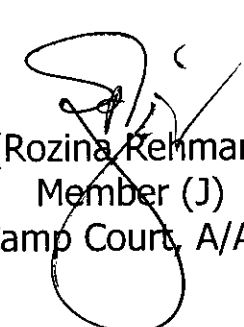
Due to cancellation of tour, Bench is not available. Therefore, case is adjourned to 29.09.2021 for the same as before.


Reader

30.09.2021

Appellant in person present.

He made a request for adjournment as his counsel is not available today; granted. To come up for preliminary hearing on 27.12.2021 before S.B at Camp Court, Abbottabad.

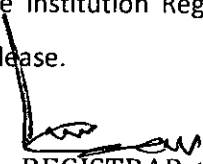



(Rozina Rehman)
Member (J)
Camp Court, A/Abad

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 8636 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/07/2020	<p>The appeal of Mr. Fida Muhammad presented today by post through Ikram-ul-Qayum Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>19-11-2020</u></p> <p style="text-align: right;"> CHAIRMAN</p>
19.11.2020		<p>Appellant is present in person and requested for adjournment on the ground that his counsel is not available today. Adjourned to 18.02.2021 on which date file to come up for preliminary hearing before S.B at Camp Court, Abbottabad.</p> <p style="text-align: right;"> (MUHAMMAD JAMAL KHAN) MEMBER CAMP COURT ABBOTTABAD</p>

**BEFORE THE HONOURABLE KPK SERVICE TRIBUNAL PESHAWAR
CAMP COURT ABBOTTABAD.**

Service Appeal No.8636-A/2020

Fida Muhammad.....APPELLANT.

VERSUS


1. Secretary Elementary & Secondary Education KPK Peshawar.
2. Director Elementary & Secondary Education KPK Peshawar.
3. District Education Officer (Male) Mansehra.....**RESPONDENTS.**

PARAWISE COMMENTS / WRITTEN REPLY ON BEHALF OF

RESPONDENTS NO 1,2 & 3:-

INDEX

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1.	COMMENTS		1-5
2.	AFFIDAVIT		6
3.	Copy of the Original termination order	A	7-17
4.	Copy of Reinstatement order	B	18
5.	Copy of Letter to Head Master	C	19
6.	Copy of Report of Head Master GMS Ahl Seri	D	20
7.	Copy of Sacked Employee act 2012	E	21-25
8.	Copy of the Final showcause	F	26-28
9.	Copy of the reply of showcause	G	29
10.	Copy of letter personal hearing	H	30
11.	Copy of the detail of personal hearing report	I	31-33
12.	Copy of Attendance Sheet	K	34-35
13.	Copy of withdrawal order	L	36


DISTRICT EDUCATION OFFICE
(MALE) MANSEHRA

BEFORE THE HONOURABLE KPK SERVICE TRIBUNAL PESHAWAR
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12.	Copy of the questionnaire	J	30 34-35
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DISTRICT EDUCATION OFFICE
(MALE) MANSEHRA

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BEFORE THE HONOURABLE KPK SERVICE TRIBUNAL PESHAWAR
CAMP COURT ABBOTTABAD.

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Fida Muhammad.....APPELLANT.

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1. Secretary Elementary & Secondary Education KPK Peshawar.
2. Director Elementary & Secondary Education KPK Peshawar.
3. District Education Officer (Male) Mansehra.....**RESPONDENTS.**

PARAWISE COMMENTS / WRITTEN REPLY ON BEHALF OF RESPONDENTS

NO 1,2 & 3:-

PRELIMINARY OBJECTIONS:-

1. That the Appellant is not the "AGGRIEVED" person.
2. That the Appellant is estopped by his own conduct.
3. That the Appellant has not come to the Hon'ble Tribunal with clean hands.
4. That the Appellant has no cause of action/locus standi to file the instant appeal.
5. That instant Appeal is against the prevailing law and rules.
6. That the Appellant has concealed the material facts from this Hon'ble Tribunal. Hence not entitled for any relief and appeal is liable to be dismissed without any further proceeding.
7. That the appeal is groundless and based on malafide, ulterior motive, hence the same is liable to be dismissed.
8. The instant appeal is not maintainable in the present form and also in the present circumstances of the issue.
9. The instant appeal is time barred and liable to be dismissed.
10. That the appellant has prepared fake and bogus record through tampering in termination order to include / considered him a sake employee.
11. That the impugned order passed by the respondent Department according to rules and Law, hence appeal is liable to be dismissed.
12. That the appeal is bad for misjoinder and non-joinder of necessary and proper parties.

FACTUAL OBJECTIONS:-

- 1) Para No. 1 is incorrect and misleading as the appellant was never appointed against the post of DM at GMS Ahl Seri Mansehra. As in the year 1996 different teachers in Education department were appointed. Later on many of the employees were terminated from the service because they were not appointed according prescribed manner. As the appellant is not employee of the Education Department, because he was never appointed in Education Department in 1996. In the year 2012 the Govt of Khyber Pakhtunkhwa Promulgated the Sacked Employee (Appointment) Act 2012 for reappointment of Sacked Employees who were appointed during the period from 1st day of November 1993 to the 30th day of November 1996 (both days Inclusive) and were terminated, dismissed, removed from service during the period from 1st day of November 1996 to 31st day of December 1998 on various grounds. The appellant stance is totally malafide and misleading as he had been never appointed as a DM in Education Department but he totally prepared the fake and fabricated service record to show himself as a sacked employee, actually he was not a sacked employee.
- 2) Para No.02 is incorrect that many employee were terminated from service vide Divisional Director Endst No. 2134-3528/AE-III/20/ Dated 13-2-1997 his

8036-A

name was not in the Termination Order, whereas actually he was not a sacked employee, he submitted fake/tempered documents for getting Appointment in Education Department and considered him as a sacked employee, whereas the Appellant filed Writ petition 731-A/2016 before Honourable Peshawar High Court Abbottabad against the non issuing of reinstatement order, which was decided vide dated 03-04-2018, in compliance of the judgment of Peshawar High Court the appellant was reinstated in service, Whereas after issuing of Appointment order to clarify the matter DEO Male Mansehra forwarded a letter to the Head Master GMS Ahl Seri Mansehra vide No.10635 dated 25-06-20119, for the verification of Record of the appellant from the concerned school for which he is claiming that he was appointed in the said school. In response of that letter the Head Master GMS Ahl Seri forwarded a letter to the DEO Male Mansehra with the remarks that "No record found relating to Mr. Fida Muhamamd Ex-DM i.e First Appointment order, charge report/Arrival Report in over school. No Such Record of Pay Record of the said Teacher in school Acquaintance role, only Attendance Register shows Mr. Fida Muhammad remained present w.e.f 14-11-1996 to 24-12-1996 (02 months), whereas log book and appointment order file checked no such record was found of the said person in our school for the period 1996-1997". From the record it is clear that appellant has never been appointed in education department neither remained on the strength of department. Whereas appellant fakely / fabricatedly prepared the whole record by scanning the signature of the competent Authority of them, and declared himself a sacked employee. **(Copy of the Original termination order, Copy of reinstatement order, copy of DEO (M) Mansehra letter to HM, copy of report of HM GMS Ahl Seri are annexed as a annexure and A, B, C, D)**

- 3) Para No.03 is incorrect and misleading as the Govt of KPK promulgated Sacked Employee (Appointment) Act 2012 to reappoint the terminated employee, who were having the civil post at that time. The appellant has never been appointed nor terminated. The appellant prepared fabricated / tempered record and mislead the department and submitted the same tempered / bogus record to the department for reinstatement in service as a sacked employee. **(Copy of the Act 2012 is annex as annexure E).**
- 4) Para No.04 is correct to the extent that the different candidates were appointed 20/06/2019 vide Endst: No. 10268-74, by the competent authority on the basis of record provided by the appellant.
- 5) Para No 5 as stated in para ibid.
- 6) In reply to Para 6 it is submitted that the complaints received from the different resources that the appellant was not a sacked employee, as he had been never appointed in the Education Department. To clarify the matter the respondent No 3 forwarded a letter to Head Master GMS Ahl seri for the clarification of service record of the appellant, the Head Master forwarded the report, the detail has already been given in aforementioned para. On the basis of the fake and fabricated record the respondent No 3 issued shown Cause letter Vide Endst No. 15760 dated 24-9-2019 to clarify his position through written reply within the period of the 7 days, as the reply of the showcause was received on 07-10-2019 vide dairy No. 6737. In light of the reply of the showcause the appellant failed to satisfy the respondent department and nothing have been attached with reply of showcause notice in his support, it means that he had failed to clarify his position against the charges upon him. The respondent called the appellant for personal hearing vide Endst: No. 16411-15 dated 08-

10-2019. Where appellant appeared before the competent authority on 11-10-2019. Question was served to the appellant, and appellant reply the questionnaire accordingly but totally failed to produce any evidence regarding his initial appointment and other service record. "he stated that the Appointment and Termination order was issued by District Education Officer (Male) Mansehra which is totally misleading and incorrect, as per record the Appointment order and Termination order was issued by Divisional Directorate of Education Hazara Division Abbottabad, Another surprising thing about the Attendance register is that Mr. Fida Muhammad sign in attendance register is marked on 14-11-1996 while Mr. Faiz ur rehman marked on 21-11-1996,so the name of Faiz ur rehman SET should be at column No.04,whereas Mr.Umer Zeb CT marked in attendance register on 16-11-1996 so his name must be after the attendance of Mr. Fida Muhammad because Mr. umer zeb and Faiz Ur Rehman were posted on later on as compared to Mr. Fida Muhammad, so in attendance register it is not possible that a person whose arrival is of earlier date and he marked the attendance in the last column of the Attendance Register, he stated that both the teachers were appointed after his taking over charge at GMS Ahl Seri, he marked in attendance register fraudulently through unknown sources his termination order is also prepared personally and the sign of the competent authority was scanned, All the evidence shows that he submitted the fake and fabricated documents for appointment as a sacked Employee. So the charges against the accused teachers has been proved. Therefore the appointment order vide Endst No.10268-74 dated 20-06-2019 in r/o Mr.Fida Muhammad DM GMS DEVEL Mansehra is hereby withdrawn from the date of issue of re-appointment order vide No.17693-96 dated 07-11-2019. **(Copy of the final showcause, copy of the reply of showcause, copy of letter personal hearing, report of personal hearing copy of the questionnaire, copy of attendance Sheet are annexed as annexure F, G, H, I, J & K).**

- 7) Para No 7 is incorrect and misleading, as the complete process is adopted by the respondent department.
- 8) Para No 8 is totally incorrect and misleading, as the respondent properly verified the record of appellant from the concerned school, proper procedure was adopted in this regard. After all the procedure, the charges against the appellant had been proved, therefore the order issued vide Endst No. 17693-96 dated 07-11-2019 in r/o appellant is hereby withdrawn from the dated of issued of reappointment order (ab-initio withdrawn) with immediate effect. **(Copy of the withdrawal order in annex as annexure L)**
- 9) Para No 9 is correct, the appellant has no right to invoke the jurisdiction of this Hon'ble Tribunal, as the appellant is not aggrieved Person inter alia on the following Grounds:-

REPLY OF GROUNDS:-

- a) Para A is incorrect and misleading. The appellant was not a sacked employee because his appointment order, termination order and other service record were fake and fabricated. The detailed reply has already been given in the above paras.
- b) Para B is incorrect that the reappointment order issued on the record provided by the appellant which was scrutinized by the committee and the appellant was reappointed as DM, as after the verification of service record of the appellant, it was found that the whole service record / documents provided by the appellant is fake and fabricated / bogus. Whereas the

appointment order withdrawn with the terms and condition No.20 of the appointment order is that "their documents if found fake/bogus at any stage ,their appointment order shall be withdrawn and legal action be taken against him".

- c) Para C is incorrect, hence denied. The detailed reply has already been given is above paras.
- d) Para D is incorrect and misleading. The appellant has provided the fabricated record before the Peshawar High Court Abbottabad Bench and to the respondent department and also to the Departmental Selection Committee. No salary record of the appellant was found in the school as well as District Accounts Office Mansehra.
- e) Para E is incorrect and misleading. The proper record was collected by the respondent and on the basis of said record, the major penalty was imposed on the appellant.
- f) Para F is incorrect. The appellant has provided the fake and fabricated record to show himself as a sacked employee. The proper opportunity was provided to the appellant but he failed to satisfy the competent authority.
- g) Para G is incorrect and misleading, a complaints received from the different resources that the appellant was not a sacked employee, as he had been never appointed in the Education Department. To clarify the matter the respondent No 3 forwarded a letter to Head Master GMS Ahl seri for the clarification of service record of the appellant, the Head Master forwarded the report, the detail has already been given in aforementioned para. On the basis of the fake and fabricated record the respondent No 3 issued shown Cause letter Vide Endst No. 15760 dated 24-9-2019 to clarify his position through written reply within the period of the 7 days, as the reply of the showcause was received on 07-10-2019 vide dairy No. 6737. In light of the reply of the showcause the appellant failed to satisfy the respondent department and nothing have been attached with reply of showcause notice in his support, it means that he had failed to clarify his position against the charges upon him. he marked in attendance register fraudulently through unknown sources his termination order is also prepared personally and the sign of the competent authority was scanned, All the evidence shows that he submitted the fake and fabricated documents for appointment as a sacked Employee. So the charges against the accused teachers has been proved. Therefore the appointment order vide Endst No.10268-74 dated 20-06-2019 in r/o Mr.Fida Muhammad DM GMS DEVEL Mansehra is hereby withdrawn from the date of issue of re-appointment order vide No.17693-96 dated 07-11-2019.
- h) Para H is incorrect and misleading. The detail reply is already given in aforementioned paras.
- i) Para I is totally misleading because the appellant has never been appointed neither terminated in the year 1996 to 1998. Appellant prepared the fake and fabricated record to include himself in a sacked employee.
- j) Para J is incorrect, hence denied. Detail reply already given above.
- k) Para K is incorrect and misleading their order may be withdrawn on the basis of report of Head Master, evidence on record, report of personal Hearing and terms and condition No.20 of the Appointment order.
- l) Para L is incorrect and misleading it has already been proved that appellant's whole service record is fake and fabricated.
- m) Para No. M is incorrect and misleading, detail reply has already been given in aove foregoing paras.
- n) Para N is incorrect and misleading, the appellant submitted fake documents for getting job in Education Department, he totally failed to produce any evidence to prove himself innocent , whereas he doesnot provided his original

appointment order/termination order in his defence at the time of personal hearing, no record found in his previous school and District Account Office Mansehra. The appellant was not sacked employee, so the competent authority rightly withdrawn the order of the appellant.

- o) Para O is totally incorrect and misleading. The appellant was not sacked employee, so the competent authority rightly withdrawn the order of the appellant.
- p) Para P is incorrect and misleading. Respondent Department exercise his power justly, honestly fairly and not whim and wishes of any body.
- q) Para Q is incorrect that respondents are bound to obey rules and policy of the Govt, and not whom and wishes of any body.
- r) Para R is incorrect, hence denied. Detail reply have already been given in Paras ibid.
- s) Para No.S is incorrect.
- t) Para T that the respondents also seek the permission of this Hon'ble Tribunal to adduce more grounds and record at the time arguments.

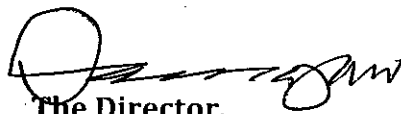
PRAYERS.

It is therefore, humbly prayed that on acceptance of the above submissions, the instant appeal may very graciously be dismissed in the favour of the answering Respondents in the interest of the Justice

Respondent

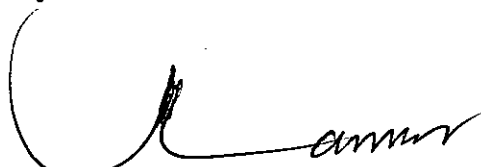

The Secretary,
E&SE Department

Khyber Pakhtunkhwa Peshawar.



The Director,
E&SE Department

Khyber Pakhtunkhwa Peshawar.



THE District Education Officer,
(Male) Mansehra

(6)

BEFORE THE HONOURABLE KPK SERVICE TRIBUNAL PESHAWAR
CAMP COURT ABBOTTABAD.

Service Appeal No.8636-A/2020

Fida Muhammad.....APPELLANT.

VERSUS

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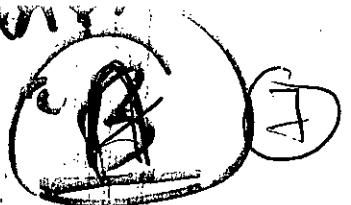
AFFIDAVIT

I, Muhammad Toseef, Assistant to DEO(M) Mansehra hereby solemnly affirm and declare that the content of the reply of the comments in the above appeal No.8636-A/2020 Titled as Fida Muhammad versus Govt: of Khyber Pakhtunkhwa and others are true to the best of my conviction and belief and I have concealed nothing.

ASSISTANT DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

OFFICE ORDER

Dated 13-2-1974



Handwritten signature and initials.

...of the relevant record the app... Teachers.
...is illegal and in... void and against the prescribed rules. His
... are therefore hereby dispensed with with immediate effect.

(CT-III) Un-Trained

- 1. Amjad Khan CT, GMS, Balle Kohistan.
- 2. Muhammad Saghir CT, GMS, Rang Gali Kohistan.
- 3. Muzaffar CT, GMS, Gantar Kohistan.
- 4. Rafiqullah CT, GMS, Warean Kohistan.
- 5. Abdul Qadir CT, GMS, Bankad Kohistan.
- 6. Anwar CT, GMS, Nareen Kohistan.
- 7. Wahab Gul CT, GMS, Madakote.
- 8. Nizamullah CT, GMS, Cerber Kohistan.
- 9. Kamran Khan CT, GMS, Jaba-Wate Mhal Kohistan.
- 10. Sartar CT, GMS, Jaba Wate Mhal Kohistan.
- 11. Babar Hayat CT, GMS, Birsherial Kohistan.
- 12. Ehsanullah CT, GMS, Harban Kohistan.
- 13. Fida Mohammed CT, GMS, Birsherial Kohistan.
- 14. Rukun Deed CT, GMS, Gulbali Kohistan.
- 15. Aslamullah CT, GMS, Chashed.
- 16. Aali Khan CT, GMS, Pattan Kohistan.
- 17. Ibrahim Jaleem CT, GMS, Kaktal.
- 18. Nurur Iqbal CT, GMS, Zahir Mazraa.
- 19. Faleh Khatun Far CT, GMS, Sherakote Kohistan.
- 20. Saad Saad CT, GMS, Dag Pattan Kohistan.
- 21. Saadullah CT, GMS, Kayal Kohistan.
- 22. Akmal Khan CT, GMS, Bance/Bandige.
- 23. Naz Khan CT, GMS, Mareen Kohistan.
- 24. Zahid Shub CT, GMS, Gantar.
- 25. Shoukat Iqbal CT, GMS, Zaria Masoom.
- 26. Arshad Ali CT, GMS, Crober Kohistan.
- 27. Mohd Amir CT, GMS, Macleagh Kohistan.
- 28. Dilshad Khan CT, GMS, Baneal Kohistan.
- 29. Gul Njou CT, GMS, Guabala Kohistan.
- 30. Khana Member CT, GMS, Kayal Kohistan.
- 31. Haji Mohammed CT, GMS, Bandige.
- 32. Javeed Khan CT, GMS, Baneal Kohistan.
- 33. Anwar Rehman CT, GMS, Gunjwal.
- 34. Babar Khan CT, GMS, Ghazi Pind.
- 35. Farman Elahi CT, GMS, Pattan Kohistan.
- 36. Shoukat Ali CT, GMS, Lora.
- 37. Mohd Saad CT, GMS, Kund Dala.
- 38. Shahmuzz CT, GMS, Manjokote.
- 39. Mahid Anwar CT, GMS, Shatial Kohistan.
- 40. Majid Salim Khan CT, GMS, Chundandakhal.
- 41. Mender Riz CT, GMS, Kama.
- 42. Momin Javeed CT, GMS, Jalees.
- 43. Saad Mohammed CT, GMS, Kanal B-Gram.
- 44. A. Khan CT, GMS, Tando.
- 45. Amir Khatun CT, GMS, Barjheen.
- 46. Kamran Habib CT, GMS, Kolai B-Gram.
- 47. Muhammad Fayaz CT, GMS, Bargeen.
- 48. Muzaffar Ali CT, GMS, Kolai Mand Paza.
- 49. Farid Ali Shah CT, GMS, Paregarl.
- 50. Mohammed Pervez CT, GMS, Parolmura.
- 51. Mirza Iqbal CT, GMS, Kothaira.
- 52. Muhammad Shabir CT, GMS, Khatregali.
- 53. Abid Ali Shub CT, GMS, Kohalupayeeh.
- 54. Amir Khan CT, GMS, Dillal H-Gar.
- 55. Mujib Ali Saad CT, GMS, T. Hussaini.

Amexur

Secretary/2

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138. Muhammad Amir CT, GMS, Kangra
139. Muhammad Amir CT, GMS, Gali Dargah
140. Anwar Ali CT, GMS, Dargah
141. Muhammad Bhatti CT, GMS, Dargah
142. Javed Ahmed CT, GMS, Tandol
143. Muhammad Ayub CT, GMS, Phodhri
144. Rizaur Rehman CT, GMS, Jora
145. Taj Malook CT, GMS, Malook
146. Mohd. Akram CT, GMS, Goroani
147. Akhtar Wahab CT, GMS, Asherban
148. Akseer Hussain Shah CT, GMS, Bickoo
149. Ghareeb Shah CT, GMS, Sarikote
150. Nabaawaz CT, GMS, Hakhar Khan Kulam
151. Ghulam Saifur CT, GMS, Ghazal
152. Muhammad Anwar CT, GMS, Rupkani
153. Salim Khuram CT, GMS, Asherban
154. Gulzar Khan CT, GMS, Raahang
155. Hayat Khan CT, GMS, Sherqura
156. Shauqur Rehman CT, GMS, Malookra
157. Muhammad Aslam CT, GMS, Mohar
158. Abdul Rehman CT, GMS, Rajmala
159. Fazalur Rehman CT, GMS, Ruzika
160. Mohamud Rizw CT, GMS, Baghaur Dhera
161. Zahid Ali CT, GMS, Sher, Abbotabad
162. Shoukat Iqbal CT, GMS, Nagri Tutlaj
163. Mohammad Azam Khan CT, GMS, Kadirpur
164. Gaveed Iqbal CT, GMS, Goghermang
165. Mohammad Yousif CT, GMS, Sull Khan
166. Shabir Ahmed CT, GMS, Chabir Kholar
167. Anwarul Haq CT, GMS, Shaital
168. Salim Ahmed CT, GMS, Dada
169. Jamil Abdul Nisar CT, GMS, Dohar
170. Najibur Rehman CT, GMS, Kariplian
171. Mohamud Haroor CT, GMS, Gamber
172. Mohamud Raed CT, GMS, Sumna Karaga
173. Mohammad Anwar CT, GMS, Chena Kalan
174. Mohammad Shabir CT, GMS, Kalanges
175. Mohammad Idrees CT, GMS, Baghermang
176. Ghulam Khan CT, GMS, Narheer
177. Abis Karim CT, GMS, Kandi
178. Mohammad Sultha CT, GMS, Laboor
179. Mirzaman CT, GMS, Madoga Dargah
180. Ahsan Hussain CT, GMS, Maira Amjad Ali
181. Mohammad Ejaz CT, GMS, Chalandran
182. Mohammad Tayub CT, GMS, Phagla
183. Gaveed CT, GMS, Kupri Amara
184. Asfar Mohammad CT, GMS, Ali
185. Arshad Hussain Shah CT, GMS, Manjhar
186. Khan Ghaz CT, GMS, Kanger Maira
187. Mir Jamil Rehman CT, GMS, Salim Khanda
188. Sajid Alam CT, GMS, Goraki
189. Babar Hussain Shah CT, GMS, Surdal
190. Imroz Ali CT, GMS, Dhera Naqarhian
191. Ali Nawaz CT, GMS, S.N. Khan
192. Tahir Jamil CT, GMS, Pakhal
193. Shabir Ahmed CT, GMS, Halli
194. Iftikhar Ahmed CT, GMS, Dugla
195. Muhammad Akram CT, GMS, Saroolu
196. Fazalur Rehman CT, GMS, Dargah
197. Sarajud Din CT, GMS, Kolal
198. Za Far Iqbal CT, GMS, Maira Romel
199. Muhammad Khan CT, GMS, Noorpur
200. Ghulam Ali CT, GMS, Kupri Amara
201. Subeer Ahmed CT, GMS, Dargah
202. Ghulam Hussain CT, GMS, Thalkote
203. Muhammad Aslam CT, GMS, Khelen Gali
204. Pina-Alli Shah CT, GMS, Chaudhri
205. Amir Bahadar CT, GMS, Dhok Dargah

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347. Muhammad Shafiq CT, GMS, Pindi Rawalpindi.
 348. M. Ch. Sahay CT, GMS, Srinagar.
 349. Khalid Wahid CT, GMS, Dera Ghokhi.
 350. Muhammad Haroon CT, GMS, Chakwal Lay, Dera.
 351. Muhammad Tabeel CT, GMS, Dera.
 352. Manzoor Hussain CT, GMS, Sagar, Ambala.
 353. I. I. Khan, Ameer CT, GMS, K. H. A.
 354. Sherazul CT, GMS, Palsala.
 355. Syed A. Mahmood CT, GMS, Chakki, Mandi.
 356. Muhammad Younis CT, GMS, Dargah.
 357. Muhammad Sagar CT, GMS, Mangolia, Kohistan.
 358. A. M. Khan, CT, GMS, Chuzi.
 359. H. S. S. Khan, Ameer CT, GMS, Local, Kohistan.
 360. Muhammad Nayab CT, GMS, Pattan.
 361. Ameer Hassan CT, GMS, Dohial, Manshera.
 362. Tahir Munir CT, GMS, Shurpur.
 363. Muhammad Saliq WA, GMS, Barcooga.
 364. Ali ul Saloor CT, GMS, Dara Shehal.
 365. Ameer Shams CT, GMS, No. 1, Haripur.
 366. Muhammad Akbar CT, GMS, Pichard Datta, Ram.
 367. Khattak Ameer CT, GMS, Dara Shehal.
 368. Shabir Ameer CT, GMS, Shehal, H. J. R. S.
 369. Bashir Hussain Shah CT, GMS, Mureh.
 370. Qudus Rabbani CT, GMS, Kachhar, Manshera.
 371. Ameer Ameer CT, GMS, Khaki, Manshera.

372. Naveed Juma Khan AT, GMS, Barighah (KD).
 373. Azeem Muhammad Hosa-Khan, GMS, Bataiwa.
 374. Azeem Rehman AT, GMS, Sherwan.
 375. Muhammad Zia AT, GMS, Phalla, Abbottabad.
 376. Zahir Sult AT, GMS, Hajiabka Kelal.
 377. Carl Muhammad, Uchhina AT, GMS, Moshara.
 378. Shagor Khan AT, GMS, Thunda.
 379. Syed Hassan Shah AT, Chari, Maira.
 380. Naveed Haal AT, GMS, Shafal.
 381. Burhid AT, GMS, Paraguri.
 382. Irtidul AT, GMS, Hikaloo.
 383. Azeem Khan AT, GMS, Kheryala.
 384. Muhammad Tahir AT, GMS, Peel, Battla.
 385. Muhammad Ashraf AT, GMS, Masara, Aba.
 386. Muhammad Farooq AT, GMS, J. B. Haripur.
 387. Khalid Saifullah AT, GMS, Satera.
 388. Faisal Khan AT, GMS, Chud, Hodo, Khel.
 389. Muhammad Qasim AT, GMS, Parlat.
 390. Hameed Hussain Malik, AT, GMS, Saphidna.
 391. Azeem Meera AT, GMS, Nekher, Khan, Kalad.
 392. Irtidul AT, GMS, Kanger, Maira.
 393. Naveed Hussain AT, GMS, Chenial.
 394. Saadullah AT, GMS, Kaneri, Haripur.
 395. Naveed Ameer AT, GMS, Topa, Khan, Kalad.
 396. Hameed Ameer AT, GMS, No-2, Manshera.
 397. Naveed Farid Zaman AT, GMS, Dargah.
 398. Naveed Ameer AT, GMS, Karkala.
 399. Azeem Khan AT, GMS, Markota, A/Ab.
 400. Naveed Ameer AT, GMS, Bendi, Kohat.
 401. Naveed Ameer AT, GMS, Barikot.
 402. Naveed Ameer AT, GMS, Dasha.
 403. Naveed Ameer AT, GMS, Dera, Dera, Pindi.
 404. Naveed Ameer AT, GMS, Dargah, Dargah (KD).
 405. Naveed Ameer AT, GMS, Dargah, Manshera.
 406. Naveed Ameer AT, GMS, Dargah, Faisalabad.
 407. Naveed Ameer AT, GMS, Dargah, Faisalabad.
 408. Naveed Ameer AT, GMS, Dargah, Faisalabad.
 409. Naveed Ameer AT, GMS, Dargah, Faisalabad.
 410. Naveed Ameer AT, GMS, Dargah, Faisalabad.

AT (M. G. A.) Train

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STATEMENT OF WORK DONE PERIOD WITH EFFECT FROM 1.11.95 TO 5.11.96

Number of candidates/teachers appointed with effect from 1.11.95 to 18.10.95 by the Regional Director of Education (Schools) Hazara Division (Haji Sarfraz Khan are.....	527
Number of candidates/Teachers appointed with effect from 17.10.95 to 5.11.96 by the Incharge Regional Director of Education Schools Hazara Division Abbottabad, Mr. Fazalur Rehman Khan are.....	160
Total	687

REGIONAL DIRECTOR OF EDUCATION
SCHOOLS HAZARA DIVISION A/ABAD.

Sl. No. 2134-3528 /AE-III-B Dated 13-2-1997

- Copy to:-
- 1. P/s to Chief Minister NWFP, Peshawar.
- 2. P/s to Chief Secretary NWFP, Peshawar.
- 3. P/s to Secretary Education NWFP, Peshawar.
- 4. The Director Secretary Education (S) NWFP, Peshawar.
- 5. All the District Accounts officers in Hazara Division.
- 6. All the District Education officers (H/S) in Hazara Division.
- 7. All the Principals/Headmasters/Headmistresses, CGHS/CHS/GHS, GMS, GMS, concerned.
- 8. All the Teachers concerned.
- 9. Office order file.

REGIONAL DIRECTOR OF EDUCATION
SCHOOLS HAZARA DIVISION A/ABAD.

19

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66/6



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)

DISTRICT MANSEHRA

Phone # 0997-382271 Fax # 0997-382244
E-mail Address: ededu_mansehra@yahoo.com
Facebook Page: www.facebook.com/DEOMMANSEHRA

No 10635 /Litigation (M)/ Date 25 / 06 / 2019

To

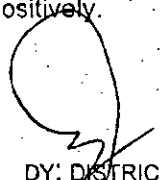
The Head Master,
GMS Ahl Seri Mansehra.

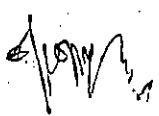
Subject: **VERIFICATION OF RECORD IN R/O MR.FIDA MUHAMMAD
S/O MUHAMMD FARID EX-DM GMS AHL SERI MANSEHRA/
UNDER SACKED ORD:2012).**

Memo:

Reference to the subject cited above i am directed to inform you that Mr. Fida Muhammad S/o Muhammad Farid resident of village Nakka P/o Lissan I awab , who was appointed against DM post in BPS-09 vide Endst No.29911-19 dated 3-11-1996, and was terminated from 30-01-1997 vide Endst No.1956-2014, you are directed to provide the following information as per school record.

1. Verify his service for the period w.e.f 13-11-1996 to 30-01-1997.
2. The appellant was appointed at GMS Ahl Seri Mansehra.
3. All the record i.e Charge report, in r/o Mr. Fida Muhammad may be verified and submit clear cut findings within 03 days time positively.

BY:  DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA



Amma
20

د. رحیم الرحمن صاحب
4387
60-019
F.X. 511
عنوان: ایف ایکس ڈی

1- فنانس ڈیپارٹمنٹ کی رپورٹ میں حاضری خراب ہے
25/12/96 تک کی ہوئی ہے۔ اس کی کاپی لکچر کے ساتھ
میں بھیج دی ہے۔

2- تشریحی آرڈر جاری ہے رپورٹ کے حاضری ریکارڈ کے ساتھ
3- رجسٹرڈ قرض وصولی ماہ نومبر 1996 اور دسمبر 1996
میں سے متعلق کا کوئی اندازہ نہیں ہے۔ ریکارڈ تلاش کیا گیا
نہیں ہے۔ رجسٹرڈ یا فائل میں ثبوت نہیں ہے۔
کافی معلومات ہیں۔ لیکن متعلقہ تنخواہ کا کوئی ریکارڈ نہیں مل سکا۔
میں نے کافی تلاش کرنے کے باوجود کوئی ثبوت آرڈر کے ساتھ نہیں مل سکا۔
دستور درجہ کے مطابق ہے۔

6
27/19
M. R. KHAN
Govt. Middle School
Manshra

**THE KHYBER PAKHTUNKHWA
SACKED EMPLOYEES (APPOINTMENT) ACT, 2012.**

(KHYBER PAKHTUNKHWA ACT NO. XVII OF 2012)

Amendment
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PREAMBLE

SECTIONS

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4. Age relaxation.
5. Sacked employees shall not be entitled to claim seniority and other back benefits.
6. Preference on the basis of age.
7. Procedure for appointment.
8. Removal of difficulties.
9. Act to override other laws.
10. Power to make rules.

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**THE KHYBER PAKHTUNKHWA
SACKED EMPLOYEES (APPOINTMENT) ACT, 2012.**

(KHYBER PAKHTUNKHWA ACT NO. XVII OF 2012)

*[first published after having received the assent of the Governor of
the Khyber Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa
(Extraordinary), dated the 20th September, 2012].*

**AN
ACT**

*to provide relief to those sacked employees in
the Government service, who were dismissed,
removed or terminated from service, by
appointing them into the Government service.*

WHEREAS it is expedient to provide relief to those sacked employees who were appointed on regular basis to a civil post in the Province of the Khyber Pakhtunkhwa and who possessed the prescribed qualification and experience required for the said post, during the period from 1st day of November 1993 to the 30th day of November, 1996 (both days inclusive) and were dismissed, removed, or terminated from service during the period from 1st day of November 1996 to 31st day of December 1998 on various grounds;

WHEREAS the Federal Government has also given relief to the sacked employees by enactment;

AND WHEREAS the Government of the Khyber Pakhtunkhwa has also decided to appoint these sacked employees on regular basis in the public interest;

It is hereby enacted as follows:

1. Short title, extent and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012.

(2) It shall apply to all those sacked employees, who were holding various civil posts during the period from 1st day of November, 1993 to 30th day of November, 1996 (both days inclusive).

(3) It shall come into force at once.

2. Definitions.--- In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them that is to say,-

- (3)
- (a) "civil post" means a post created by the Finance Department of Government for the members of civil service of the Province;
 - (b) "Department" means the Department and the Attached Department as defined in the Khyber Pakhtunkhwa Government Rules of Business, 1985, including the Divisional and District Offices working thereunder;
 - (c) "Government" means the Government of the Khyber Pakhtunkhwa;
 - (d) "Prescribed" means prescribed by rules;
 - (e) "Province" means the Province of the Khyber Pakhtunkhwa;
 - (f) "rules" means the rules made under this Act; and
 - (g) "Sacked employee" means a person who was appointed on regular basis to a civil post in the Province of the Khyber Pakhtunkhwa and who possessed the prescribed qualification and experience for the said post at that time, during the period from 1st day of November 1993 to the 30th day of November, 1996 (both days inclusive) and was dismissed, removed, or terminated from service during the period from 1st day of November 1996 to 31st day of December 1998 on the ground of irregular appointments;

3. **Appointment of sacked employees.**--- Notwithstanding anything contained in any law or rule for the time being in force, on the commencement of this Act, all sacked employees subject to section 7, may be appointed in their respective cadre of their concerned Department, in which they occupied civil posts before their dismissal, removal and termination from service:

Provided that the sacked employees shall be appointed against thirty percent of the available vacancies in the said Department:

Provided further that the appointment of sacked employees shall be subject to the medical fitness and verification of their character antecedents to the satisfaction of the concerned competent authority.

4. **Age relaxation.**--- The period during which a sacked employee remained dismissed, removed or terminated from service, till the date of their appointment shall be deemed to have been automatically relaxed and there shall be no further relaxation under any rules for the time being in force.

(23)

5. **Sacked employees shall not be entitled to claim seniority and other back benefits.**--- A sacked employee appointed under section 3, shall not be entitled to any claim of seniority, promotion or other back benefits and his appointment shall be considered as fresh appointment.

6. **Preference on the basis of age.**--- On the occurrence of a vacancy in the respective cadre of the concerned Department of the sacked employee against the thirty percent available share, preference shall be given to the sacked employee who is older in age.

7. **Procedure for appointment.**---(1) A sacked employee, may file an application, to the concerned Department within a period of six months from the date of commencement of this Act, for his appointment in the said Department:

Provided that no application for appointment received after the due date shall be entertained.

(2) The concerned Department shall maintain a list of all such sacked employees whose applications are received under sub-section (1) in the respective cadres in chronological order.

(3) If any vacancy occurs against the thirty percent available share of the sacked employee in any Department, the senior in age from such sacked employee shall be considered by the concerned Departmental Selection Committee or the District Selection Committee, as the case may be, to be constituted in the prescribed manner, for appointment:

Provided that no willingness or response is received within a period of thirty days, the next senior sacked employee shall be considered for appointment.

(4) The Concerned Departmental Selection Committee or District Selection Committee, as the case may be, will determine the suitability or eligibility of the sacked employee.

(5) If no sacked employee is available against thirty percent vacancy reserved in respective cadre in a Department, then the post shall be filled through initial recruitment.

8. **Removal of difficulties.**--- If any difficulty arises in giving effect to any of the provisions of this Act, the Chief Minister Khyber Pakhtunkhwa may issue such order not inconsistent with the provision of this Act as may appear to him to be necessary for the purpose of removing the difficulty:

Provided that no such power shall be exercised after the expiry of one year from coming into force of this Act.

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9. Act to override other laws.---Notwithstanding anything to the contrary contained in any other law or rules for the time being in force, the provisions of this Act shall have overriding effect and the provisions of any other law or rules to the extent of inconsistency to this Act, shall cease to have effect.

10. Power to make rules.--- Government may make rules for carrying out the purposes of this Act.

8636-A of 19
18 Annexure
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**OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DISTRICT MANSEHRA**

No. 15760 /I.IV/ Date 24/9/2019

To

The Head Master,
GMS Devel.

Subject: **SHOW CAUSE NOTICE.**
Memo;

Show cause notice in R/O Mr. Fida Muhammad DM GMS Devel Mansehra is attached herewith with the direction to serve the same to the concerned teacher and return one copy to this office as token of receipt duly received by him.

میں سے علی محمد آئی سے متعلقہ نوٹس
24/9/19
کیا علی محمد آئی کو فرائض DM کا سرچہ ہے
کو دفتر سے وصول کر لیا ہے۔

DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA



**OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DISTRICT MANSEHRA**

No. 15760 /I.IV/ Date 24/9/2019

To

The Head Master,
GMS Devel.

Subject: **SHOW CAUSE NOTICE.**
Memo;

Show cause notice in R/O Mr. Fida Muhammad DM GMS Devel Mansehra is attached herewith with the direction to serve the same to the concerned teacher and return one copy to this office as token of receipt duly received by him.

DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

re



**OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DISTRICT MANSEHRA**

No 15760 /lii/Date 24/9 /2019

(K)

(27)


Amended

To

The Head Master,
GMS Devel.

Subject: **SHOW CAUSE NOTICE.**
Memo;

Show cause notice in R/O Mr. Fida Muhammad DM GMS Devel Manshra is attached herewith with the direction to serve the same to the concerned teacher and return one copy to this office as token of receipt duly received by him.


DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA


25/9/19



SHOW CAUSE NOTICE


I, Mr. Khan Muhammad District Education Officer (M) Mansehra, as competent authority under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you Mr. Fida Muhammad S/o Muhammad Qasim DM GMS Devel District Mansehra as follows:-

- i. Whereas Mr. Fida Muhammad DM was reappointed and posted at GMS Devel District Mansehra under sacked Employee Act-2012 vide this office vide Endst No. 10261-67 dated 20-06-2019. On the basis of documents provided by you as per direction of Honourable Peshawar High Court Abbottabad Bench vide his judgment dated 03-04-2018.
- ii. Whereas according to the Terms and Condition NO.20 of the appointment order is that "their documents if found fake/bogus at any stage, their appointment order shall be withdrawn and legal action be taken against him."
- iii. Whereas after issuing of appointment order the competent authority sent a letter to the Head Master GMS Ahl Seri Mansehra for verification of record of Mr. Fida Muhammad DM GMS Ahl Seri vide letter No.10635 dated 25-06-2019.
- iv. After verification of your documents/service record, fake and fabricated documents have been found in your service record.
- v. Whereas, as per report of the Head Master GMS Ahl Seri vide dated 04-07-2019 with the remarks that "No record found relating to Mr. Fida Muhammad Ex-DM i.e First Appointment order, Charge report/Arrival report in over school, No such record of the Pay record of the said teacher in school. Acquittance role, only Attendance Register shows Mr Fida Muhammad remained present w.e.f 14-11-1996 to 24-12-1996. (02 Months). Whereas log book and appointment order file were checked no such record was found of the said person in our school for the period 1996-1997.
- vi. Whereupon the initial inquiry conducted by the officer on 06-08-2019, the said committee submitted report to this office on 07-10-2018, with the remarks that no record was found in school record the case is fake, so the appointment order may be withdrawn. It shows that you have committed misconduct /illegality thus violated E&D rule, 2011.
- vii. I am satisfied that you found guilty of misconduct, inefficiency and committed illegal act as specified in rule 3 of the said rules. Thus you have rendered yourself liable to be proceeded against under the said rules.

2. In exercise of the powers conferred by the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, the competent authority is hereby pleased to serve you with the show cause notice with the direction to submit your defense in writing within 07 (Seven) days of the receipt of this notice as to why one of the major penalty of rule-4 of the said rules should not be imposed upon you.

3. In case you failed to submit your reply within stipulated Period, it will be presumed that you have no defense to offer and an ex-parte decision will be taken against you.

Fida Muhammad S/o Muhammad Farid DM
GMS Devel
District Mansehra


COMPETENT AUTHORITY

کمیٹی صاحب اسسٹنٹ انچارج ایجوکیشن سیکشن
 سرکار ہندوستان
 07/10/19
 6737
 07/10/19
 (SI)
 دورانیہ گزارش کے ساتھ ساتھ کو آئیے لکھ شومکار نوٹس
 2019 کو ارسال ہوا تھا۔ جواب ارسال کیا

سیریل 1 - سائل کا آرڈر نمبر 06/20/2019 کو D.M. بسٹ پر سائل سکول ریول میں ہوا۔
 سیریل 2 - Appointment آرڈر کے مطابق ارادہ ہذا کے قوانین کا پاسند ہوں

سیریل 3 - سیریل 10636 دورہ 25/6/2019 کے مطابق پریڈنٹس اہل سیرے نے مکتوب کو اپنا جواب ارسال کیا
 سیریل 4 - اس میں میرے Documents کو Bogus قرار دے کر آئیے لکھ شومکار نوٹس جاری کیا گیا ہے جسے
 میں نے درست نہیں کہہ سکتا Bogus ہے

سیریل 5 - دورہ 04/07/2019 کو منعلقہ سکول اہل سیرے کے پریڈنٹس کے مکتوب کو قلم لگے جواب سے
 سائل کو شومکار نوٹس دیا۔ جبکہ لکھ سائل ایضاً براہ استعدال M.S. کے اہل سیرے سے
 اپنا دستخط چیک کر دیا۔ جبکہ مطابق جانر و سیرے مکتوب میں سائل نے استعدال ہذا
 میں اپنے فائل سر انجام دیے اور ان کے ساتھ استعدال ہذا میں پڑھا گیا۔ اس کے دوران
 سیرے کی چھٹیوں ہوئی اور مکتوب کی کمر سے پچھے آرڈر کو 14/9/2019 کو ISSA ہوا گیا دورہ
 32/92 کو آرڈر نمبر 1956 کے تحت Terminate کر دیا گیا۔ اور اس دوران سائل
 کی مدد میں ایک اور کوئی بھی Pay گواہ مکتوب کی کمر سے وصول نہیں کی گئی۔ جبکہ استعدال ہذا
 میں 1998 سے پہلے کا رجسٹرڈ فائل کے تحت میں دیا گیا۔ Appoint order + حاکم سیرے
 رجسٹرڈ اور مکتوب Transition رجسٹر کے ساتھ لف ہے

سیریل 6 - رجسٹرڈ مکتوب کے مطابق سائل Misconduct کا مرتب نہیں ہوا ہے۔
 سیریل 7 - سائل ریٹائر ہونے کی صورت میں کسی بھی نوٹس جاری ہونے کا سامنا کرنے سے بے شکستہ مکتوب
 کے رجسٹرڈ مکتوب میں رجسٹرڈ ہے۔ لہذا استعدال M.S. کے اہل سیرے سے رجسٹرڈ مکتوب
 کے ساتھ لف ہے

عسین نوٹس ہونے
 فراہم کر کے مکتوب کے ساتھ
 0343-9122287
 M.S. کے اہل سیرے

AMEXIVE 10/12

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REGISTERED/ ACKNOWLEDGEMENT

**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
DISTRICT MANSEHRA**



Phone # 0997-382271 Fax # 0997-382244
E-mail Address: eddo@mansehra@yahoo.com
Facebook Page: www.facebook.com/DEOMMANSEHRA

No. 16411-15 F.No. Lit/Showcause Final/reply/S/Employee Dated 15/10/2019

To,

- 1. Mr. Ghulam Rasool PET GMS Devli.
- ✓ 2. Mr. Ejhaz Ahmed CT GMS Batangi.
- 3. Mr. Syed Muhammad Zaffar Shah PST GPS Baila Paras.
- 4. Mr. Abdul Malik CT GMS Seri Manoor.
- ✓ 5. Mr. Fida Muhammad DM GMS Devel.

Subject: **PERSONAL HEARING.**

Memo:

It is inform you that competent authority has directed you that, you may be attend the office of undersigned within three (03) days after issuance of this letter regarding your personal hearing before the competent authority.

you are therefore directed to attend this office in the stipulated period otherwise ex-parte proceeding shall be initiated against you under E & D Rule 2011.

[Signature]
DY: DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

Ammeer

(3)

(17)

SMS Battal: CT
 26/11/19
 03459678328
 DIVE-DNI
 307/97

SMS Devel. DNI (2)

22dM

307/97

سہ لاکھ
 سولہ ہزار
 نو سو
 نو

ایک دفعہ ایسی سرگرمی ہو جو
 عزیز
 H.M
 I

باقی جو ساتھ میں ہے، ماسٹر ہی ہے
 0343 9187287

Ammeer

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA.

DETAIL REPORT OF PERSONAL HEARING DATED 11-10-2019 IN R/O MR. EJHAZ AHMED CT GMS BATANGI AND MR. FIDA MUHAMMAD DM GMS DEVEL MANSEHRA.

In the response of letter No.16411-15/showcause dated 08-10-2019, the following members were nominated for personal hearing under the chairman ship of District Education Officer (Male) Mansehra. The following officer/official attends the meeting of personal Hearing are as under:-

1. Khan Muhammad DEO (M) Mansehra.....Chairman.
2. Syed sultan shah B&AO local office Mansehra.....Member.
3. Waheed Khan ADEO (Estab) local office.....Member.
4. Muhammad Ikram Local office Mansehra.....Member.

The letter was issued to the five candidates for personal Hearing only two candidates attend the office for Personal Hearing on 11-10-2019 i.e Mr. Ejhaz Ahmed CT GMS Batangi and Mr Fida Muhammad DM GMS Devel District Mansehra.

1. MR. EJHAZ AHMED CT GMS BATANGI:-

Mr. Ejhaz Ahmed CT attended the personal hearing before the competent authority, whereas different questions were asked regarding the previous service record. He stated that he was appointed as a CT GMS Kajla. He provided the charge report of GHS Kajla Mansehra instead of GMS Kajla, "whereas his Charge report stamped by GHS Kajla is fake as GMS Kajla was upgraded in the year 2011 as GHS Kajla." He failed to provide any cogent reason before the committee, by failing to provide the supporting documents in his favour. As the Competent authority sent a letter vide No.10704 dated 25-06-2019 GHS Kajla for verification of service record of Mr Ejhaz Ahmed. In compliance of the office letter No.10704 dated 25-06-2019, As per report of the GHS Kajla Mr. Ejhaz Ahmed was never ever been appointed as Certified Teacher at GMS Kajla Mansehra vide Endst No.6061-69 dated 24-04-1996 at GMS Kajla, his charge report stamped by GHS Kajla is fake as GMS Kajla upgraded in 2011 as GHS Kajla, Acquaintance role, attendance register, log book and appointment order file were checked but no record in r/o above named teacher found. Whereas the committee asked the question about submission of documents in DEO (M) Mansehra, he accepted that he himself submitted that documents. Whereas the committee asked the question about tempering /forgery in Termination order at serial No.120 vide Endst 16052-189 dated 07-07-1996, his answer was that he doesn't know about that.

He totally failed to produce any evidence regarding his initial appointment and other service record.

2. FIDA MUHAMMAD DM GMS DEVEL

Mr. Fida Muhammad DM attended the personal Hearing before the competent authority, whereas different questions were asked regarding the previous service record. He stated that he was appointed as DM at GMS Ahl Seri in the year 1996. He again stated that his Appointment & Termination order was issued by District Education Officer (Male) Mansehra, which is totally misleading and incorrect, "As per record Appointment and Termination order was issued by the Divisional Directorate of Education Hazara Division Abbottabad."

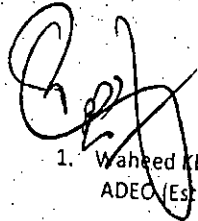
Another surprising thing about the attendance register is that Mr. Fida Muhammad sign in attendance registered is marked on 14-11-1996, while Mr Faiz ur Rehman was marked on 21-11-1996, so the name of Faiz ur rehman SET should be at column No.04. Whereas Mr. Umer Zeb CT marked in his attendance registered on 16-11-1996 so his name must be after the attendance of Mr Fida Muhammad because both Umer zeb and Faiz ur Rehman were posted later on as compared to Mr. Fida Muhammad, so in attendance register it is not possible that a person whose arrival is of earlier

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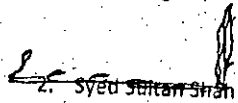
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date and he marked his attendance in the last column of the Attendance Register. He stated that both the teachers were Appointed after his taking over charge at GMS Ahl Seri.

His First appointment order, charge report and arrival report is not found on the school record which show that he is never remained on the strength of the said school as per report of the Head Master, also he marked the attendance register fraudulently through unknown resources his termination order is also prepared personally and the sign of the competent authority was scanned. All the evidence shows that he submitted the fake and fabricated documents for appointment as a Sacked Employee.



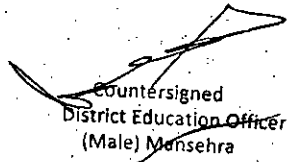
1. Waheed Khan
ADEC (Establishment)



2. Syed Sultan Shah
Budget & Account. Officer
Local office Mansehra.



3. Muhammad Ikram J/C local office
Mansehra



Countersigned
District Education Officer
(Male) Mansehra

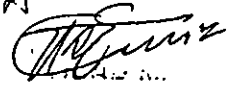
3

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رجوعه اعظمی تار سیدین

روز	تاریخ	وقت	کار	ملاحظات	تاریخ	وقت	کار	ملاحظات	روز
1	20/11	9:00	کار		20/11	9:00	کار		1
2	21/11	9:00	کار		21/11	9:00	کار		2
3	22/11	9:00	کار		22/11	9:00	کار		3
4	23/11	9:00	کار		23/11	9:00	کار		4
5	24/11	9:00	کار		24/11	9:00	کار		5
6	25/11	9:00	کار		25/11	9:00	کار		6
7	26/11	9:00	کار		26/11	9:00	کار		7
8	27/11	9:00	کار		27/11	9:00	کار		8
9	28/11	9:00	کار		28/11	9:00	کار		9
10	29/11	9:00	کار		29/11	9:00	کار		10
11	30/11	9:00	کار		30/11	9:00	کار		11
12	1/12	9:00	کار		1/12	9:00	کار		12
13	2/12	9:00	کار		2/12	9:00	کار		13
14	3/12	9:00	کار		3/12	9:00	کار		14
15	4/12	9:00	کار		4/12	9:00	کار		15
16	5/12	9:00	کار		5/12	9:00	کار		16
17	6/12	9:00	کار		6/12	9:00	کار		17
18	7/12	9:00	کار		7/12	9:00	کار		18
19	8/12	9:00	کار		8/12	9:00	کار		19
20	9/12	9:00	کار		9/12	9:00	کار		20
21	10/12	9:00	کار		10/12	9:00	کار		21
22	11/12	9:00	کار		11/12	9:00	کار		22
23	12/12	9:00	کار		12/12	9:00	کار		23
24	13/12	9:00	کار		13/12	9:00	کار		24
25	14/12	9:00	کار		14/12	9:00	کار		25
26	15/12	9:00	کار		15/12	9:00	کار		26
27	16/12	9:00	کار		16/12	9:00	کار		27
28	17/12	9:00	کار		17/12	9:00	کار		28
29	18/12	9:00	کار		18/12	9:00	کار		29
30	19/12	9:00	کار		19/12	9:00	کار		30
31	20/12	9:00	کار		20/12	9:00	کار		31
32	21/12	9:00	کار		21/12	9:00	کار		32
33	22/12	9:00	کار		22/12	9:00	کار		33
34	23/12	9:00	کار		23/12	9:00	کار		34
35	24/12	9:00	کار		24/12	9:00	کار		35
36	25/12	9:00	کار		25/12	9:00	کار		36
37	26/12	9:00	کار		26/12	9:00	کار		37
38	27/12	9:00	کار		27/12	9:00	کار		38
39	28/12	9:00	کار		28/12	9:00	کار		39
40	29/12	9:00	کار		29/12	9:00	کار		40
41	30/12	9:00	کار		30/12	9:00	کار		41
42	31/12	9:00	کار		31/12	9:00	کار		42

3	1	2	4	1	3	4	1	3	15	11	4
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Attestation

 Govt. Secy to Secy,
 Alti Secy, ...
 27/12/19

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA

Phone # 0997-382271 Fax # 0997-382244
E-mail Address: edoedu_mansehra@yahoo.com

NOTIFICATION

Mr. Fida Muhammad S/O Muhammad Farid DM GMS Devel Mansehra. WHEREAS Mr. Fida Muhammad DM GMS Devel Circle Mansehra was proceeded against under Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011 on account of fake and fabricated documents have been found in service record and tempering in documents was proved.

- x. Whereas Mr. Fida Muhammad DM was reappointed and posted at GMS Devel District Mansehra under sacked Employee Act 2012 vide this office vide Endst No. 10261-67 dated 20-06-2019. On the basis of documents provided by you as per direction of Honourable Peshawar High Court Abbottabad Bench vide his judgment dated 03-04-2018.
- xi. Whereas according to the Terms and Condition NO.20 of the appointment order is that "their documents" if found fake/bogus at any stage, their appointment order shall be withdrawn and legal action be taken against him."
- xii. Whereas after issuing of appointment order the competent authority sent a letter to the Head Master GMS Ahl Seri Mansehra for verification of record of Mr. Fida Muhammad DM GMS Ahl Seri vide letter No.10635 dated 25-06-2019.
- xiii. After verification of your documents/service record, fake and fabricated documents have been found in your service record.
- xiv. Whereas, as per report of the Head Master GMS Ahl Seri vide dated 04-07-2019 with the remarks that "No record found relating to Mr. Fida Muhammad Ex-DM i.e First Appointment order, Charge report/Arrival report in over school, No such record of the Pay record of the said teacher in school. Acquaintance role, only Attendance Register shows Mr. Fida Muhammad remained present w.e.f 14-11-1996 to 24-12-1996 (02 Months). Whereas log book and appointment order file were checked no such record was found of the said person in our school for the period 1996-1997.
- xv. Whereupon the Initial Inquiry conducted by the officer on 06-08-2019, the said committee submitted report to this office on 12-08-2019, with the remarks that no such record i.e Log Book, Appointment order, charge report, arrival report was found in school record, and also he marked his attendance in attendance register fraudulently through unknown sources, the case is fake, so the appointment order may be withdrawn. It shows that you have committed misconduct /illegality thus violated E&D rule, 2011.
- xvi. WHEREAS as per Inquiry report dated 12-08-2019, a showcause notice was issued to concerned vide this office No. 15760 dated 24-09-2019, and received reply of showcause on 28-09-2019.
- xvii. WHEREAS, he was called for personal on 08-10-2019, while attending the office of undersigned on 11-10-2019 and heard.
- xviii. AND WHEREAS the competent authority District Education Officer (M) E&SE Mansehra after having considered the charges and evidence on record, perusal of reply of show cause notice & Personal hearing, is of the view that the charges against the accused Teacher have been proved. Therefore the appointment order vide Endst No.10268-74 dated 20-06-2019 in r/o Mr. Fida Muhammad DM GMS Devel Mansehra is hereby **WITHDRAWN** from the date of issue of re-appointment order (Ab-initio Withdrawn) with immediate effect.

Sd/-
DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

Endst: No. 17693-96 /F.No.Final Showcause/Appointt:2019 (M)//Dated 17/11 /2019

Copy forwarded for information to the:

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. District Monitoring Officer (IMU) Mansehra.
3. District Account Officer Mansehra.
4. Head Master GMS Devel.
5. Mr. Fida Muhammad Residence of village Nakka P/O Lissan Nawab Teh: & Dist: Mansehra.
6. Office File.

DY: DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

No. _____/ST Dated ____/____/2023


To:

The District Education Officer,
Mansehra.

Subject: **JUDGMENT IN SERVICE APPEAL NO. 8636/2020**
TITLED FIDA MUHAMMAD -VS- GOVERNMENT OF KHYBER
PAKHTUNKHWA THROUGH SECRETARY EDUCATION,
PESHAWAR AND OTHERS.

I am directed to forward herewith a certified copy of judgment dated 20.02.2023, passed by this Tribunal in the above mentioned appeal for strict compliance.

Encl. As above.


(AAMIR FAROOQ)
ASSITANT REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR.



KHYBER PAKHTUNKWA
SERVICE TRIBUNAL, PESHAWAR

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To:

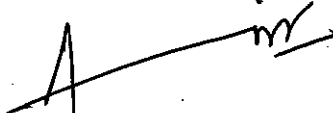
The District Education Officer,
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