

ORDER


13.01.2022

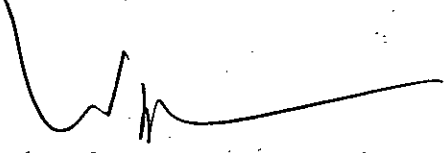
Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, passed in Service Appeal bearing No. 856/2019 titled Islam uddin Versus The Secretary Elementary and Secondary Education (Merged Areas) Khyber Pakhtunkhwa Peshawar and others", the instant service appeal is accepted. The impugned orders are set aside and the appellant is re-instated in service with all back benefits. Respondents however are at liberty to conducted inquiry if they so desire. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

13.01.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

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



In the matter of
Appeal No. 759(P) CS-2019.

Jamaluddin Ex- Chowkidar Government Primary School shin Pokh Loi
Shalman Landi Kotal district Khyber..... (Appellant)

VERSUS

The Secretary Elementary and Secondary Education Khyber
Pakhtunkhwa, Peshawar and others.....(Respondents)

Application for early fixation of the appeal

Respectfully Submitted:

Put up to the worthy chairman with relevant appeal.
30/11/2021
That the above noted appeal is pending adjudication in this Honourable Tribunal and is fixed for 16.03.2021.

Ready
2. That the date fixed in the instant appeal is too far. The appellant has already suffered a lot and he is jobless also thus the case in hand deserves to be fixed at the earliest.

Fix in January 2022
1-2-13-1-22
3. That it will be in the interest of justice too if the petition in hand is fixed at the earliest.

01/12/2021
4. That there is no legal impediment in early fixation of the noted appeal.

It is therefore requested that the above noted appeals be fixed at the earliest.

Applicant

Through

[Signature]
YASIR-SALEEM
Advocate High court.

14.07.2021

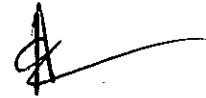
Junior to counsel for appellant present.

Asif Masood Ali Shah learned Deputy District Attorney alongwith Munawar Khan ADEO for respondents present.

Case was fixed for arguments in pursuance to the order sheet dated 01.04.2021 however respondents have not submitted written reply/comments despite last chance. Representative of respondents made a request for time to furnish written reply/comments. Request is accorded with direction to submit written reply/comments within 10 days in office. In case the respondents failed to submit comments within further extended time from today, they shall have to seek extension of time through written application citing sufficient reasons. Otherwise, their right for submission of reply/comments shall stand ceased. To come up for arguments on 25.11.2021 before D.B.



(Rozina Rehman)
Member (J)



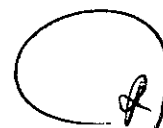
Chairman

25.11.2021

Appellant in person present.

Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

Learned Member Executive (Mr. Atiq-ur-Rehman Wazir), is on leave, therefore, case is adjourned. To come up for arguments on 16.03.2022 before D.B.



(Rozina Rehman)
Member (J)

*Noted
clerk
Sheeh Hassan
14-12-21*

04.02.2021

Junior to counsel for the appellant and Addl. AG for the respondents present. No representative of the respondents is in attendance.

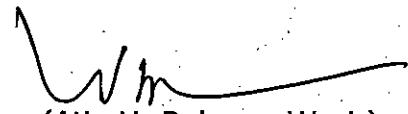
Learned AAG is required to contact the respondents and furnish the requisite reply/comments on 01.04.2021 as last chance.


Chairman

01.04.2021

Appellant in person present. Mr. Kabirullah Khattak learned Addl. AG for respondents present.

Reply/comments on behalf of ^{Respondents} not submitted despite last chance, therefore, the appeal in hand is posted to D.B for arguments on 14.07.2021.


(Atiq Ur Rehman Wazir)
Member (E)

01.09.2020

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

Learned AAG seeks time to contact the respondents and furnish written reply/comments. Adjourned to 27.10.2020 on which date the requisite reply/comments shall positively be furnished.


Chairman

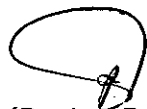
26.10.2020

Nemo for parties.

Kabir Ullah Khattak learned Additional Advocate General present.

Written reply was not submitted on behalf of respondents. Notice be issued to parties with direction to the respondents to submit written reply/comments positively on the next date.

Adjourned to 22.12.2020 before S.B.

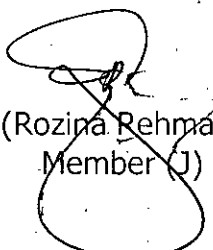

(Rozina Rehman)
Member (J)

22.12.2020

Appellant present in person.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Representative of respondents is not available. Case is adjourned on the request of learned A.A.G with direction to submit reply/comments on 04.02.2021 before S.B.


(Rozina Rehman)
Member (J)

27.02.2019

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant (Ex-Chowkidar) has filed the present service appeal against the order dated 28.01.2019 whereby major penalty of dismissal from service was imposed upon him.

Submissions made by the learned counsel for the appellant, need consideration. The present service appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 14.04.2020 before S.B.



Member

14.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 08.07.2020 for the same. To come up for the same as before S.B.



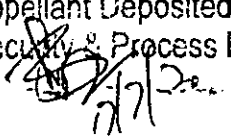
Reader

08.07.2020

Junior counsel for the appellant present.

Security and process fee has not been deposited. Junior counsel for appellant requested for extension of time; granted with direction to deposit the same within seven (07) days, where after notices be issued to respondents for written reply/comments, for 01.09.2020 before S.B.

Appellant Deposited
Security & Process Fee



Member (J)

11.09.2019

Counsel for the appellant present.

Learned counsel requests for adjournment being unwell today. Adjourned to 28.10.2019 for preliminary hearing before S.B.

Chairman 

28.10.2019

Counsel for the appellant present.

Learned counsel for the appellant requests for time to further document the brief by bringing on record the documents pertaining to regularization of service of the appellant. May do so on or before the next date of hearing.

Adjourned to 10.12.2019 before S.B.

Chairman 

10.12.2019

Junior to counsel for the appellant present.

Requests for adjournment due to general strike of the Bar. Adjourned to 15.01.2020 before S.B.

Chairman 

15.01.2020

Junior to counsel for the appellant present.



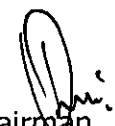
Requests for adjournment due to general strike of the Bar today. Adjourned to 27.02.2020 before S.B.

Chairman 

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- 759/2019


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/06/2019	<p>The appeal of Mr. Jamal-ud-Din resubmitted today by Mr. Yasir Saleem 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 20/6/2019</p>
2-	24/06/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>16/07/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	16.07.2019	<p>Nemo for the appellant. Notice be issued to appellant/counsel for preliminary hearing on 11.09.2019 before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mr. Jamaluddin Ex-Cohwkidar Government Primary School Shin Pokh Loi Shalman Landi Kotal District Khyber received today i.e. on 28.05.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of impugned order and departmental appeal against it are not attached with the appeal which may be placed on it.
- 2- Documents referred to in the memo of appeal Annexure-A to F are not attached with the appeal which may be placed on it.
- 3- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1032 /S.T,

Dt. 29-5- /2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Yasir Saleem Adv. Pesh.

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Appeal No. 759/2019

Jamal uddin, Ex-Chowkidar Government Primary School Shin Pokh
Loi Shalman Landi Kotal District Khyber.....(**Appellant**)

VERSUS

The Secretary Elementary and Secondary Education Khyber
Pkhtunkhwa Peshawar and others(**Respondents**)

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4	Copy of salary slip	C	8
5	Copy of application dated 12.02.2018	D	9
5	Copy of Office Order dated 28.01.2019	E	10
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Jamal Uddin
Appellant

Through

Yasir Saeem
YASIR SAEEM
Advocate Peshawar

1

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

Appeal No. 759 /2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 816

Dated 28/5/2019

Jamal uddin, Ex-Chowkidar Government Primary School Shin Pokh
Loi Shalman Landi Kotal District Khyber

(Appellant)

VERSUS

1. The Secretary Elementary and Secondary Education
(Merged Areas) Khyber Pkhtunkhwa Peshawar.
2. The Director Elementary and Secondary Education
(Merged Areas) Khyber Pkhtunkhwa Peshawar.
3. District Education Officer, District Khyber.

(Respondents)

Filed to-day

Registrar

28/5/19

RE-SUBMITTED TO-DAY
AND FILED.

Registrar
20/6/19

APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974,
AGAINST THE ORDER DATED 28.01.2019, WHEREBY
THE APPELLANT HAS BEEN AWARDED THE MAJOR
PUNISHMENT OF DISMISSAL FROM SERVICE,
AGAINST WHICH HIS DEPARTMENTAL APPEAL
DATED 29.01.2019 HAS NOT BEEN RESPONDENT
WITHIN THE STATUTORY PERIOD OF NINETY
DAYS.

Prayer in Appeal: -

On acceptance of this appeal the impugned order dated
28.01.2019, may kindly be set aside and the appellant may be re-
instated into service with all back benefits and wages of service.



Respectfully Sheweth,

The appellatant humbly submit as under.

1. That appellatant was appointed as Chowkidar in the Respondent Department vide appointment letter dated 01.10.2005. *(Copy of appointment letter dated 01.10.2005 is attached as Annexure A)*
2. That he was medically examined and when found fit he started performing his duties. *(Copy of medical certificate is attached as Annexure B)*
3. That ever since his appointment, the appellatant had performed his duties as assigned with zeal and devotion and has never given any chance of complaint whatsoever regarding his performance. It is pertinent to mention here that his service book and pay roll was also prepared for the purpose of pay and pension. The appellatant regularly got his monthly salaries for the worked he performed till October 2017. *(Copy of salary slip is attached as Annexure C)*
4. That while performing his duties in the said capacity, without serving any charge sheet or conducting any inquiry and personal hearing, the salary of the appellatant was stopped in the year 2017 in the name of conducting inquiry. The appellatant submitted application for the release of salaries vide his application dated 12.02.2018, however he was initially assured that soon his salary would be released. *(Copy of the application dated 12.02.2018 is attached as Annexure D)*
5. That however the respondent neither conducted any impartial inquiry nor provided any kind of personal hearing to the appellatant and he was just kept on waiting for release of his salary.
6. That astonishingly, instead of releasing of salary of the appellatant, quite illegally he has been awarded the major penalty of dismissal from service vide office order dated 28.01.2019. *(Copy of Office Order dated 28.01.2019 is attached as Annexure E)*
7. That the appellatant submitted his departmental appeal dated 29.01.2019, however the same has not been within the statutory period of ninety days. *(Copy of the departmental appeal dated 29.01.2019 is attached as Annexure F)*

8. That the impugned order dated 28.01.2019 is illegal unlawful against the law and facts hence liable to be set aside inter alia on the following grounds:

GROUND OF APPEAL.

1. That the appellant has not been treated in accordance with law hence his rights secured and guaranteed under the law are badly violated.
2. That no procedure has been followed before his dismissal from service. He has never been served any charge sheet and statement of allegations nor any regular/ impartial inquiry has been conducted to dig out the facts before passing the impugned order of dismissal, thus the impugned order is defective in the eyes of law.
3. That the appellant has not been provided proper opportunity of personal hearing before awarding him the penalty hence the appellant have been condemned unheard.
4. That no charge sheet or statement of allegations as prescribed under the law and rules has been served upon him hence the appellant have not been provided fair opportunity to defend his self against the charges leveled. The impugned order is thus passed in violation of the principles of natural justice.
5. That the appellant has never committed an act or omission which could be termed as misconduct, albeit he has been awarded the penalty. He has been appointed in the year 2005 and since then he had been performing his duties as chowkidar and got his monthly salaries hence valuable rights have been accrued in his favor which could not snatched away through such impugned order.
6. That it is also pertinent to mention here that the inquiry report (if any) has never been provided to the appellant, thus whole proceedings before the imposition of penalty are defective in the eye of law.

7. That it is pertinent to mention here that the enquiry officer suggested the penalty of compulsory retirement from service (as is highlighted in impugned order) while the appellant was imposed the major penalty of dismissal from service without giving any reasons, so the impugned order is defective and liable to be set aside on this ground too.
8. That the Appellant has been appointed by the competent authority he was medically examined and when found fit, duly took over charge of his post and started performing duties, his pay roll was also prepared and he got his salaries for more than 12 years, thus the order of appointment had been acted upon and valuable rights had been created in favour of him. As principle of *LOCUS PONATENTIE* strongly lied in his favor so the services could not be snatched away illegally with one stroke of pen.
9. That if all there were any irregularity or illegality committed in the process of appointment, the same can neither be attributed to the appellant nor can he be punished and suffered for the faults or lapses committed by others.
10. That he has never committed any act or omission which could be termed as misconduct, albeit he has been dismissed from service.
11. That the appellant has at his credit a spotless service career, the penalty imposed upon him is harsh and liable to be set aside.
12. That the appellant is jobless since his illegal dismissal from Service.
13. That the appellant seeks the permission of this Honorable Tribunal to rely on additional ground at the hearing of this appeal

It is, therefore, humbly prayed that on acceptance of this appeal the impugned order 28.01.2019, may kindly be set aside and the appellant may be re-instated into service with all back benefits and wages of service.

5


Appellant

Through


YASIR SAEEM
Advocate Peshawar

AFFIDAVIT

It is solemnly affirm and declare on oath that the contents of the above noted appeal as well as accompanied application for condonation of delay are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honorable Tribunal.


DEPONENT

OFFICE OF THE AGENCY EDUCATION OFFICER KHYBER AGENCY AT JAMRUD
OFFICE ORDER.

Consequent upon with the verbal approval of the Political Agent Khyber Agency Mr, Jamaluddin is hereby temporarily appointed against the vacant C/TV /Chowkidar post at GPS Shinpokh Tehsil Landikotal Khyber Agency in BPS No.01 Rs, 2150-65-4100 P.M plus usual allowances as admissible under the rules on contract basis with effect from the date of their taking over charge in the interest of public services. Mr, Jamaluddin will work as Gun man with the undersigned in the present chronic situation of Khyber Agency.

Note:-

1. Charge report should be submitted to all concerned.
2. The appointment of the Candidate being purely on Temporary/ Contract basis and is liable to terminate any time without any notice in case they wishes to resign their post. He shall give one Month prior notice or forfeit one Month pay in lieu thereof.
3. Their Documents Date of Birth & Domicile certificate should be checked before handed over charge of the post and attested copies there of kept on record of the office.
4. He should produce Health and Age certificate from the Agency Surgeon concerned.
5. Age should be accorded to the Govt: rules.
6. If they fail to report within 15 days the order will be treated as cancelled.
7. The order is made on contract basis

(ABDUR RASHID QUARISHI)
AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD

Endst No. 2555-58

Dated 01-10-2005

Copy forwarded to the

1. Director of Education FATA (NWFP) Peshawar
2. Political Agent Khyber at Peshawar
3. Agency Accounts Officer Khyber at Jamrud
4. Accountant local Office
4. Official Concerned.

Abd Rashid
AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD

gpr
Attested

~~Attested~~

(B)
Amir
(7)

MEDICAL CERTIFICATE.

Name of Official..... **Jamal Uddin**

Caste or race..... **Masood**

Father's name..... **Mr. Abdur Rashid**

Residence..... **Village Ser Sar Speen Kanan Lala Khel Tehsil Makeen MR.**

Date of birth..... **02.03.1931**

Exact height by measurement..... **5-5"**

Personal mark of identification..... **N.Y.**

Signature of the Official..... *[Signature]*

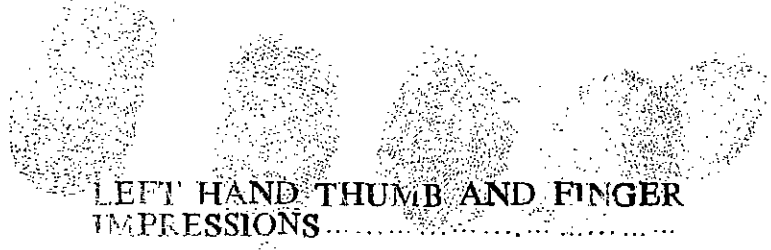
Signature of head of office.....

Seal of Office.....

I do hereby certify that I have examined Mr. **Jamal Uddin** a candidate for employment in the Office of the **Education Deptt.** and can not discover that he had any disease communicable or other constitutional affection or bodily infirmity except **Nil**

I do not consider this as disqualification for employment in the office of the **Education Deptt.** His age according to his own statement **24** year and by appearance about **Twenty Four** years.

[Signature]
Attested



LEFT HAND THUMB AND FINGER IMPRESSIONS

[Signature]
Medical Superintendent.
Civil Hospital
Agency Headquarter Hospital

GOVERNMENT OF PAKISTAN
 ACCOUNTANT GENERAL GENERAL PAYROLL SYSTEM
 DISTRICT Hyderabad

PAYMENT ADVICE

P Sec: 001 Month: April 2013
 KH0012 - AGENCY EDUCATION OFFICE
 Min: Min. OF K.A & N.A & S.F.R
 NTN:
 GPF #:
 Old #:

[Handwritten signature]

Pers #: 00413633 Buckle:
 Name: JAMAL UD DIN
 Des: CHOWKIDAR
 CNIC No. 2170374660801

DEPT CODE KH0012 -003

LFP Interest Free
 02 Regular / Contract

PAYS AND ALLOWANCES:

3001-Basic Pay	6,090.00
1000-House Rent Allowance	910.00
1210-Convey Allowance 2005	1,700.00
1300-Medical Allowance	1,000.00
1520-Unattractive Area Allow	1,700.00
1567-Washing Allowance	100.00
1748-Adhoc Allowance 2010@ 50%	1,767.00
1970-Adhoc Relief Allow 2011	530.00
2115-Adhoc Relief Allow (2012)	1,218.00
Gross Pay and Allowances	15,015.00

DEDUCTIONS:

3661-E.E.F (Exchange)	50.00
3701-Renevolent Fund(Exchange)	120.00
3704-Group Insurance(Exchange)	58.00
3711-Addl Group Insurance(Exch)	3.00

Subtr:

Total Deductions

231.00

NET AMOUNT PAYABLE

14,784.00

QUALIFYING SERVICE
 YRS MON
 08 Years 10 Months

D.O.B
 17.12.1987
 001 Days

LFP Quota:
 ALLIED BANK LTD.
 0010008125720012

ABL SHER PALAH SU

To: The worthy Director Edu. Agency
FAFA Wansale Road P.O.
Subject (Appeal for release of pay) 9

Respected Sir,

With due regards, it is brought into your kind notice, that I was appointed as class IV (Chaukidar), in education dept, Wylher Agency in 2005. I was performing my duties regularly, but suddenly my pay was stopped.

Therefore, it is requested, that the A.F.O Wylher, may kindly be directed to release my pay.

I shall be very thankful, for your this act of kindness.

Thanks

Yours Sincerely

Imaduddin

Class IV Wylher
depp't Wylher Agency

Def-d
12/2/18

KPESSED

DISTRICT EDUCATION OFFICE
KHYBER TRIBAL DISTRICT KHYBER AT JAMRUD
PHONE. 091-5820584 FAX 091-5820584
NO: DATED: / / 2019

Amir
E
10

DISTRICT EDUCATION OFFICE KHYBER TRIBAL DISTRICT AT JAMRUD
NOTIFICATION


1. WHEREAS The District Education Officer Khyber Tribal District had come to know through the ADEO Landi Kotal by Checking of Master Payroll that Mr. Jamal Uddin Chowkidar S/O Abdur Rashid Personnel Number.00413833 is drawing Pay w.e.f. 01/10/2005 at GPS Shin Pokh Loi Shalman Landi Kotal Khyber Tribal District whereas there is no sanction post of chowkidar occupied by the accused. The pay of concerned Chowkidar was stopped and his name alongwith Personnel Number 00414833 was reflected in leading Newspapers "Daily Mashriq" dated.27/05/2018 and "Daily Express" dated.27/05/2018.
2. WHEREAS The Undersigned constituted enquiry committee to probe into the matter dated 28/09/2018 and recommended Compulsory Retirement than The Undersigned conducted an Enquiry and the Enquiry report No. 782 (Annexure C) Dated. 27/01/2019 recommended the accused for dismissal from Govt. Service.
3. NOW THEREFORE In exercise of the powers conferred under Part 4 (v) of Khyber Pakhtunkhwa Government Servants Efficiency and Disciplinary Rules 2011, the undersigned Authority, Agency Education Officer Khyber, is pleased to impose a major penalty "Dismissal from service" upon Mr. Jamal Uddin Chowkidar S/O Abdur Rashid GPS Shin Pokh Loi Shalman Landi Kotal Khyber Tribal District with immediate effect

MUHAMMAD JADOON KHAN
DISTRICT EDUCATION OFFICER
KHYBER TRIBAL DISTRICT AT JAMRUD

Encl: No 3364-68

Date 28/01/2019

- Copy of the above is forwarded to the:
1. Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
 2. Deputy Commissioner Khyber Tribal District at Peshawar
 3. District Accounts Officer at Jamrud.
 4. ADEO Local Office Pay Clerk
 5. To Mr. Jamal Uddin S/O Abdur Rashid under registered cover to his home address.


DISTRICT EDUCATION OFFICER
KHYBER TRIBAL DISTRICT AT JAMRUD

Attested

30

The Director Edu Sats MDT
Wazirabad Pothohar

F
Amex

Subject: Departmental appeal against the order
dt 28/1/19 in r/o Jamal-u-din class - IV

(11)

R/w
I have the honor to state that I was
performing my duty regularly to the entire satisfaction
of my superiors but suddenly I was dismissed
from the service without valid grounds and my
service is now about 14 years.

Therefore, it is humbly requested in your gracious
honour that I may very kindly be restored on
the said post for the larger interest of justice
Sd/- 29/1/19.

Yours

Yours obediently

Jamal u din S/o Abdurashed
Class - IV

Attested

بخدمت جناب سروسٹریجنرل جج صاحب سپاؤ



2 مخجاب

جمالدیوبہ نام کورٹٹیٹ

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آئیکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب ذہی وکل کاروائی متعلقہ
 آں مقام سپاؤ کیلئے ریاضہ مسلم
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو رضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب ذہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور وصولی چیک دروپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا ساختہ
 برداشتہ متاخر قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جاندا التوائے مقدمہ کے سبب سے ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

الرقوم 28 ماہ 2019

واہ الب کے لئے منظور ہے۔

مقام سپاؤ

کی لائیں

BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR.

Appeal No.759/2019

Jamal Uddin.....Appellant.

Versus

Education Department Khyber Pakhtunkhwa & Others..... Respondents.

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Dated 03 / 09 /2021

Appeal No.759/2019

Jamal Uddin.....Appellant.

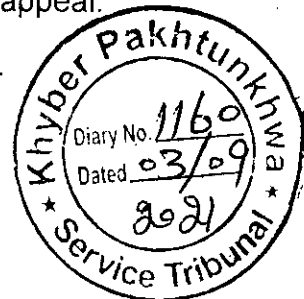
Versus

Education Department Khyber Pakhtunkhwa & Others..... Respondents.

Comments on behalf Respondents No.1 - 3.

Preliminary objections.

- That the appellant has got no cause of action locos standi to file the instant appeal.
- That the appellant has not come to this honorable tribunal with clean hands.
- That appellant concealed material facts from this honorable tribunal.
- That the appellant is stopped by her own to bring the present appeal
- That the appellant is bad due to mis-joinder and non-joinder of necessary parties
- That the appeal is barred by law.



Respectfully submitted as;

ON FACTS.

01. Incorrect, hence denied The DEO Khyber had come to know through the ADEO Landi Kotal by checking the master pay roll that the appellant Mr. Jamal Ddin Ex-Chowkidar S/0 Rashid P No. O0413833 was drawing pay wef 10/10/2005 at GPS Shin Pokh Shalman Landi Kotal Khyber Tribal Distt where as there is no sanctioned post of Chowkidar occupied by the accused, then his pay was stopped and his name and personal number also reflected in two leading newspaper "Daily Mashriq"& Daily Express dated 27/05/2018. Copies are attached as Annexure-A &B. It reveals that the concern Chowkidar was directly inducted into the system, copy attached as Annexure-C.
02. Incorrect. Hence denied. The concerned Chowkidar was recommended for dismissal from Govt service vide Inquiry Report No 782 dt. 22/1/19. Two inquiries have been conducted in the instant case and the inquiry officers submitted the inquiry reports vide date 28/9/2018. Copies attached as Annexure D&E.
03. Incorrect, hence denied. The appellant was appointed fraudulently and illegally and got salaries by illegal ways and never performed duty. He caused a great loss to the national exchequer, That's why the 2nd inquiry report recommended his dismissal from service
04. Incorrect, hence denied. Proper opportunity was given but he failed to prove himself legally and rightly.
05. Incorrect hence denied. As elucidated in above para
06. Incorrect hence denied. The respondent department never violets the rights of anyone and always acted according laws /rules and has also followed the proper legal procedure in the instant case. When the respondent come to know that the appellant Mr. Jamal Uddin Chowkidar s/o Abdur Rashid is a permanent resident of Mukeen Tehsil of South Waziristan Agency is drawing pay wef 01/10/2005 at GPS Shin Pokh Shalman Landi Kotal Khyber Tribal Distt where as there is no sanctioned post of Chowkidar occupied by the accused, then his pay was stopped and his name and personal number also reflected in two leading newspaper "Daily Mashriq"& Daily Express dated 27/05/2018. Copies are attached as Annexure-A &B. Letter No. 12009, dated 24/4/2018 from the AEO Khyber

(3)

Agency at Jamrud to The Agency Account officer Khyber Agency at Jamrud for the provision of necessary evidence / documents in R/O the official for direct induction in SAP system is also attached as Anx C.

7. Proper opportunity of personal hearing was also given the appellant but he failed to prove himself innocent Two inquiry have also been conducted in this connection, vide date 28/9/2018 and vide no.782 doted 22/01/2019, The second inquiry report recommends dismissal from service of the appellant. Copies of inquiry report are attached as Anx-D&E Finally, in the light of second inquiry report respondent department (Competent Authority Imposed major penalty of dismissal upon the appellant being fraudulently inducted in SAP System, vide Endst Na. 3364-68 dated 28/01/2019, Copy of dismissal order attached as Anx-F.

Grounds.

- A. Incorrect. Hence denied. The respondent department has treated the appellant in accordance with laws/rules. The respondent department adopted proper procedure and dismissed the appellant being fraudulently induced in Education Department
- B. Incorrect hence denied. As elucidated in para 6 above facts.
- C. Incorrect hence denied. As elucidated in para 6 above facts.
- D. Incorrect. Hence denied. The respondent department followed proper procedure and finally on the recommendations of the second inquiry report the appellant was dismissed from service. Copy or dismissals order attached as Anx-F
- E. Incorrect hence denied. As elucidated above that the appellant could not prove himself innocent because he was fraudulently inducted in SPA system and thus is guilty of misconduct and violation of rules, hence under E&D rules 2011 he was dismissed from service
- F. Incorrect. Hence denied.
- G. Incorrect hence denied. As elucidated in para 6 above facts.
- H. Incorrect hence denied. As elucidated in para 6 above facts.
- I. Incorrect hence denied. As elucidated in para 6 above facts.
- J. Incorrect hence denied. As elucidated in para 6 above facts.
- K. Incorrect. Hence denied.
- L. Incorrect hence denied. As elucidated In para 6 above facts

Respondents department also seeks permission of this Honorable Tribunal to advance other grounds at the time of hearing the case.

PRAY:

It is humbly prayed that the appeal may please be dismissed with cost.

Respondent No. 2


**Director E & SE,
Khyber Pakhtunkhwa**

Respondent No. 3


**District Education Officer
NMD Khyber**

Appeal No.759/2019

Jamal Uddin.....Appellant.

Versus

Education Department Khyber Pakhtunkhwa & Others..... Respondents.

Comments on behalf Respondents No.1 - 3.

Affidavit

I Munawar Khan, Focal Person (litigation) of District Education Khyber, do hereby solemnly affirm and declare that the contents of the accompanying para wise comments submitted by the respondent are correct to the best of their knowledge and belief and nothing has been concealed from this honorable court.

C12

Respondent. 3 :

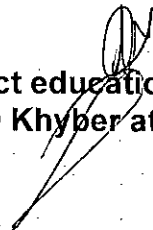
 District Education Officer

NMD Khyber

(5)

Authority Letter

Mr. Munawar Khan /focal Person of (Litigation) District education Officer Khyber is hereby authorized to submit parawise comments in the court on the behalf of respondant.


District education Officer
NMD Khyber at Jamrud

کلاسیفائیڈ

آپ کے کا

سوداگشت کے بین الاقوامی مسافر ٹیکسٹ بک خانہ اولڈ زمین
سنگرتا کوکرت کے اس کے قبضے
جس بڑا مدد کرنی۔ طرز کو تھانہ لا

بھارت چھ ممالک میں

مقدمہ نمبر 381/FC سال
31/5/18۔ عنوان سہ ماہیہ
یہ نکاح۔ اشتہار عام طرز
تفصیل مدخل سوات مقدمہ
کی تیس عام اور آسان طریقے
علیم بالا کو بڑی اخبار اشتہار
مقررہ اصلا و کا D یا اختیار
مقدمہ کریں بصورت دیگر تہا
مل میں لائی جائیگی۔

مہر عدالت

بھارت

مقدمہ نمبر 371/ رج 2/31/18
اشتہار عام: 1۔ عملی خان حوتی
(vii) (باد سے خان (8) ہمازے؛
اقبال سین انور من بہر من آ
ساکنان آئیگی یاں پشاور۔ 4۔ سا
صار گزرج خان بڑی ہمازے اور
مقدمہ عنوان والا شدہ عالمی کی
31/5/18 کارستانہ ہمازے اختیار

following position on
interview. No TA/ DA

Duty Station	Post
Peshawar	01

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bskpk.com

شوکار نوٹس

مندرجہ ذیل تمام ممالک تیز آف ایکشن خیر کو بڑی اشتہار بنا مطلع کیا جاتا ہے۔ کہ وہ اس اشتہار کے 15 دن کے اندر ایسی ایسی ایکشن میں
ایک ایسی ایسی کے سامنے پیش ہو جائیں بصورت دیگر آپ کے خلاف E&D Rules, 2011 کے تحت کارروائی عمل میں لائی جائیگی۔

نمبر شمار	پوسٹ نمبر	نام	مہدہ
1	407249	میدان سبز	لی
	409074	شاہی آفری	لی
	408463	مالیہ	لی
4	408600	بھکر	لی
5	408645	خاندان ماسک	لی
6	423548	گت شاہین	لی
7	423483	سید	لی
8	423545	شہباز اختر	لی
9	511419	شہباز بیکم	لی
10	423514	گلگیر بیکم	لی
11	423316	نورین	لی
12	414788	شاہی بھکر	لی
13	50183007	شہباز بیکم	لی
14	423090	گوریشن	لی
15	423566	بھادر مہان	چوکیدار
16	50150035	فرحت	چوکیدار
17	413917	اکرم شاہ	چوکیدار
18	412704	اسلام الدین	چوکیدار
19	414755	اسامیل خان	چوکیدار
20	413833	عبدالین	چوکیدار
21	50150026	سورخان	چوکیدار
22	412174	امیدہ	چوکیدار
23	50169940	نور اسلام	چوکیدار
24	683926	سازہ	چوکیدار
25	414717	سرور خان	چوکیدار
26	50156564	سلطان شاہ	چوکیدار
27	412710	داجہ الدین	چوکیدار
28	50189539	احمل خان	چوکیدار
29	50170436	مینہ	کار
30	412762	شہباز خان	کامی
31	50178149	نازل بیکم	اصلی
32	413971	میدان سبز	ای ایم
33	412182	سید حسین	لی
34	441799	انور اور شاہد	نائب قاسم
35	20230049	شاہد	نائب قاسم
36	423464	سلسلہ	لی
37	50189538	مطالعہ	چوکیدار

صدران خان روزمرہ، ایجنسی ایجنسی آفٹر خیر ایجنسی

پشاور

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National Engineering Ser
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House located in Sector B-2
The building is equipped wit
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be given to Mullinational &
public dealing. Terms of F
inspection visit may be made
Friday at the address given be
Rs. 500/- (Rupees five hundi

Bids stating the name and de
with copy of CNIC in a sealed
of (floor name) must reach a
June 11, 2018 (Monday) u
opened on the same day and
of the bidders' representative
call deposit equal to 2% of the
Manager, NESPAC Peshawa

This advertisement is
(www.nespac.com.pk) and
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according to provision of PPF
Farman Ullah, Regional
No. 24/B-2, Phase
Tel: 091-6328780, Fax: 091-

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051-485-7437/0340-4150133

شوکار نوٹس

مندرجہ ذیل تمام ایپلانیٹیز آفیسر ایجوکیشن خیبر کو بڈر ایڈ اسٹہارڈ پبلسٹک کیا جاتا ہے کہ وہ اس اسٹہارڈ کے 15 دن کے اندر اپنا رجسٹریشن ایجوکیشن میں انکوائری کمیٹی کے سامنے پیش ہو جائیں، بصورت دیگر آپ سب سے رجسٹریشن کے تحت کارروائی عمل میں لائی جائیگی۔

- (1) پرسنل نمبر 407249 عبدالمزین نی ٹی، (2) 409074 شاز یہ آفریدی نی ٹی، (3) 408463 عالیہ تبسم پی ایس نی، (4) 408500 بلقیس پی ایس نی، (5) 582645 خالدہ یاسمین پی ایس نی، (6) 423548 ثقیب شامین پی ایس نی، (7) 423483 صبیحہ پی ایس نی، (8) 423545 شبناز اختر پی ایس نی، (9) 511419 شبناز بیگم پی ایس نی، (10) 423514 شکیلہ بیگم پی ایس نی، (11) 423316 نسرین پی ایس نی، (12) 414788 شاز یہ عزیز پی ایس نی، (13) 50183007 شبناز بیگم پی ایس نی، (14) 423090 محمد شفیع پی ایس نی، (15) 423566 بہادر جان چوکیدار، (16) 50150035 فرحت چوکیدار، (17) 413917 اکرام اللہ چوکیدار، (18) 412704 اسلام الدین چوکیدار، (19) 414755 اسماعیل خان چوکیدار، (20) 413833 خالدین چوکیدار، (21) 50150026 مسعود خان چوکیدار، (22) 412174 تابدید چوکیدار، (23) 50169940 نور اسلام چوکیدار، (24) 683926 سارہ چوکیدار، (25) 414717 سرور خان چوکیدار، (26) 50156564 سلطان شاہ چوکیدار، (27) 412710 وجیبہ الدین چوکیدار، (28) 50189539 اجمل خان چوکیدار، (29) 50170436 صفیہ کالر، (30) 412762 شبناز خان سی ٹی، (31) 50178149 تازی بیگم اے ٹی، (32) 413971 عبدالوحید ائی ایم، (33) 412182 سعید حسین پی ای ٹی، (34) 441799 اخوندادو شاپور نائب قاصد، (35) 20230049 شاز نواز نائب قاصد، (36) 423464 لعل بادشاہ پی ایس ٹی، (37) 50189538 عطا اللہ چوکیدار۔

جدون خان وزیر ایجوکیشن آفیسر خیبر ایجنسی

AL-A

مدد، ماہ پشوی
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Agency Education Office

Khyber Agency at Jamrud

Phone. 091-5820265 Fax 091-5820265

No. 12077

Dated: 24 / 04 / 2018

To

The Agency Accounts Officer
Khyber Agency at Jamrud

Subject: PROVISION OF NECESSARY EVIDENCE/DOCUMENTS IN R/O
THE FOLLOWING OFFICIALS FOR INDUCTION IN SAP SYSTEM

Memo:

The undersigned request you to provide all the necessary documents i.e source-1, appointment orders, etc in r/o the following officials for further necessary action.

S.No.	P#	Name	Design:
1. ✓	407249	Abdul Aziz	TT
2. ✓	409074	Shazia Afridi	TT
3. ✓	408463	Alia Tabasum	PST
4. ✓	408500	Bilqees	PST
5. ✓	582645	Khalida Yasmin	PST
6. ✓	423548	Nighat Shahcen	PST
7. ✓	423483	Sabiha	PST
8. ✓	423545	Shehnaz Akhtar	PST
9. ✓	511419	Shehnaz Begum	PST
10. ✓	423514	Shakeela Begum	PST
11. ✓	423316	Nasreen	PST
12. ✓	414788	Shazia Aziz	PST
13. ✓	50183007	Shehnaz Begum	PST
14. ✓	423090	Muhammad Shafiq	PST
15. ✓	423566	Bahadar Jan	Chow
16. ✓	50150035	Farhat	Chow
17. ✓	413917	Ikram Ullah	Chow
18. ✓	412704	Islam ud Din	Chow
19. ✓	414755	Ismaeel Khan	Chow
20. ✓	413833	Jamal ud Din	Chow
21. ✓	50150026	Masoud Khan	Chow
22. ✓	412174	Nabeeda	Chow
23. ✓	50169940	Noor Islam	Chow

	583926	Saira	Chow
	414717	Sarwar Khan	Chow
26. ✓	50156564	Sultan Shah	Chow
27. ✓	412710	Wajih ud Din	Chow
28. ✓	50189539	Ajmal Khan	Chow
29. ✓	50170436	Safia	Caller
30. ✓	412762	Shehnaz Khan	CT
31. ✓	50178149	Nazli Begum	AT
32. ✓	413971	Abdul Waheed	DM
33. ✓	412182	Saeed Hussain	PET
34. ✓	441799	Akhun Zada Sha pur	NQ
35. ✓	20230049	Shah Nawaz	NQ
36. ✓	423464	Lal Bad Shah	PST
37. ✓	50189538	Atta Ullah	Chow

AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD

Endst: No. _____

Dated: _____ / 2018

1. Director of Education FATA at Peshawar.
2. Accountant General of Pakistan.
3. Supp: Local Office.

AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD

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Amir = C)

P-10

		Cost ctr	Cost Center	Job	CNIC	Birth date	appoint	BPS	Act.	Action	Bank account
	ABDUL AZIZ		MEWA KHAN								
	ALIA TABASSUM		SHAHID ALI AFSAR	T.T							
00	BILQAEES		STANA MIR	PST	2120108001519	01.07.1960	04.09.1985	7	10	Leaving	2738-4
0074	SHAZIA AFRIDI		SANOBAR KHAN	PST	1610111621860	05.03.1981	01.10.1999	7	10	Leaving	50317900018403
	NAHEEDA WIDOW OF GHERAN GUL (SHAHEED)		SHER ALI	T.T	2120239351292	01.01.1986	04.10.2004	9	10	Leaving	4556-2
5	412174				2120221522038	01.01.1980	01.01.1999	9	10	Leaving	3157-4
6	412182		SAEED HUSSIAN	CHOWKIDAR	2120238077954	02.02.1965	12.04.1983	4	16	ACTIVE	4320445092
7	412704		ISLAM UD DIN	P.E.T.	1710211465635	01.06.1966	01.09.1986	14	10	Leaving	1000987
8	412710		WAJAH UD DIN	CHOWKIDAR	2170325668850	01.09.1980	01.09.1999	2	10	Leaving	10008009280010
9	412762		SHAHNAZ KHAN	CHOWKIDAR	2170324488559	01.07.1980	01.08.1996	2	10	Leaving	10008027690012
10	413833		JAMAL UD DIN	C.T TEACHER	1341700000610	07.07.1975	01.09.1996	15	10	Leaving	1000324
11	413917		IKRAM ULLAH	CHOWKIDAR	2170374660801	17.12.1987	01.07.2004	2	10	Leaving	10008125720012
12	413971		ABDUL WAHEED	CHOWKIDAR	2120334665021	01.07.1984	17.12.2002	2	10	Leaving	
13	414755		ISMAIL KHAN	Pr Govt High School	2120353906673	04.01.1976	21.09.2005	16	12	ACTIVE	3150003245901
14	414788		SHAZIA AZIZ	CHOWKIDAR	2120184848831	20.10.1975	21.11.2006	2	10	Leaving	
15	423090		MUHAMMAD SHAFIQ	PST	2120216621102	14.04.1975	21.09.1998	7	10	Leaving	1333-5
16	423316		NASREEN	PST	1730154285653	21.06.1979	20.05.2005	9	10	Leaving	4661-4
17	423464		LAL BADSHAH	PST	2120340512200	21.05.1975	20.05.1994	7	10	Leaving	373000116
18	423483		SABIHA	PST	2103403400031	21.05.1975	01.01.1998	10	10	Leaving	8144-4
19	423514		SHAKILAH BEGUM	PST	2130400300000	21.05.1980	01.01.2001	7	10	Leaving	1001744
20	423545		SHAHNAZ AKHTAR	PST	2201304770007	12.05.1974	22.05.1999	12	10	Leaving	6525-4
21	423548		NIGHAT SHAHEEN	PST	2205304000030	22.05.1980	01.01.2001	12	10	Leaving	18828-0
22	423566		BAHADAR JAN	PST	2103040300000	21.05.1980	22.05.1999	12	10	Leaving	021-00692
23	441799		AKHUN ZADA SHAH	CHOWKIDAR	2102000020000	03.04.1982	01.01.2001	1	12	Reentry in	38854510101324
24	511419		SHAHNAZ BAGUM	NAIB QASID	2120795731167	06.04.1971	06.04.2009	1	10	Leaving	4637900508203
25	582645		KHALIDA YASMIN	PST	2134007770333	01.03.1978	03.05.2000	9	10	Leaving	010-5933-4
26	683926		SAIRA	PST	2130050070150	01.05.1971	01.07.1991	10	10	Leaving	110051169
27	50150026		MASAOOD KHAN	CHOWKIDAR	2134150347000	22.05.1961	01.09.1978	8	10	Leaving	205088638
28	50150035		FARHAT	CHOWKIDAR	1234700507500	21.05.1960	01.01.1990	2	10	Leaving	1008-007
29	50156564		SULTAN SHAH	CHOWKIDAR	2134700534500	21.05.1961	03.09.1983	2	10	Leaving	5895-7
30	50169940		NOOR ISLAM	CHOWKIDAR	2120448353681	01.01.1994	10.10.2012	1	10	Leaving	204049142
				CHOWKIDAR	2120243407955	13.08.1986	01.05.2013	1	10	Leaving	1001366-100010
31	50170436		SAFIA	CALLERS	1730150757901	01.05.1980	01.09.1999	2	10	Leaving	1827100070303



INQUIRY REPORT

DATED:- 28/9/2018

To,

**The District Education Officer,
Tribal District Khyber.**

44
Annexure "D"

SUBJECT:- MISSING EMPLOYEES

Memo,

Reference no.12009 dated 24/04/2018, in the list of missing employees; three inquiries have been submitted already to the DEO Office Jamrud on different dates. This time three class-IV, i-e Islam-ud-din, Jamal-ud-din and Wajih-ud-din approached to the DEO office at Jamrud. The concerned ADEOs(M) landikotal and Jamrud, informed the inquiry officers about the date and time on which all these three class-iv should visit and attend the DEO office Jamrud for personal hearing. So they were called upon to the DEO office Jamrud on 27th June, 2018 along with related documents.

BACK GROUND HISTORY

During Army operation and due to the threats of miscreants, many employees disappeared and were getting their salaries at home. But with the passage of time, most of the employees were redeployed in tehsil Jamrud and Landikotal. Now the situation has become normalise and most of the non-functional schools in tehsil Bara have been opened and teaching learning process is started. As for as the case of these three class-iv is concerned, they came on screen when their salaries have been stopped. All the three class-iv were appointed in different dates and two of them are the sons of Late AEO Khyber (Abdul Rashid Mehsood) and the third one is his nephew. They were called upon on 27th June, 2018 for personal hearing to GHS No.2 Jamrud.

PROCEDURE ADOPTED

For personal hearing, all the three employees came to GHS No.2 Jamrud on due date. They brought all the related documents and official letters. During conversation and question answer sessions, they clearly confessed that they did not perform their duties as class-iv properly. Moreover, they had approached to DEO office Jamrud for nearby adjustment but the response of office was not optimistic. The undersigned provided the questionnaire to the employees to fill up with their response. After their response, it was mentioned that they did not justify the responsibility of regularity. They provided their documents and photo copies of their service books. The details of their records can be seen in the next heading i-e facts and findings.

FACTS AND FINDINGS

The service history of these three employees and other related documents are described below one by one.

***Mr. ISLAM-UD-DIN S/O ABDUR RASHID, working as Chowkidar at GPS Alam Godar Bara.**

Date of birth = 01/09/1980..... Date of appointment = 31/08/1999.

- | | |
|--|---------|
| 1. Appointment order.....Endst: No.3348-51 dated 31/08/1999. | FLAG--A |
| 2. CNIC No.17301-3592274-5, with wrong D.O.B = 01/03/1988. | FLAG--B |
| 3. Court degree for correction in D.O.B =01/09/1980. | FLAG--C |
| 4. Medical Certificate, dated 15/09/1999. | FLAG--D |
| 5. G.P.Fund copy up to December, 2013. | FLAG--E |
| 6. Pay slip copy (Nov: 2013) | FLAG--F |
| 7. Service Book photo copy | FLAG--G |
| 8. Statement on Stamp Paper | FLAG--H |
| 9. Questionnaire | FLAG--I |
| 10. Application for correction in date of birth | FLAG--J |

ECCTB
Stominate
Mr. Islam-ud-din
as per the
for officers
hearing
HW
Abdul Rehman

Mr. WAJIH-UD-DIN S/O BASHIR REHMAN, working as chowkidar at GPS Samsai Shalman LKL

Date of Birth = 01/08/1978.....Date of appointment= 01/08/1996

- | | |
|---|---------|
| 1. Appointment order...Endst: No.4062-64 dated 01/08/1996 | FLAG--A |
| 2. CNIC No.17301-2448855-9, with wrong D.O.B =1980 | FLAG--B |
| 3. Court degree for correction in D.O.Birth | FLAG--C |
| 4. Medical Certificate dated 03/08/1996 | FLAG--D |
| 5. G.p.Fund copy up to 2017-18 | FLAG--E |
| 6. Photo Copies of Service Book | FLAG--F |
| 7. Statement on Stamp Paper | FLAG--G |
| 8. Questionnaire | FLAG--H |

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Annexure-D

* Mr.JAMAL-UD-DIN S/O ABDUR-RASHID, working as chowkidar at GPS Shinpokh Shalman LKL

Date of Birth =02/03/1981.....Date of appointment =01/10/2005

- | | |
|--|---------|
| 1. Appointment order... Endst: no.2555-58 dated 01/10/2005 | FLAG--A |
| 2. CNIC NO.21703-7466080-1, with Date of Birth =02/03/1981 | FLAG--B |
| 3. Statement on Stamp Paper about D.O.Birth. | FLAG--C |
| 4. Medical Certificate dated 07/10/2005 | FLAG--D |
| 5. Pay slip of April-2013. | FLAG--E |
| 6. Statement on Stamp Paper about duty.... | FLAG--F |
| 7. Application about Duplicate Service Book... | FLAG--G |
| 8. Questionnaire | FLAG--H |

RECOMMENDATIONS

On the bases of all the above documentations and official letters, both the Inquiry officers came to the conclusion that their service record and performance is not satisfactory and optimistic. All the above three class-iv clearly pointed out in their questionnaires and personal statements that their attitudes towards duty was not favorable and realistic. Moreover, they expressed their inner views in the last question of the questionnaire that they will continue their duties at any cost and will not be disappointed the DEO office Jamrud in future.

Therefore, keeping the above facts in view, the undersigned recommended the following points that should be carried out for the betterment of Education Department.

1. It is recommended that COMPULSORY RETIREMENT should be imposed upon all these three class-iv simultaneously as major penalty.
2. The period of stoppage of pay wef Nov: 2017 up to retirement date should be converted into LEAVE WITHOUT PAY and proper entries should be made in their Service Books.
3. Duplicate Service Book should be prepared for JAMAL-UD-DIN (chowkidar) at GPS Shinpokh Shalman Landikotal on priority bases before his compulsory retirement.
4. After receiving the new CNIC of the two employees i.e Mr.ISLAM-UD-DIN and Mr. WAJIH-UD-DIN, the process of Compulsory Retirement should be started.
5. It is also recommended that DEO Khyber should call all the three employees personally and get information's from them before taking any sort of further decisions.
6. All the entries of the employees (Mr.Islam-ud-din and Mr. Wajih-ud-din) in their Service books should be completed properly in limited time to start the process of Compulsory Retirement.

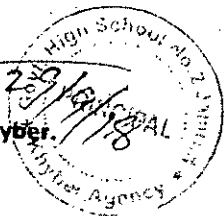
INQUIRY COMMITTEE MEMBERS

1. Mr.Saleem Khan wazir (Principal)
GHS Sur Kamar Jamrud Distt: Khyber.
PRINCIPAL
GOVT HIGH SCHOOL
SUR KAMAR JAMIRUD
KHYBER AGENCY

Saleem Khan
29/09/2018

2. Mr.Gohar Khan (Principal)
GHS No.2 Jamrud Distt: Khyber.

Gohar Khan



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Anx-E

To

The District Education Officer
Tribal District Khyber

PRINCIPAL
GOVT. SHAHMO ABDUL AZAM AFRIDI
HIGHER SECONDARY SCHOOL NO 1,
JAMRUD KHYBER AGENCY

No 782 dt 22/01/19

SUBJECT: ENQUIRY REPORT VR MISSING EMPLOYEE

Annexure - "E"

Please refer to your office endorsement No.:2110-14 dated 27-11-18, the enquiry report is submitted for further necessary action.

Background

The District Education Officer Khyber, at Jamrud vide Endorstt:2110-14 dated 27-11-18, assigned the enquiry to the undersigned, Principal GSAAAHS No 1 Jamrud, to probe in to the case of three missing employees who are drawing salaries from education office namely:

1. Islam ud Din s/o Abdur Rashid (chowkidar)
2. Wajihud Din s/o Bashir Rahman (chowkidar)
3. Jamal ud Din s/o Abdur Rashid (chowkidar)

Annexure A**Procedure**

The undersigned visited the schools and investigated in to the case, checked available record and obtained statements of the staff including community members to dig out the facts

Facts & Findings**A) Islamud Din s/o Abdur Rashid (chowkidar)**

1. DOB: 01-09-1980 according to NIC No. 2170325668850
2. DOB: 01-03-1988 according to CNIC No. 173013592274-5
3. DOB: 01-09-1980 according to CNIC No. 173013592274-5
4. DOB: 1980 according to service record.
5. Bank account No. 0010008009280010 at ABL Sher Palam Swat
6. Personal No. 00412704
7. Appointed as chowkidar at GPS Illangudar Bara in BPS 1 vide Agency Endorstt: no. 3348-51 dated 31-8-1999
8. Services length : above 19 year plus
9. He in his statement and questionnaire he admits his guiltiness that he never performed his duty as chowkidar and used a substitute chowkidar to whom he was paying some monthly amount through the official of AEO.khyber Office but he failed to point/name or accused a single official. He is a permanent resident of Makeen Tehsil of South Waziristan Agency having temporary address of service colony Regi Lalma karkhano market Peshawar.

Annexure B**B) Wajihud Din S/O Bashir Rahman (chowkidar)**

1. IV. DOB: 01-08-1978 according to service record.
2. DOB in CNIC 21703-24488555-9 is year 1980
3. BOB in Service record is 01-08-1978
4. Appointed chowkidar at GPS Samsai Shalman, Landikotal in BPS 1 vide Endstt: no. 4062-64 dated 01-08-1996
5. Services length : 22 year plus
6. He in his statement and questionnaire he admits his guiltiness that he never regularly performed his duty as chowkidar and used a substitute chowkidar to whom he was paying some monthly amount through the official of AEO.khyber Office but he failed to point/name or accused a single official. He is a permanent resident of Makeen Tehsil of South Waziristan Agency having temporary address as the same too.

Agreed & ✓
No 409
Date 23/1/19
23/1/19

Annexure C

C) Jamal ud Din S/O Abdur Rashid (chowkidar)

1. DOB:02-03-1981 according to medical service record
2. DOB in CNIC No.21703-7466080-1 is 02-03-1981
3. DOB In Payslip 17-12-1987
4. Appointed chowkidar at GPS Shin Pokh shalman, Landi kotal in BPS 1 vide Endstt: no.2555-58 dated 01-10-2005
5. Services length :13 year plus
6. Bank account No.0010008125720012 at ABL Sher Palam Swat
7. Personal No.00413833
8. NIC No.2170374660801
9. He in his statement and questionnaire he admits his guiltiness that he never regularly performed his duty as chowkidar and used a substitute chowkidar to whom he was paying some monthly amount through the official of AEO.khyber Office but he failed to point/name or accused a single official . He is a permanent resident of Makeen Tehsil of South Waziristan Agency having temper address of service colony regi Lalma karkhano market Peshavar..

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Annexure - E

Annexure D

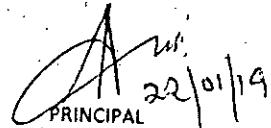
Conclusion

1. All the three are residence of Makeen Tehsil of South Waziristan Agency and not of Khyber Agency
2. Two of them are sons of late Abdur Rashid then AEO Khyber and the third one is has close relative
3. All the three were receiving salaries without performing their duties as chowkidars as they admitted in their statements and in the questionnaires
4. They have accused the AEO office officials for their wrong doings as they stated that they were paying some amount to them to facilitate them in this connection i.e. to use substitute as chowkidar.
5. No substitute of any of the three was found
6. Two pay slip show their account are in ABL sher Palam, Swat District, KPK which is very suspicious
7. The signatures on appointment letter no 2555-58 dated 01-10-2005, of mr Jamal ud Din do not match with the sign of Abdur Rashid ex AEO and seems absolutely bogus.
8. During investigation no substitute was named by Islam ud Din s/o Abdur Rashid, Wajihud Din s/o Bashir Rahman and Jamal ud Din s/o Abdur Rashid
9. Jamal ud Din order seems fake;
10. Only Islam ud attended the office of enquiry officer to question the answers and appeared personally
11. The Primary head teachers of GPS Alam Godar Bara, GPS Shinpokh No1, and No.2 and GPS Samsai of Shalman area and AAEO/ADEO bara and Landi kotal also stated that Islam ud Din s/o Abdur Rashid, Wajihud Din s/o Bashir Rahman and Jamal ud Din s/o Abdur Rashid have never been seen in these schools nor they have ever heard of them.
12. The Primary head teachers of GPS Shinpokh No1, and No.2 and GPS Samsai of Shalman area said that locals are chowkidars there and they are the relatives of land donors. Annexures ,F,G,H,I
13. The local's elders were also investigated who told that among the three that no person ever joined as chowkidar in these primary schools for a single day neither is anybody, been paid to do duty for them as substitute.
14. It is evident that all these are drawing their salaries over and above sanctioned post and without performing duty as chowkidars ,with the assistance of officials of Agency /District education office Khyber ,hence exercising fraudulent ways to draw salaries from Govt. Exchequer

Recommendations

Keeping in view the above facts all the three are guilty of miss conduct and violation of rules and regulations, hence under E&D rules 2011;

- a. major penalty of dismissal from service is recommended for all the three i.e. Islam ud Din s/o Abdur Rashid, Wajihud Din s/o Bashir Rahman and Jamal ud Din s/o Abdur Rashid
- b. Recovery may be made from all the three above culprits
- c. Case may be referred for further investigation to FIA and NAB to investigate further in to fix responsibility on official of AEO/DEO office to check corrupt practices.


 22/01/19
 PRINCIPAL
 GSAAAHS No 1 JAMRUD
 DISTRICT, KHYBER
 GOVT. SHAHEED ABUL AZAM AFRIDI
 HIGHER SECONDARY SCHOOL NO 1
 JAMRUD KHYBER AGENCY



DISTRICT EDUCATION OFFICE
 KHYBER TRIBAL DISTRICT AT JAMRUD
 PHONE 091-5270584 FAX 091-5820584
 NO: DATED: / / 2019

DISTRICT EDUCATION OFFICE KHYBER TRIBAL DISTRICT AT JAMRUD
NOTIFICATION

1. WHEREAS The District Education Officer Khyber Tribal District had come to know through the ADEO Landi Kotal by Checking of Master Payroll that Mr. Jamal Uddin Chowkidar S/O Abdur Rashid Personnel Number: 00413853 is drawing Pay w.e.f. 01/10/2005 at GPS Shin Pokh Loi Shalman Landi Kotal Khyber Tribal District whereas there is no sanction post of chowkidar occupied by the accused. The pay of concerned Chowkidar was stopped and his name alongwith Personnel Number 00414853 was reflected in leading Newspapers "Daily Mashriq" dated. 27/05/2018 and "Daily Express" dated. 27/05/2018.
2. WHEREAS The Undersigned constituted enquiry committee to probe into the matter dated. 28/09/2018 and recommended. Compulsory Retirement than The Undersigned conducted 2nd Enquiry and the Enquiry report No. 782 (Annexure C) Dated. 22/01/2019 recommended the accused for dismissal from Govt Service.
3. NOW THEREFORE In exercise of the powers conferred under Para 4 b (iv) of Khyber Pakhtunkhwa Government Servants Efficiency and Disciplinary rules 2011, the competent Authority, Agency Education Officer Khyber, is pleased to impose a major penalty "Dismissal from service" upon Mr. Jamal Eddin Chowkidar S/O Abdur Rashid GPS Shin Pokh Loi Shalman Landi Kotal Khyber Tribal District with immediate effect

(MUCHAMMAD JADOON KHAN)
 DISTRICT EDUCATION OFFICER
 KHYBER TRIBAL DISTRICT AT JAMRUD

Encl. No 3364-68

Date: 28/01/2019

Copy of the above is forwarded to the:-

1. Director Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Khyber Tribal District at Peshawar
3. District Accounts Officer at Jamrud
4. ADEO Local Office Pay Clerk
5. To Mr. Jamal Uddin S/O Abdur Rashid under registered cover to his home address

DISTRICT EDUCATION OFFICER
 KHYBER TRIBAL DISTRICT AT JAMRUD