

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

Service Appeal No. 1430/2019.

Date of Institution ... 31.07.2019

Date of Decision ... 24.02.2023

Azhār Bilal Niazi S/O Ghulam Mustafa Niazi. R/O Mohallah Nogazi, Mansehra, Ex-PST Government Primary School Makarha Bala, Tehsil and District Mansehra.

... (Appellant)

**VERSUS**

Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Peshawar and 02 others.

... (Respondents)

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MR. MUHAMMAD ARSHAD KHAN TANOLI,  
Advocate

---

For appellant.

MR. MUHAMMAD ADEEL BUTT,  
Additional Advocate General

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For respondents.

MR. KALIM ARSHAD KHAN  
MR. SALAH-UD-DIN

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CHAIRMAN  
MEMBER (JUDICIAL)

**JUDGMENT:**

SALAH-UD-DIN, MEMBER:- Precisely stated the facts surrounding the instant service appeal are that the appellant was appointed as PST on 13.11.1994. He remained absent from duty with effect from 28.03.2009 till 23.08.2011 and was entitled for five years leave without pay, while he availed six years and nine months leave. He was called on for personal hearing on 23.08.2011 by the then Executive District Officer Elementary & Secondary Education

Mansehra and vide order dated 27.10.2011, the services of the appellant were notified as ceased with effect from 28.03.2009. The said order was challenged by the appellant through departmental appeal, which was not responded within the statutory period, constraining the appellant to file Service Appeal No. 297/2012 before this Tribunal. The afore-mentioned service appeal of the appellant was accepted by this Tribunal vide judgment dated 29.06.2018 and the respondents were directed to conduct fresh full-fledged inquiry in the matter and also give opportunity of hearing to the appellant. The competent Authority conducted fresh inquiry in the matter and vide impugned order dated 12.07.2019, the competent Authority has held that the appellant cannot be reinstated in service. The appellant challenged the same by way of filing departmental appeal, however the same was not responded, hence the instant service appeal.

2. On admission of the appeal for full hearing, notices were issued to the respondents to submit their reply/comments, however they failed to submit the same, therefore, their right of submission of reply/comments was struck of vide order dated 19.07.2022 and the appeal in hand was fixed for arguments.

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

the appellant and contended that the impugned order has been passed in accordance with relevant rules.

4. Arguments have already been heard and record perused.

5. A perusal of the record would show that vide Notification dated 27.10.2011, issued by the then Executive District Officer Elementary & Secondary Education Mansehra, the services of the appellant were notified as ceased with effect from 28.03.2009 on the ground that the appellant had remained absent with effect from 28.03.2009 till 23.08.2011. The afore-mentioned Notification dated 27.10.2011 was previously challenged by the appellant through filing of Service Appeal No. 297/2012 before this Tribunal, which was accepted vide judgment dated 29.06.2018, whereby the Notification dated 27.10.2011 was set-aside and respondents were directed to conduct fresh full-fledged inquiry in the matter. The relevant para-06 and 07 of the judgment dated 29.06.2018 are reproduced as below:-


*“6. The service of the appellant has been ceased w.e.f 28.03.2009 whereas order has been passed on 27.10.2011 and so this very order itself is defective in the eyes of law. Apart from this, this Tribunal did not find any inquiry, charge sheet or show-cause notice given by the respondents to the appellant but even then imposed major penalty of ceasing his service and in this way, the respondents committed serious blunder by not following the legal procedure prescribed under the law.*

*7. The crux of the above discussion is that after taking into consideration the above-mentioned factual and legal position of the case, this Tribunal reached the conclusion*

*that it is a fit case to be interfered by this Tribunal under its appellate jurisdiction. As such, on acceptance of the appeal, the impugned order dated 27.10.2011 stands set-aside and the respondents are directed to conduct fresh full-fledged inquiry and also give opportunity of hearing to the appellant. With the above observations, the appeal stands disposed off. Parties are left to bear their own costs. File be consigned to the record room."*

6. We have carefully gone through the available record to ascertain as to whether the fresh inquiry in the matter had been conducted in accordance with the directions issued by this Tribunal in its judgment dated 29.06.2018 or not. Available on the record is copy of letter dated 10.09.2018, whereby a committee comprising of Mr. Luqman Sahib Principal GHSS No. 1 Mansehra, Mr. Muhammad Nazir Principal GHSS Pairan Mansehra and Mr. Muhammad Aslam Vice-Principal GHSS Parhenna Mansehra was constituted to dig out the facts. The afore-mentioned inquiry committee carried out proceedings and submitted its report to the District Education Officer (Male) Mansehra vide letter dated 20.03.2019. The available record would show that on receipt of the inquiry report, the District Education Officer (Male) Mansehra issued show-cause notice to the appellant on 06.05.2019. In view of the judgment dated 29.06.2018, passed by this Tribunal, the competent Authority was required to have issued charge sheet as well as statement of allegations to the appellant and to have conducted a regular inquiry in the matter. It is, however astonishing that in its show-cause notice issued to the appellant on

06.05.2019, the competent Authority has dispensed with conducting of formal inquiry in the matter and passed impugned Notification dated 12.07.2019, whereby the competent Authority has held that the appellant cannot be reinstated. The previous order dated 27.10.2011 passed by the competent Authority regarding ceasing of services of the appellant with effect from 28.03.2019 has already been set-aside by this Tribunal in the previous round of litigation, while in the fresh inquiry proceedings, the appellant has not been provided any penalty prescribed in the relevant rules.



7. The allegations as leveled against the appellant were that he had remained absent with effect from 02.12.2008 to 12.10.2011 and had joined SRSP as Social Organizer without obtaining any NOC from the competent Authority. The respondents were required to have proceeded against the appellant in accordance with the relevant rules by complying the directions issued by this Tribunal in its judgment dated 29.06.2018. However, while going through the record, we have observed that the competent Authority did not bother to comply the directions issued by this Tribunal in its previous judgment dated 29.06.2018. The allegations against the appellant were serious in nature but the competent Authority conducted the fresh proceedings against the appellant in a whimsical manner and no legal sanctity could be attached to the same.

8. In view of the above discussion, the instant appeal is accepted and respondents are directed to allow the appellant to join his service by posting him on the relevant post. The absence period with effect

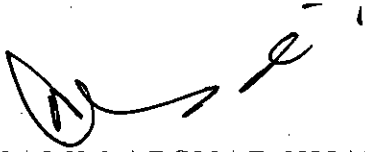
from 02.12.2008 as well as the intervening period shall be treated as leave without pay. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

24.02.2023



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)  
CAMP COURT ABBOTTABAD



(KALIM ARSHAD KHAN)  
CHAIRMAN  
CAMP COURT ABBOTTABAD

ORDER  
24.02.2023

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

Vide our detailed judgment of today, separately placed on file, the instant appeal is accepted and respondents are directed to allow the appellant to join his service by posting him on the relevant post. The absence period with effect from 02.12.2008 as well as the intervening period shall be treated as leave without pay. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
24.02.2023



(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad



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

23<sup>rd</sup> Feb, 2023

Appellant alongwith his counsel present. Mr. Muhammad

Adeel Butt, Additional Advocate General for the respondents present.

Arguments heard. To come up for order and consideration on  
24.02.2023 before the D.B at Camp Court Abbottabad.



(Salah-ud-Din)  
Member (J)  
Camp Court Abbottabad



(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad



15<sup>th</sup> Nov, 2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the brief of the instant appeal. To come up for arguments on 16.12.2022 before the D.B at Camp Court Abbottabad.

SCANNED  
KPST  
Peshawar



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




(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad

14<sup>th</sup> Dec, 2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Counsel are on strike. To come up for arguments on 23.02.2023 before the D.B at Camp Court Abbottabad.

SCANNED  
KPST  
Peshawar



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



(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad

19<sup>th</sup> July 2022 Learned counsel for the petitioner present. Syed  
Naseer Ud Din Shah, Asst: AG for respondents present.

Written reply/comments not submitted. Last  
chance was given to file reply with the warning that if  
they failed to submit written reply/comments their right of  
defence shall be struck off. Since they failed to submit  
written reply/comments, therefore, their right for  
submission of reply is struck off. To come up for  
arguments on 20.09.2022 before D.B at camp court  
Abbottabad.



(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad

20.09.2022

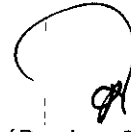
Appellant present through counsel.

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

Former requested for adjournment as he has not  
prepared the brief. Adjourned. To come up for arguments on  
15.11.2022 before D.B at Camp Court, Abbottabad.



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



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


*[Faint handwritten notes and signatures at the bottom of the page]*

21.09.2021

Appellant alongwith his counsel Mr. Muhammad Arshed Tanoli, Advocate, present. Preliminary arguments heard.

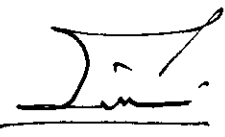
Points raised need consideration, hence, the appeal is admitted to regular hearing subject to all legal and valid objections. The appellant is directed to deposit security and process fee within 10 days, where-after notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments before the D.B on 22.12.2021 at Camp Court Abbottabad.

Appellant Deposited  
Security & Process Fee  
27/9/21

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)  
CAMP COURT ABBOTTABAD

22.12.2021

Learned counsel for the appellant present. Mr. Hamid Mansoor, Assistant alongwith Mr. Riaz Ahmad Paindakhel, Assistant Advocate General for the respondents present and sought extension of time to submit written reply/comment on the next date. Request is accorded with the directions to the respondents to submit written reply/comments on the next date positively, failing which their right for submission of written reply/comments shall be deemed as struck off. Adjourned. To come up for submission of written reply/comments on 15.02.2022 before the S.B at Camp Court Abbottabad.

  
(Salah-Ud-Din)  
Member (J)  
Camp Court Abbottabad

15.2.22:

Due to retirement of worthy chairman case is adjourned. To come up for the same on 19-7-22.

Leave  
Razvi

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


Reader

Due to summer vacation case to come up for the same on  
18 / 9 / 20 at camp court abbottabad.

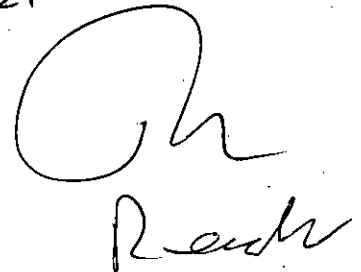
  
Reader

18.09.2020

Appellant is present in person. He is seeking adjournment for the reason that his learned counsel Mr. Arshed Khan Tanoli is elsewhere and is not available today at the moment. The request so made is acceded to. The appeal is adjourned to 14.12.2020. File to come up for preliminary hearing before S.B at Camp Court, Abbottabad.

  
(MUHAMMAD JAMAL KHAN)  
MEMBER  
CAMP COURT ABBOTTABAD

Due to COVID-19, case is  
adjourned to 20-04-2021

  
Reader

20-4-2021

Due to covid-19, case is adjourned  
to 21-9-2021.


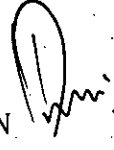

  
Reader

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- \_\_\_\_\_ 1430/2019


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/10/2019	<p>The appeal of Mr. Azjar Bilal Niazri received today by post through Muhammad Arshad Khan Tanoli 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 28/10/19</p> <p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>24-1-2020</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>24.01.2020</p> <p>Clerk to counsel for the appellant present and seeks adjournment on the ground that learned counsel for the appellant is not in attendance. Adjourn. To come up for preliminary hearing on 20.03.2020 before S.B at Camp Court Abbottabad.</p> <p style="text-align: right;"> Member Camp Court, A/Abad</p>

This is an appeal filed by Azhar Bilal Niazi today on 31/07/2019 against the order dated 12.07.2019 against which he preferred/made departmental appeal/ representation on 23.07.2019 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/Counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action.

No. 1359 /ST,

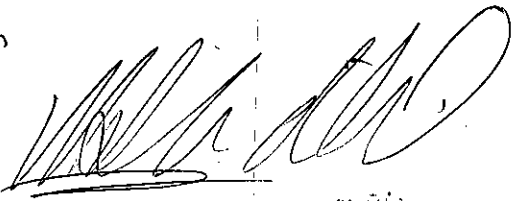
Dt. 1-8- /2019

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. M.Arshad Khan Tanoli Adv.  
High Court Abbottabad.

Siv,

Case / appeal is re-submitted  
as per direction

  
Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No 33 Adjacent to  
Distt Court Abbottabad

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

Service Appeal No. 1430 of 2019

Azhar Bilal Niazi .....Appellant

**VERSUS**

**SCANNED  
KPST  
Peshawar**

Government of Khyber Pakhtunkhwa through  
Secretary Elementary and Secondary Education,  
Peshawar etc.....Respondents

**SERVICE APPEAL**

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**Dated 20.07.2019**

Azhar Bilal Niazi  
.....Appellant

Through

**MUHAMMAD DARSHAD KHAN TANOLI,**  
Advocate High Court,  
Abbottabad.

①

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

**SCANNED  
KPST  
Peshawar**

Service Appeal No. 1430 of 2019

Azhar Bilal Niazi son of Ghulam Mustafa Niazi  
resident of Mohallah Nogazi, Mansehra, Ex-  
PST Government Primary School Makarha  
Bala, Tehsil and District Mansehra .....Appellant

Khyber Pakhtunkhwa  
Service Tribunal

**VERSUS**

Diary No. 1112

Dated 31/7/2019

1. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education, Peshawar.
2. Director, Elementary and Secondary Education, Peshawar.
3. District Education Officer (Male), Elementary and Secondary Education, Mansehra  
.....Respondents.

Filed today  
Registrar  
31/7/19

SERVICE APPEAL UNDER SECTION 4  
OF KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL ACT, 1974 AGAINST THE  
IMPUGNED NOTIFICATION/ORDER  
BEARING NO. 11660-64 DATED 12.07.2019  
WHEREBY SERVICES OF THE  
APPELLANT WERE CEASED WITH  
EFFECT FROM 28.03.2009 WHILE  
UPHOLDING THE ORDER NO.2543-50  
DATED 27.10.2011. THE APPELLANT  
FILED SERVICE APPEAL NO.297/2012  
BEFORE THIS HONOURABLE TRIBUNAL  
WHICH WAS DECIDED ON 29.06.2012

Re-submitted to -day  
and filed.

Registrar  
28/10/19



2

WHEREIN, IMPUGNED ORDER DATED  
27.10.2011 WAS SET ASIDE AND  
RESPONDENTS WERE DIRECTED TO  
CONDUCT FRESH FULL FLEDGED  
INQUIRY BUT RESPONDENTS' DEPARTMENT  
WITHOUT RE-INSTATING THE APPELLANT  
CONDUCTED INQUIRY WHICH IS  
AGAINST THE LAW AND WITHOUT  
ISSUING STATEMENT OF ALLEGATIONS  
AND PROPER INQUIRY; THE APPELLANT  
WAS AGAIN NOT RE-INSTATED VIDE  
IMPUGNED ORDER NO.11660-64 DATED  
12.07.2019 WHICH IS PERVERSE, AGAINST  
THE LAW, DISCRIMINATORY,  
WITHOUT LAWFUL JUSTIFICATION  
HENCE, THE IMPUGNED ORDER  
DATED 12.07.2019 IS LIABLE TO BE SET  
ASIDE.

PRAYER: -

On acceptance of the instant appeal, the impugned notification/order bearing No.11660-64 dated 12.07.2019 alongwith the order bearing No.2543-50 dated 27.10.2011 may graciously be set aside and the appellant may graciously be re-instated in service w.e.f. 28.03.2009 and all back benefits w.e.f 01.12.2008 may also be

granted/ awarded to the appellant. OR any other relief which this Honourable Tribunal deems appropriate in the circumstances of the case, may also be granted.

Respectfully Sheweth!

1. That, the appellant was serving in the respondents' department as PST and got appointment on 13.11.1994.

*Copy of the appointment order is annexed as annexure "A".*

2. That, the appellant got sanctioned extra ordinary leave, leave without pay w.e.f. 16.12.2006 to 01.12.2007 and then 02.12.2007 to 01.12.2008 but respondents' department with malafide intention ceased the service of the appellant w.e.f 28.03.2009 vide order dated 27.10.2011.

*Copy of the documents showing sanction of extra ordinary leave and initial ceasing of service order dated 27.10.2011 are annexed as annexure "B".*

3. That, the appellant filed service appeal bearing No.297/2012 which was decided on 29.06.2012. As per

judgment of this Honourable Tribunal impugned order dated 27.10.2011 was set aside and this Honourable Tribunal directed the respondents to conduct full fledged inquiry.

*Copies of service appeal No.297/2012 alongwith judgment are annexed as annexure "C".*

4. That, the respondents' department conducted inquiry against the appellant vide letter No.12888-90 dated 10.09.2018 without re-instating the appellant in service and without following the prescribed codal formalities passed the impugned notification/order bearing No.11660-64 dated 12.07.2019.

*Copies of the letter dated 10.09.2018, impugned order No.11660-64 dated 12.07.2019, inquiry report dated 20.03.2019 are annexed as annexure "D", "E" & "F".*

5. That, the appellant to be on the safe side, filed a departmental appeal against the impugned order dated 12.07.2019.

*(Copy of the departmental appeal is annexed as annexure "G").*

6. That, the appellant being aggrieved from the impugned notification/order dated 12.07.2019 seeks the gracious indulgence of this Honourable Tribunal by way of instant service appeal, inter alia, on the following grounds: -

**GROUNDS**

- a. That, initially, the services of the appellant were ceased and the this Honourable Tribunal in the judgment dated 29.06.2018 held that there is no law which provide ceasing of service. The respondents' department again maintained previous order dated 28.03.2009 and stated in the impugned order dated 12.07.2019 that the appellant cannot be re-instated.
- b. That, terms ceasing of the services of the appellant on the basis of so-called absence is absolutely alien to Khyber Pakhtunkhwa Efficiency and Discipline Rules, 2011 hence, impugned order dated 12.07.2019 is liable to be set aside.

- c. That, the copy of inquiry and other relevant record was not provided by the respondent No.3 with the show cause notice to the appellant and in this regard, the appellant submitted the application to the department for provision of inquiry report and other relevant record but department did not provide copy of inquiry report. Besides, statement of allegation has also not been provided which is against the law.

*Copy of show cause notice dated 06.05.2019 and reply dated 17.05.2019 thereof regarding provision of inquiry report are attached as annexure "H&I".*

- d. That, the appellant submitted numerous applications to Inquiry Officer i.e. D.E.O, Mansehra, Deputy Commissioner, Mansehra, R.T.I KPK Peshawar for issuance of inquiry report alongwith other relevant material but no heed was paid by the department despite of clear cut directions from the concerned quarter.

*Copies of the applications are annexed as annexure "J".*

- e. That, at the time of personal hearing dated 06.03.2019 one member Muhammad Aslam was not present but even then the said officer signed inquiry report and in this regard, *attendance certificate of the appellant are attached as annexure "L"* but respondents' department has led the appellant to the place which is utterly unknown to the principle of jurisprudence and natural justice. It is further submitted that the impugned order dated 12.07.2019 is stereo typed which is not maintainable in the eyes of law.
- f. That, as per law, the inquiry committee stated in their inquiry report that original service book and other necessary documents are missing in the District Education Office, Mansehra. Original line of the inquiry report is reproduced:

*"Original service book or it's photocopy is not available in the file of D.E.O (Male) Mansehra due to unknown reason"*

A question arises that how did the inquiry officer confirmed the so-called allegations of absence without original service documents. Hence, impugned

order dated 12.07.2019 is liable to be set aside.

- g. That, from the bare perusal of the inquiry report, the exhibits of the so-called documents by the respondents' department is also highly doubtful as no proper procedure, legal and codal formalities have been adopted by the inquiry officers for the ibid purpose. From such conduct/behaviour of the inquiry officers clearly shows that they being in league with the respondents' department have carried out all the proceedings which is a blatant violation of the relevant law, rules and regulations as well as procedure for the inquiry.
- h. That, the inquiry committee admitted that "on expiry of his leave without pay arrival report on 02.12.2008 at GPS Makarha Bala signed by the Head Teacher is also available on record but at the same time, the then dealing Assistant has reported him as "Absent" on the page showing leave calculation" which shows malafide on the part of department as well as the inquiry committee. It is worthy to note here that the dealing Assistant is part and parcel of respondents' department

and when inquiry report clearly admitted the negligence on the part of the dealing Assistant then why has the appellant not been re-instated in service and such act of the department speaks volume of their malafide.

- i. That, another glaring aspect of the case is that the respondents' department in their impugned notification as well as in previous order have shown to cease the service of the appellant w.e.f. 28.03.2009 whereas the alleged absence of the appellant has been shown by them w.e.f. 01.12.2008 and such acts clearly speaks that the appellant duly made his arriveal on the date fixed and remained in service w.e.f. 02.12.2008 to 28.03.2009 as per the record of the department.
  
- j. That, the inquiry proceedings and the inquiry committee also itself completely silent in its findings and recommendations regarding the willful absence of the appellant. Hence all the proceedings so conducted by the respondents' department as well as issuance of impugned letter No.2453-50 dated 27.10.2011 are nullity in the eyes of



law as the basic ingredients for so-called willful absence are completely missing in the instant case. Furthermore, the respondents' department as well as inquiry committee based all the findings on the above said letter for issuance of impugned notification dated 12.07.2019 is also against the law, rules and regulations which have no sanctity in the eyes of law.

- k. That, the matter relates to terms and conditions of the service, therefore, this tribunal has jurisdiction to entertain the instant service appeal.

.....**PRAYER**.....

**It is, therefore, most humbly** prayed that on acceptance of the instant appeal, the impugned notification/order bearing No.11660-64 dated 12.07.2019 alongwith the order bearing No.2543-50 dated 27.10.2011 may graciously be set aside and the appellant may graciously be re-instated in service w.e.f. 28.03.2009 and all back benefits w.e.f 01.12.2008 may also be granted/awarded to the appellant. OR any other

relief which this Honourable Tribunal deems appropriate in the circumstances of the case, may also be granted .

Dated 20.07.2019

Azhar Bilal Niazi  
.....Appellant

Through

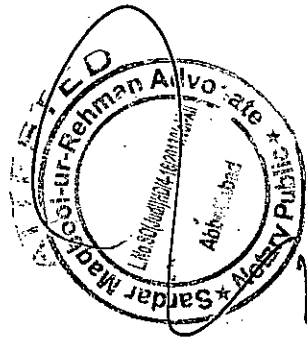
MUHAMMAD ARSHAD KHAN TANOLI,  
~~Advocate High Court,~~  
Abbottabad.

**AFFIDAVIT.**

I, Azhar Bilal Niazi son of Ghulam Mustafa Niazi resident of Mohallah Nogazi, Mansehra, Ex-PST Government Primary School Makarha Bala, Tehsil and District Mansehra, appellant, do hereby solemnly affirm and declare on oath that the contents of the foregoing service appeal are true and correct and nothing has been concealed from this Honourable Court.

Dated 20.07.2019

Azhar Bilal Niazi  
(DEPONENT)



12

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

Service Appeal No. \_\_\_\_\_ of 2019

Azhar Bilal Niazi .....Appellant

**VERSUS**

Government of Khyber Pakhtunkhwa through  
Secretary Elementary and Secondary Education,  
Peshawar etc.....Respondents

**SERVICE APPEAL**

**CORRECT ADDRESSES OF THE PARTIES**

**APPELLANT**

Azhar Bilal Niazi son of Ghulam Mustafa Niazi  
resident of Mohallah Nogazi, Mansehra, Ex-  
PST Government Primary School Makarha  
Bala, Tehsil and District Mansehra.

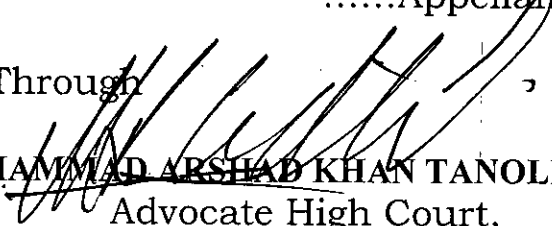
**RESPONDENTS**

1. Government of Khyber Pakhtunkhwa through  
Secretary Elementary and Secondary Education,  
Peshawar.
2. Director, Elementary and Secondary Education,  
Peshawar.
3. District Education Officer (Male), Elementary  
and Secondary Education, Mansehra.

Dated 20.07.2019

  
Azhar Bilal Niazi  
.....Appellant

Through

  
**MUHAMMAD ARSHAD KHAN TANOLI,**  
Advocate High Court,  
Abbottabad.

ANNEXURE  
'A' (13)

OFFICE ORDER NO. 83 /  
DATED 13-11- /1994.

APPOINTMENT.

Consequent upon their selection on merit, the following  
PTC Trained candidates are hereby appointed in BPS No. 7 @ Rs. 1420-81-2695  
plus usual allowances as admissible under the Rules w.e.f the date of  
their taking over charge against the newly created/vacant posts in the  
schools given against their names in the interest of Public Service:

S. NO	NAME & FATHER'S NAME	RESIDENCE	PLACE OF POSTING	REMARKS.
1.	S. Malang Shah S/O S. Akbar Shah	Tilli (Kund)	GPS Garhi A/Zai	A:V/post
2.	Umair Zareen S/O Muhammad Zar Dour	Mirza	GPS Manja Mote	---do---
3.	Gul Sharir Said S/O S. Haroon Shah	Zunglay (A.Z)	GPS Bimbal	---do---
4.	Sher Haider S/O Aurangzeb	Jareet	Kand Bala	---do---
5.	Hussain Ahmad S/O Azizur Rehman	Choond M.K	GPS Bartoon	---do---
6.	Muhammad Naeem S/O Muhammad Younis Khan	Sarwi	GPS Kottar	---do---
7.	Muhammad Shohaib S/O Azizur Rehman	Choond MK	GPS Choond M.K	---do---
8.	Sahib Zada S/O Muhammad Ladiq	Gawandla	GPS Nooray	---do---
9.	Bardar Behadar Shah S/O Noor Ahmad Shah	Zunglay	GPS Koteela	---do---
10.	Afsar Muhammad S/O Taj Muhammad Khan	Kamaisar	GPS Dore Pera	---do---
11.	Ihsanullah S/O Wahidullah	Zunglay	GPS Chira Kote	---do---
12.	Muhammad Saleem S/O Baz Muhammad	Kamaisar	GPS Salemani	---do---
13.	Tanweer Ahmad S/O Muhammad Khan	Karlal (Behali)	GPS Kunhar	---do---
14.	Muhammad Saeed Ahmad S/O Azizur Rehman	Data	GPS Kendar Tawara	---do---
15.	Azhar Bilal S/O Ghulam Mustafa	Nogazi	GPS Zungia K.D	---do---
16.	Muhammad Tufail S/O Abdul Ghani	Potha	GPS Chumb Kilagay	---do---
17.	Saufur Rehman S/O Shafiqur Rehman	Karer	GPS Doba KD	---do---
18.	Arshid Naseem S/O Muhammad Naseem	Bela L. Kote	GPS Balyani	---do---
19.	Mazharul Haq S/O Afzal Haq	Banda Balola	GPS Darbani.	---do---
20.	Muhammad Rashid S/O Ghulam Sarwar	Chakia	GPS Darbani.	---do---
21.	Muhammad Imtiaz S/O Fazalur Rehman	Bissian	GPS Sachka.	---do---
22.	Qaiser Naeem S/O Ghulam Jan	Chakia	GPS Tachora.	---do---
23.	Naeem Ejaz S/O Muhammad Iqbal	Chanana.	GPS Zeeta Rai	---do---
24.	Muhammad Ejaz S/O Abdur Rashid	Banda Balola	GPS Zeeta Rai	---do---
25.	Iftikhar Hussain Shah S/O S. Magbool Sh:	Nakote	GPS Wazara.	---do---
26.	Latifur Rehman S/O Muhammad Yousuf	Hara Mera	GPS Haru Ban	---do---
27.	Sultanul Harifeen S/O M. Mazafar Iqbal	Hari Mera	GPS Haru Ban	---do---
28.	Ibadur Rehman S/O Gul Faraz	Kotli Payeeo	GPS Haru Bala	---do---
29.	Muhammad Saleem S/O Mazafar Khan	Baff	GPS Haru Bala	---do---
30.	Mazhar Hussain S/O Muhammad Maroof	Parangri Bala	GPS Kessay Shatal	---do---
31.	Iftikhar Ahmad S/O Muhammad Farooq	Ch. Dial	GPS Banda Dada	---do---
32.	Iftikhar Ahmad S/O Muhammad Irfan	Shinkari	GPS Haru Asharay	---do---
33.	Akhtar Saeed S/O Muhammad Saeed	Kote	GPS Shalton	---do---
34.	Akhtar Zeb S/O Abdul Qayum	Kotli Bala	GPS Kares	---do---
35.	Shakirullah S/O Shafi Ullah	Buffa	GPS Scotton	---do---

Contd: Page No. 2

*(Handwritten signature)*

Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No. 33 Adjacent to:  
Distt Bar Abbottabad

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- |   |                 |                      |            |
|---|-----------------|----------------------|------------|
| Tajwar Sultan S/O Ghulam Nabi                     | Tarangri Bala   | GPS Mera K.K         | Ag:V/post. |
| 37. Muhammad Naseem S/O Muhammad Farid Shanai     | Bala            | GPS Shingal Dhar     | ---do---   |
| 38. Fazal Rabi S/O Ghulam Samdani                 | Baffa           | GPS Daddam           | ---do---   |
| 39. Muhammad Shafiqat S/O Muhammad Miskin Dhodial | Dhodial         | GPS Dharoo           | ---do---   |
| 40. Muhammad Shakil S/O Ghulam Farid              | Dhodial         | Mosq:Kaleesh KD      | ---do---   |
| 41. Chun Zeb S/O Khan Wali                        | Khan Dheri      | Mosq:Abu Shanaye     | ---do---   |
| 42. Habibur Rehman S/O Khalilur Rehman Tanda      | Tanda           | Mosq:Nambal.         | ---do---   |
| 43. Bashir Ahmad S/O Ghulam Hassan                | Hafiz Bandi     | Mosq:Abu M.Khel      | ---do---   |
| 44. Muhammad Akber S/O Muhammad Sabir             | Batang          | Mosq:Jiggal          | ---do---   |
| 45. Gul Farez S/O Sarfaraz                        | Khawajgan       | Mosq:Saibay H.Z      | ---do---   |
| 46. Noorul Islam S/O M.Shabir Ahmad               | Koray           | Mosq:Geetay KD       | ---do---   |
| 47. Shaiket Ali S/O Abbas Khan                    | Kotli Payeen    | Mosq:Mera A/Zai      | ---do---   |
| 48. Anjam Saeed S/O Saeedur Rehman                | Nokote          | Mosq:Sural.          | ---do---   |
| 49. Niaz Ali Shah S/O Ali Akbar Shah              | Dadar.          | Mosq:Chawang         | ---do---   |
| 50. Muhammad Farooq S/O Ghulam Kabbeni            | Balakote        | Mosq: Seri Tota      | ---do---   |
| 51. Naseer Ahmad S/O Basheer Ahmad                | Kashtara        | GPS:Gali Ghanool     | ---do---   |
| 52. Muhammad Naseem S/O Muhammad Yusuf Patlang    | Patlang         | Mosq:Kotkay Manoor   | ---do---   |
| 53. Sabir Hussain S/O Baz Gul                     | Sangar          | Mosq:GPS Lohar Banda | ---do---   |
| 54. Muhammad Rafique S/O Ghulam Nabi              | Ghanool         | GPS Andrawi          | ---do---   |
| 55. Muhammad Arshid Farooq S/O Ali Asghar Khan    | Jabbi           | GPS Shekiran         | ---do---   |
| 56. Imdad Hussain S/O Yar Ali                     | Sangar          | GPS Mehndri Villi    | ---do---   |
| 57. S.Ishfaq Hussain Shah S/O Ali Asghar Shah     | Talhatta        | GPS Badalgran        | ---do---   |
| 58. Muhammad Irfan S/O Mir Zaman                  | Kanshian        | GPS Seri Manoor      | ---do---   |
| 59. Mushtaq Ahmad S/O Abdullah                    | Sangar          | GPS Bela Manoor      | ---do---   |
| 60. S.Ibadat Shah S/O S.Umar Shah                 | Kanshian        | GPS Buttian Manoor   | ---do---   |
| 61. Lingot Hussain Shah S/O Ghulam Shah Kanooch   | Kanooch         | GPS Nuka Jared       | ---do---   |
| 62. Arshid Mehmood S/O Muhammad Alam              | Garlat.         | GPS Dhenoo           | ---do---   |
| 63. Muhammad Sharif S/O Muhammad Deud             | Sawer           | GPS Ohoshal          | ---do---   |
| 64. Saeedur Rehman S/O Habibur Rehman             | Shohal Mazullah | GPS Shuttian         | ---do---   |
| 65. Zahid Jamil S/O Masoodur Rehman               | Patseri         | GPS Kunda            | ---do---   |
| 66. Muhammad Mushtaq S/O Ghulam Serwar            | Bhoonja         | GPS Harva            | ---do---   |
| 67. Khurshid Anwar S/O Ghulam Din                 | Arban           | GPS Buddi Da Naka    | ---do---   |
| 68. Dil Muhammad S/O Sharab Khan                  | Seri Garlat     | GPS Budi Da Naka     | ---do---   |
| 69. Munir Ahmad S/O Abdur Rashid                  | Shohal Mazullah | GPS Gali Dhanoo      | ---do---   |
| 70. Hakim Khan S/O Shah Zullah                    | Chajar Payeen   | GPS Chijri Payeen    | ---do---   |
| 71. Muhammad Fiaz S/O After Khan                  | Ghanian         | Mosq: Jilal Abad     | ---do---   |
| 72. Sardar Behadar S/O Haroon Khan                | Sachan Kalan    | GPS Surbanj.         | ---do---   |
| 73. S.Nadim Hussein Shah S/O Zafer Ali A Shah     | Bela            | GPS Dana Sharkool    | ---do---   |
| 74. Nasir Mehmood S/O Abdul Wadood Khan           | Keri            | GPS Jabbar           | ---do---   |
| 75. Nasir Mehmood S/O Muhammad Ismail Kenog       | Kenog           | GPS Kayen            | ---do---   |
| 76. Shah Nawaz S/O Dolat Khan                     | Shahdore        | GPS Malookra.        | ---do---   |
| 77. Wazizur Rehman S/O Muhammad Shafee            | Kundar          | GPS Mohri            | ---do---   |
| 78. Muhammad Fiaz S/O Muhammad Nawaz              | Buzbaila        | GPS Mohri            | ---do---   |

(.....Contd: Page No.....3.....)

*Attested*  
*[Signature]*

Muhammad Arshad Khan Janoli  
Advocate High Court  
Office No 33 Adjacent to  
Distt Bar Abbottabad

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A.V/Post.

79.	Muhammad Naseer S/O Muhammad Aslam Khan Banda	Gisach	GPS Sundi	---do---
80.	Muhammad Imran S/O Abdullah Jan	Bankote	GPS Bhandar	---do---
81.	Mazhar Hussain S/O Iftikhar Hussain	Shandara	GPS Bhandar	---do---
82.	Wajid Raza S/O Muhammad Raza	Maloga	GPS Chungeri	---do---
83.	Muhammad Shekeel S/O Muhammad Suleman	Tarkher	GPS Chungeri	---do---
84.	Muhammad Nawaz S/O Muhammad Jamshed	Gali Badral	Msq: Doga Miangan	---do---
85.	Niaz Muhammad S/O Behram	Battley	Msq: Kali Gatti	---do---
86.	Abdur Rashid S/O Rehmat Ullah	Sher garh	Msq: Kharee Ahmad Abad	---do---
87.	Gul Faraz S/O Muhammad Yunis	Shergarh	Msq: Chitta Batta (Shergarh)	---do---
88.	Muhammad Khurshid S/O Shah Zaman	Gul Dheri	Msq: Badral	---do---
89.	Shahid Shujaaz Zaman S/O Sher Muhammad	Kotehra	GPS Mera Khairoo	---do---
90.	Muhammad Riaz S/O Ghulam Jan	Ram Koté	Msq: Shamal Bandi	---do---
91.	Muhammad Riaz S/O Abdur Razaq	Bhato Bandi	Msq: Abbi Behn	---do---
92.	Muhammad Yunis S/O Khalilur Rehman	Seri Jhand	Msq: Salaya Shungli	---do---
93.	S. Amin Sheh S/O Rehmat Sheh	New Darband	Msq: Neel Batla Bala	---do---
94.	Muhammad Irfan S/O Ali Akbar	Kulu Mera	Msq: Kangoorian	---do---
95.	Attiquar Rehman S/O Maqboolur Rehman	Nambal	Msq: Milkawani	---do---
96.	Muhammad Saqeer S/O Taj Muhammad	Khajamber	Msq: Khajamber	---do---

TERMS AND CONDITIONS:

1. They should submit their charge reports to all concerned.
2. Their appointment is purely on temporary basis and liable for termination at any stage without assigning any reason.
3. Their appointment is subject to the verification of their original Academic and Professional certificates/documents. Their original Academic & Professional certificates should be checked thoroughly before handing over the charge and should not be handed over the charge if their original certificates are not found correct.
4. No one should be handed over charge if he is below 18 years and above 30 years in case of the candidates relating to Zone III and 27 years of others.
5. Their pay will not be drawn until they produce age & MRB Health certificate from Medical Superintendent D.H.Q Hospital Mansehra.
6. They will be governed under prescribed service rules framed by the Govt. of N.W.F.P.

( MUHAMMAD )  
 I/C DISTRICT EDUCATION OFFICER,  
 (MALE) PRIMARY MANSEHRA.

Endst: No. 2201-2301/GB(G/I V) dated Mansehra the 13 / 11 / 1994.  
 III/94.

Copy forwarded to the:-

1. Secretary to Govt. of NWFP Education Department Peshawar.
2. Director Primary Education NWFP (Hayatabad) Peshawar.
3. District Accounts Officer Mansehra.
4. Sub Divisional Education Officer (Male) Mansehra
5. 100. All the candidates concerned.
6. 101. Superintendent local office.

Attested

( MUHAMMAD )  
 I/C DISTRICT EDUCATION OFFICER,  
 (MALE) PRIMARY MANSEHRA.

Muhammad Ashraf Khan Janoli  
 Advocate High Court  
 Office No. 33 Adjacent to Hayatabad

13/11

ANNEXURE  
"B"

16

OFFICE OF THE EXECUTIVE MEMBER OFFICER, SCHOOLS & LITERACY, MANSEHRA

SANCTION OF LEAVE

Under the provision of revised leave rules, 1981 sanction is hereby accorded to the grant of leave in respect of the following teachers as due and admissible to them under the rules and as per detail below:-

S.No.	Name & Desig./School	Period of leave	Remarks
1.	Abdul Malik, PTC, GMPS Suchari.	i) 01-05-2007 TO 07-09-2007 AND ii) 08-09-2007 TO 10-11-2007	(120, days) on full pay.  (65, days) on half average
2.	Muht. Younis, PTC, GMPS Chamapat.	01-06-2007 TO 30-06-2007	(30, days) on full pay.
3.	Azhar Belal, PTC, GPS Makarha Bala.	16-12-2006 TO 01-12-2007	(350, days) EOL (without Pay) Extension of leave.
4.	Shamsul Islam, PTC, GPS Dokal.	<del>30-06-2007</del> Dated, 31-05-2007 to 30-06-2007	(31, days) on full pay.
5.	Muhammed Sadiq, PTC, GPS Dulla Mera.	23-04-2007 TO 28-06-2007	(67, days) on full pay.
6.	Aurang Zeb, PTC, GPS Dulla Mera.	21-05-2007 TO 30-05-2007	(10, days) on full pay.

NOTE:- Necessary entries to this effect should be made in their Service books.

Distt. No: 10943-44  
Copy to file:-

District Officer  
Schools & Literacy, Mansehra  
Dated Mansehra the 27/12/2007

1. Deputy District Officer (Male) Primary Mansehra alongwith 5 Service Books.
2. D.A.O. Mansehra.

*Attested*  
District Officer  
Schools & Literacy, Mansehra

Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No. 33 Adjacent to  
Abbottabad

SANCTION OF LEAVE.

Under the provision of revised leave rules, 1934, sanction is hereby accorded to the grant of leave in respect of the following teachers as due and admissible to them under the rules and as per detail below:-

S.No.	Name & Desig./School.	Period of leave.	Remarks.
1.	Fazal Rabbi, PST GPS Nokot.	wef, i). 01-03-2008 To 18-06-2008	(110 days) Earned Leave on half average pay.
	Ex. Off. Muhammad Siraj	ii). 19-06-2008 To 30-06-2008	(12 days) Extra Ordinary Leave (Without Pay).
2.	Muhammad Siraj, PST GPS Baffa No.2.	wef, i). 01-03-2008 To 28-06-2008	(120 days) Earned Leave on full pay.
		ii). 29-06-2008 To 30-06-2008	(02 days) Earned Leave on Half average pay.
3.	Azhar Bilal, PST GPS Makria Bala.	02-12-2007 To 01-12-2008	(365 days) EOL (Without Pay)
4.	M. Ashraf, PST GMPS Khet Allari.	01-03-2008 To 10-04-2008	(40 days) Earned Leave on full pay.
5.	Syed Anwar Shah, PST, GPS Siabay	15-3-2008 To 30.9.2008	(190 days) without Pay.

NOTE: Necessary entries to this effect should be made in their Service books.

Executive District Officer  
Schools & Literacy, Manshara

Serial No: 4945-46 Dated Manshara the 05/06/2008

- Copy to the:-
1. Deputy District Officer (Male) Primary, Manshara, along with four Service books of the above named teachers.
  2. District Accounts Officer Manshara.

*Ch. Q. B.*  
District Officer,  
Schools & Literacy, Manshara

*Attested*  
*[Signature]*

Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No. 33 Adjacent to  
Dist. Court Manshara



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OFFICE OF THE EXECUTIVE  
DISTRICT OFFICE ELEM. & SECY.  
EDUCATION MANSEHRA  
Phone # 0997-306271-72  
Fax # 0997-301004  
No. \_\_\_\_\_ /DDO (M)  
Dated Mansehra the \_\_\_ / \_\_\_ 2011.

NOTIFICATION:

From the perusal of record S/Book in i/o Azhar Bilal Ex- PST, GPS Makraha Bala Circle Dhodial. It has been reveled that the above named teacher was willfully absent from duty w.e.f 28-03-2009 to 23-08-2011 where as he was initial only five years leave without pay according to rule and he has availed six year and nine month.

He was called for personal hearing on 23-08-2011 during the hearing he was admitted that he was wilfully absent from his duty and serving in SRSP during the said period.

In the light of above facts the services of Mr Azhar Bilal Ex- PST, GPS Makraha Bala is hereby ceased w.e.f 28.03.2009 under the revised rule 1981 para 12.

(UMAR KHAN KUNDI)  
EXECUTIVE DISTRICT OFFICER,  
E&S EDUCATION MANSEHRA

Endst: No. 2543-50 (G-B)-III/DDO(M)-Dated: 27 / 10 / 2011.

Copy to the:-

1. PA to Director E&S Education Peshawar.
2. PA to District Coordination Officer Mansehra.
3. District Officer (M) E&SE Mansehra.
4. District Accounts Officer Mansehra.
5. Dy. DO (Male) Mansehra with the remarks that necessary entry to this effect should be made in all the relevant record.
6. Budget & Accounts Officer local office.
7. Head Teacher Concerned.
8. Teachers Concerned.

EXECUTIVE DISTRICT OFFICER,  
E&S EDUCATION MANSEHRA

Attested

Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No 33 Adjacent to  
Bottabad

ANNEXURE  
C<sup>3</sup>

19

P 0

BEFORE THE SERVICES TRIBUNAL KHYBER  
PAKHTUNKHWA PESHAWAR

SERVICE APPEAL No. 297 /2012



Azhar Bilal Niazi S/O Ghulam Mustafa Niazi, Caste Awan, resident of  
Mohallah Noghazi Tehsil and District Mansehra.....Appellant.

VERSUS

32  
02/03/12


- 1- Distt. Co-ordination Officer Mansehra.
- 2- Executive District Education Officer (E&S) Mansehra.....Respondent

**APPEAL AGAINST THE ORDER OF E.D.O  
(E&S) EDUCATION MANSEHRA,  
ENDORSEMENT NO. 2543-50 DATED 27-10-  
2011 WHEREBY THE SERVICE OF  
APPELLANT IS CEASED WITH EFFECT  
FROM 28-03-2009.**

*Respected Sir,*

1. That the appellant was appointed as PTC Teacher in Education Department on 13-11-1994. (Copy of Appointment Order is Annexed As Annexure "A").
2. That the appellant served the department till 06-03-2006.
3. That the appellant submitted an application for leave and about three year leave with pay and without pay was granted, starting from 07-03-2006 to 01-12-2008. (Copies of sanctions is annexed as Annexure "B", "C" & "D" respectively).
4. That after the expiry of the leave mentioned above the appellant submitted an application for his arrival

ATTESTED

  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

before Head Teacher, but as there was no vacant post of PST, therefore, the appellant was directed to report in the office of E.D.O Education Mansehra through A.D.O (Copy of arrival report is annexed as Annexure "E").

5. That the appellant reported his arrival in the office of EDO Education Mansehra, but he was never adjusted rather his adjustment was deferred on one or other pretext. The appellant ran from pillar to post for his adjustment, but finally EDO Education passed an order vide which the service of the appellant was ceased on 27-10-2011 w.e.f. 28-03-2009. (Copy of impugned order is annexed as Annexure "F").

6. That the appellant aggrieved by the order of ceasing of his service submitted an appeal before DCO Mansehra, but his appeal has not been decided so far. (Copy of appeal is annexed as Annexure "G").

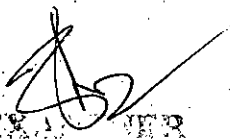
### GROUND

a. That, the order of ceasing of service is quite alien to law, because in service matters either there is termination, discharge, removal from service or dismissal.

b. That, the appellant had approached the head teacher and the EDO, but both of them had turned a deaf ear to the application/grievances of petitioner.

c. That, the appellant was entitled to be adjusted after the expiry of his leave, but for reason best known the application of the appellant was kept under a carpet without any reasons.

**ATTESTED**

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

21

P3

D. That, the appellant's service was ceased vide impugned order and that too after a great efforts made by the appellant.

E. That, the appellant has been deprived of all the opportunities laid down by the law and therefore, the entire proceedings are nullity in the eye of law.

It is therefore, most humbly requested that on acceptance of appeal the impugned order of ceasing service may kindly be set aside and the appellant may kindly be reinstated in service.

Dated: 02.03.2012

Azhar Bilal Niazi  
.....Appellant

Through  
SHAD MUHAMMAD KHAN  
ADVOCATE  
SUPREME COURT OF PAKISTAN  
(MANSEHRA)

M. Ashraf Advocate  
Mansehra  
[Signature]

**AFFIDAVIT**

I, Azhar Bilal Niazi S/O Ghulam Mustafa Niazi, Caste Awan, resident of Mohallah Noghazi, Tehsil and District Mansehra, do hereby solemnly affirm and declare that the contents of foregoing appeal are drafted under my supervision which are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this honourable tribunal.

Dated: 02.03.2012

Azhar Bilal Niazi  
.....Deponent

Date of Presentation of Application: 11-7-18  
Number of Words: 1200  
Copying Fee: 8-00  
Urgent: 2-00  
Total: 10-00  
Name of Counsel: [Signature]  
Date of Completion of Copy: 11-7-18  
Date of Delivery of Copy: 11-7-18

Certified to be true copy  
EX-1000-204  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

22 10

**BEFORE THE SERVICES TRIBUNAL KHYBER  
PAKHTUNKHWA PESHAWAR**



SERVICE APPEAL No. 297 /2012

Azhar Bilal Niazi S/O Ghulam Mustafa Niazi, Caste Awan, resident of Mohallah Noghazi Tehsil and District Mansehra.....Appellant.

32  
02/03/12

VERSUS

- 1- Distt. Co-ordination Officer Mansehra.
- 2- Executive District Education Officer (E&S) Mansehra.....Respondent

**APPEAL AGAINST THE ORDER OF E.D.O  
(E&S) EDUCATION MANSEHRA,  
ENDORSEMENT NO. 2543-50 DATED 27-10-  
2011 WHEREBY THE SERVICE OF  
APPELLANT IS CEASED WITH EFFECT  
FROM 28-03-2009.**

*Respected Sir,*

- 1. That the appellant was appointed as PTC Teacher in Education Department on 13-11-1994. (Copy of Appointment Order is Annexed As Annexure "A").
- 2. That the appellant served the department till 06-03-2006.
- 3. That the appellant submitted an application for leave and about three year leave with pay and without pay was granted, starting from 07-03-2006 to 01-12-2008. (Copies of sanctions is annexed as Annexure "B", "C" & "D" respectively).
- 4. That after the expiry of the leave mentioned above the appellant submitted an application for his arrival

2/3/2012

**ATTESTED**  
  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
CAMP COURT, ABBOTTABAD.

Service appeal No. 297/2012

Date of institution ... 02.03.2012  
Date of decision .... 29.06.2018



Azhar Bilal Niazi son of Ghulam Mustafa Niazi, caste Awan, resident of Mohallah Nogazi Tehsil and District Mansehra. ... (Appellant)

Versus

1. District Coordination Officer, Mansehra and another. ... (Respondents)

Present

Mr. Shad Muhammad Khan, Advocate	...	For appellant.
Mr. Ziaullah, Deputy District Attorney	...	For respondents.

MR. SUBHAN SHER,  
MR. AHMAD HASSAN,

CHAIRMAN  
MEMBER.

**ATTESTED**

JUDGMENT

SUBHAN SHER, CHAIRMAN:-

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Sated here the short facts making the background of the present appeal are, that the appellant joined the Education Department as PTC Teacher in the year 1994, however, during this period, he remained absent from duty w.e.f. 28.03.2009 to 23.08.2011. According to rules, he was entitled only for five years leave without pay whereas he availed six years and nine month<sup>2</sup>. So he was called for personal hearing on 23.08.2011 and as per contents of the impugned order, he admitted his absence and so on 27.10.2011, the then Executive District Officer (E&SE) Mansehra notified his service as ceased w.e.f. 28.03.2009 under Para-12 of the Revised Leave Rules, 1981. The appellant aggrieved from the impugned order preferred departmental appeal before the

8/06/2018  
29/6/2018  
Sd/-  
Sd/-

appellate authority on 03.11.2011 but it was not responded so far, hence he preferred the present appeal before this Tribunal.

2. Arguments heard and record perused.

3. Mr. Shad Muhammad Khan, Advocate, learned counsel for the appellant contended that the very impugned order dated 27.10.2011 is defective in the eyes of law as the word "ceased" figures nowhere a punishment in the service law. Further that the appellant has been punished with retrospective date i.e 28.03.2009. Further he contended that under the law, the respondents were bound to conduct a full-fledged enquiry before imposing the major punishment of ceasing his services. At the end, he requested the Tribunal to accept this appeal and set aside the impugned order dated 27.10.2011.

4. Mr. Ziaullah, DDA though opposed the contentions of the learned counsel for the appellant but above mentioned pleas which were established from the office record/comments but could not explain properly the anomaly committed by the respondents while passing the impugned order.

5. With the assistance of the learned counsel for the parties, this Tribunal consulted the record and found that from the bare reading of the impugned order dated 27.10.2011, this Tribunal noticed serious legal omissions in the said order as is evident from the discussion given below.

6. The service of the appellant has been ceased w.e.f 28.03.2009 whereas order has been passed on 27.10.2011 and so this very order itself is defective in the eyes of law. Apart from this, this Tribunal did not find any enquiry, charge sheet or show cause notice given by the respondents to the appellant but even then imposed major penalty of ceasing his service and in this way, the respondents committed serious blunder by not following the legal procedure prescribed under the law.

**ATTESTED**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

28.11.2011  
SW  
28.11.2011  
28.11.2011

25

7. The crux of the above discussion is that after taking into consideration the above mentioned factual and legal position of the case, this Tribunal reached the conclusion that it is a fit case to be interfered by this Tribunal under its appellate jurisdiction. As such, on acceptance of the appeal, the impugned order dated 27.10.2011 stands set aside and the respondents are directed to conduct fresh full-fledged enquiry and also give opportunity of hearing to the appellant. With the above observations, the appeal stands disposed off. Parties are left to bear their own costs. File be consigned to the record room.

Announced  
29.06.2018

Sd/- Subhan Sher,  
Chairman  
Camp court A/Abad.  
  
Sd/- Ahmad Hassan,  
Member

**Certified to be true copy**  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application 11-7-18  
 Number of Words 2050  
 Copying Fee 12-00  
 Urgent 5-00  
 Total 17-00  
 Name of Copyist [Signature]  
 Date of Completion of Copy 11-7-18  
 Date of Delivery of Copy 11-7-18



29.06.2018

Appellant Azhar Bilal in person alongwith his counsel  
Mr. Shad Muhammad Khan, Advocate present. Mr. Ziaullah,  
Deputy District Attorney for respondents present.

Arguments heard and file perused.

Vide our detailed judgment of today placed on file,  
after taking into consideration factual and legal position of the  
case, this Tribunal reached the conclusion that it is a fit case to be  
interfered by this Tribunal under its appellate jurisdiction. As  
such, on acceptance of the appeal, the impugned order dated  
27.10.2011 stands set aside and the respondents are directed to  
conduct fresh full-fledged enquiry and also give opportunity of  
hearing to the appellant. With the above observations, the appeal  
stands disposed off. Parties are left to bear their own costs. File  
be consigned to the record room.

Announced

29.06.2018

*Edf*  
Member

*Edf*  
Chairman  
Comptroller A/Head

Certified to be true copy

*[Signature]*  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)  
DISTRICT MANSEHRA

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

27

No. 12888-90 /Lit (M)/Inquiry/PST Dated 10/9/2018

ANNEXURE  
ED<sup>3</sup>

To

1. Mr. Luqman Sahib Principal,  
GHSS No.1 Mansehra.
2. Mr. Muhammad Nazeer Principal  
GHSS Pairan Mansehra.
- ③ Mr. Muhammad Aslim Vice Principal,  
GHSS Perhinna Mansehra

Subject:

INQUIRY IN R/O EX-PST AZHAR BILAL ON THE DIRECTION OF THE  
HONOURABLE SERVICE TRIBUNAL KPK IN SERVICE APPEAL  
NO.297/2012.

Memo:-

You are hereby appointed as inquiry officer against the subject cited  
above to dig out facts.

You are directed to inquire the matter and submit your  
finding/recommendations within a week time positively.

BY: DISTRICT EDUCATION OFFICER  
(MALE) MANSEHRA

*Alleged*

Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No. 33 Adjacent to  
Dist Bar Abbottabad



**OFFICE OF THE DISTRICT EDUCATION OFFICER ELEMENTARY  
& SECONDARY EDUCATION DEPARTMENT MANSEHRA.**

Phone # 0997-382271 Fax # 0997-382244  
E-mail Address: [edoedu\\_mansehra@yahoo.com](mailto:edoedu_mansehra@yahoo.com)  
Face book Page: [www.facebook.com/DEOMMANSEHRA](http://www.facebook.com/DEOMMANSEHRA)

29

**NOTIFICATION:**

**ANNEXURE  
"E"**

**Mr. Azhar Bilal S/O Ghulam Mustafa PST GPS Makria Bala Mansehra.**

WHEREAS Mr. Azhar Bilal PST GPS Makria Bala was proceeded against under Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011 on account of long absence without prior permission of the Department.

1. That the appellant was appointed as a PST GPS Zungia K.D vide office Endst No.2201-2301 dated 13-11-1994.during his service he availed E/leave, EOL without pay on several occasion during his service. He joined SRSP as social organizer during leave period without taking NOC from the Competent Authority for the said job in SRSP.
2. That the appellant remained absent w.e.f 02-12-2008 to 12-10-2011, According to the relevant rules he was entitled for only five year leave without pay, whereas he availed six year & nine months. He was called for personal hearing on 23-08-2011 and Executive District Education Officer E& SE Department notified his service as ceased w.e.f 28-03-2009 vide Endst No.2543-50 dated 27-10-2011.
3. That the appellant challenged the order of the DEO(M) Mansehra in Honorable Service Tribunal Camp Court Abbottabad vide Appeal No.297/2012, which was decided on 29-06-2018 "on acceptance of the appeal the impugned order dated 27-10-2011 stand set aside and respondent are directed to conduct fresh full-fledged inquiry and also give opportunity of hearing to the appellant"
4. That as per direction of court the competent authority conducting the full-fledged inquiry consists of three officers vide Endst No.12888-90 dated 10-09-2018.whereas the officer submitted his detail report on 20-03-2019.as per inquiry report showcase notice was issued to concern vide this office No. 7476-79 dated 06-05-2019 and received reply of show cause notice on 17-05-2019.
5. WHEREAS, he was called for personal Hearing on 24-05-2019, while attend the office of undersigned on 27-05-2019 and was personally heard.
6. 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, and reports of the inquiry officers is of the view that the charges against the accused Teacher have been proved.
7. Now Therefore in exercise of the power conferred under the Khyber Pakhtun Khawa Government servants. (Efficiency & Discipline) Rules, 2011, the competent authority (District Education Officer E & SE (Male) Mansehra) is pleased to declare that the appellant cannot be **RE-INSTATED**.

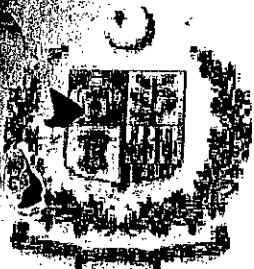
Endst: No. 11660-64 /Lit: (M)//Dated 12/7 /2019  
Copy forwarded for information to the:

1. Registrar Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar.
2. Director Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar.
3. District Account Officer Mansehra.
4. SDEO (M) Concerned.
5. Official concerned.
6. Office record.

DY:DISTRICT EDUCATION OFFICER  
(MALE) MANSEHRA

Dy: DISTRICT EDUCATION OFFICER  
(MALE) MANSEHRA

Muhammad Arshad Khan Janoli  
Advocate High Court  
Office No. 33 Adjacent to  
Distt Bar Abbottabad



OFFICE OF THE PRINCIPAL  
GOVERNMENT HIGHER SECONDARY  
SCHOOL NO 1 MANSEHRA

29

ANNEXURE  
"F"

EMAIL: principalghssno01@GMAIL.COM

PHONE # 0997301337

NO. 90

DATED: 20-03-2019

To

The District Education Officer  
(Male) Mansehra

Subject: INQUIRY IN R/O AZHAR BILAL EX-PST

Memo:

Reference District Education Officer (Male) Mansehra Notification No. 12888 Dated 10/09/2018 on the subject above, the undersigned has been appointed as Inquiry Officer to conduct the inquiry of Mr. Azhar Bilal EX-PST. The inquiry has been conducted which is submitted to your good-self for further necessary action please. (Annex-B)

VENUE:

GHSS No 1 Mansehra

DATES OF INQUIRY:

06/03/2019

CONSTITUTION OF INQUIRY COMMITTEE:

Mr. Luqman Ali Khan, Principal, GHSS No 1 Mansehra

NAME OF DEPARTMENTAL REPRESENTATIVE:

Mr. Rafiq Javed, SET / In-charge Librarian, BS-16, GHSS No 1 Mansehra

BRIEF HISTORY OF THE CASE

One Mr. Azhar Bilal was appointed as LTC (PST) BS-7 at G.S. Zangial (Thora Char) vide DEO (Male) Primary Mansehra notification under Endst. No 2201-230/GB (G-F) dated 13/11/1994 (Annex C). During his service he availed E/leave, EOL without pay several times during his service. He joined SRSP and performed as Social organizer during leave period without taking any NOC from the Competent Authority. They then EDO E&SE Department ceased his service w.e.f 28/03/2009 vide notification under Endst No. 2543-50 dated 27/10/2011. He challenged the department in Honourable Service Tribunal Camp Court Abbottabad.

The court directed for the conduct of full-fledged enquiry in the said case with the observation that charge sheet or show cause notice has not been given by the respondents to the appellant. (Enclosed "A" Appointment as Annex B, Order of Service Tribunal as Annex D).

Attested

Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No: 33 Adjacent to  
Court 3rd Abbottabad

**PROCEDURE**

The following procedure was adapted for the conduct of enquiry,

**I. FACTS:**

- Mr. Azhar Bilal (Appellant) was initially appointed as PTC (PST) BS-7 at Govt; Primary School Zurgia K.D (Kala Dhaka / Thorghar) vide DEO (M) Primary Mansehra notification bearing Endst: No 2201-2301 / GB/G-7 dated 13/11/1994.

As per available record his service history is as following

- a) 1<sup>st</sup> Appointment in Education Department 15/11/1994 to 04/12/1995
- b) Leave period on full pay 05-12-1995 to 17/12/1995 (13 days)
- c) Leave without pay 18/12/1995 to 31/7/1996 (227 days)
- d) Regular Service 01/08/1996 to 30/09/2003
- e) Leave without pay 1/10/2003 to 30/9/2004 (365 days)
- f) Regular service 1/10/2004 to 09/09/2005
- g) Leave without pay 10/9/2005 to 19/9/2005 (10 days)
- h) Regular Service 20/09/2005 to 06/03/2006
- i) Leave on Half Pay 7/3/2006 to 7/9/2006 (185 days)
- j) Leave without Pay 8/9/2006 to 15/12/2006 (99 days)
- k) Leave without pay 16/12/2006 to 1/12/2007 (350 days)
- l) Leave without pay 2/12/2007 to 1/12/2008 (365 days)
- m) Absent w.o.P 02/12/2008 to 12/10/2011

**SUMMARY WITHOUT PAY**

- i. 227 days
- ii. 365 days
- iii. 10 days
- iv. 99 days
- v. 350 days
- vi. 365 days

vii. 1048 days

Total 2464 days

**Elementary & Secondary Education  
Government of Khyber Pakhtunkhwa**

**SUMMARY DUTY PERIOD**

	YEARS	MONTH	DAYS
a)	1	0	19
b)	0	0	13
c)	7	1	29
d)	0	11	8
e)	0	5	16
f)	0	0	185
<b>Total</b>	<b>8</b>	<b>17</b>	<b>270</b>

*Attested*

(Annex, E, F & G)

Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No 33 Adjacent to  
Manshera

**NOTES:** Leave mentioned at S. No e, g, h are sanctioned by then DEO (M) Mansehra which are on record whereas sanction of the remaining types of leave mentioned above is not available which has been recorded from page 3 & 4 of the file submitted by DEO (M) Mansehra calculated by the then concerned Official. On the above mentioned pages, the following wording has been quoted by the official, (Annex-H)

**"Remained absent w.e.f 2/12/2008, Salary of 2/2006 recovered".**

Original Service Book or its photo copy is not available in the file of DEO (M) Mansehra due to unknown reason.

- After the expiry of his last leave on 1/12/2008 he remained absent. The then DEO (M) Mansehra conducted his personal hearing on 23/8/2011 and Ceased his Service w.e.f 28/3/2009 under the Revised Rule 1981 para 12 on account of his willful absence from duty w.e.f 28/3/2009 and serving in SRSP during leave period. The then DEO (M) issued Notification vide Endst: No 2543-50 dated 27/10/2011 relating to "Cease of his Service". (Annex-I)
- The appellant challenged the order of DEO (M) Mansehra in the Honourable Services Tribunal Vide Appeal No: 297/2012 on 02/03/2012. Decision was announced on 29/06/2018 the main content of the decision of the court is briefed as under,

"He remained absent w.e.f 2/12/2008 to 12/10/2011 & then w.e.f 28/3/2009 to 23/8/2011. According to rules, he was entitled only for five years leave without pay whereas he availed six years and nine months. So was called for personal hearing on 23/8/2011 and EDO (E&SE) Mansehra notified his service as ceased w.e.f 28.3.2009. The appellant preferred appeal the Honourable Service Tribunal D.C.O Mansehra and other are the Respondents. The court decided the appeal as "on acceptance" of the appeal, the impugned order dated 27/10/2011 stands set aside and the respondent are directed to conduct fresh full-fledged enquiry and also give the opportunity of hearing to the appellant. The Tribunal that no charge sheet or show cause notice is given by the respondents to the appellant and even then imposed / major penalty of ceases service".

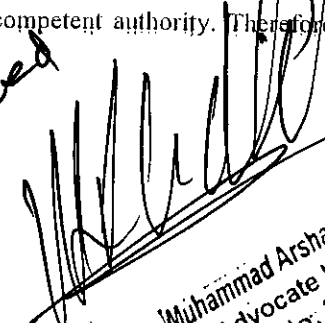
The undersigned Enquiry Officer sent letter No 189 dated 29/11/2018 addressed to Regional Program Manager SRSP District Mansehra regarding verification of service rendered by Mr. Azhar Bilal during leave period availed from Education Office. In response of the said letter, the authority of Sarhad Rular Support Program Mansehra vide his letter No Nil dated 29/11/2018 responded that he has served in SRSP Mansehra and as per leave record he performed the during leave period. (Annex-J & K)

As per available record, the appellant has not been granted any NOC from the competent authority and has illegally joined his service as social organizer in SRSP Mansehra during leave period which he has concealed from the department as well as in his Appeal to Honourable Service Tribunal camp court Abbottabad.

The record also shows that first he made appeal to DCO Mansehra against the order of EDO (M) Male Mansehra. The DCO vide Letter No: 4829 dated 02/03/2012 required reply from EDO in response of which, the EDO submitted para-wise reply vide his Letter No: 2961 dated 08/12/2011. (Annex L & M)

The DCO Also conducting "Personal Hearing" of the appellant on 2/4/2011. Mr. Azhar Bilal (Appellant), Mr. Jamil Ur Rehman Superintendent (Department Representative) were heard. The decision issued by DCO Mansehra on 02/04/2012 Order issued under Endst: No 6446-47/A-I/AE/DCO (M) Dated 12/4/2012 is briefed as following,

"I see no grounds to interfere in order of the competent authority. Therefore the appeal of the appellant is hereby rejected".

*Allected*  
  
Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No. 33 Adjacent to  
Distt Bar Abbottabad

Copy of the above was also issued to the appellant

(Annex-N)

On enquiry of his leave without pay arrival report on 2/12/2008 at GPS Makraha Bala signed by the head Teacher is also available in record but at the same time, the then dealing assistant has reported him as "Absent" on the page showing leave calculation.

(Annex-O)

**CROSS EXAMINATION**

On 6/3/2019, the enquiry committee called on the appellant for Cross Examination. Venue for the purpose was GHSS No 1 Mansehra. The appellant was cross examined and listened Mr. Rafiq Javed SCT / In charge Librarian was recording the reply of statements. He failed to reply about the grant of NOC from EDO (M) Mansehra regarding joining of his service as a Social Organizer in SRSP. Further he didn't accept the getting of copy of order of DCO against him. He also mentioned that he has not made his request to EDO but furnished his attendance report to ADEO Circle Shinkhari Mansehra.

(Annex-P)

Written Attendance of the appellant was got on the day.

(Annex-Q)

After conducting cross examination, it was concluded that overall, the appellant failed to satisfy the enquiry committee. His reply relating to NOC was not satisfactory.

The inquiry committee also got written statement of the appellant in which he cannot defend himself. (Annex R)

**2. FINDINGS:**

- Keeping in view the above mentioned facts, following are the findings of enquiry conducted,
  - a. He enjoyed a lot of his service in getting leave on full pay, without pay, half pay and remained absent for a long time.
  - b. He joined Sarhad Rural Support Programme (SRSP) during leave period without grant of NOC for the purpose. So the service which he rendered in SRSP Mansehra is illegal. He tried to conceal the facts about his service which he rendered in SRSP.
  - c. He has wasted enough time of innocent kids deprived them from education as much of service shows leave.
  - d. He commented that he has not received copy of order issued by DCO Mansehra showing the rejection of his appeal whereas he challenged the DCO order in Service Tribunal it means that he has tried to protect himself.

The then EDO (M) Mansehra has not conducted proper enquiry of Mr. Azhar Bilal as no Charge Sheet or Show Cause Notice has been issued to him which are the basic requirements of the conduct of enquiry. Due to this mistake the Honourable Service Tribunal Camp Court Abbottabad accepted the appeal of the appellant and directed the department to conduct a full-fledged enquiry.

**3. CONCLUSION:**

It has been concluded that Mr. Azhar Bilal (the Appellant) has illegally performed as Social Organizer in SRSP Mansehra during leave period as he has not availed any NOC from the department. He tried to conceal his services which he rendered in SRSP District Mansehra which is a great blunder on his part. So he is guilty of corruption & misconduct. He has wasted a lot of time of the little kids.

*Attested*

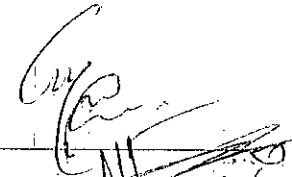
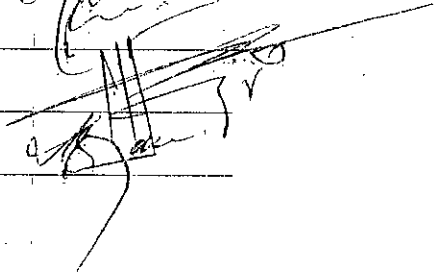

Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No. 33 Adjacent to  
Distt Bar Abbottabad

4. RECOMMENDATIONS:

The enquiry Committee proposes the following recommendations,

1. The competent authority shall issue charge sheet and show Cause Notice to the accused mentioning the major penalty of dismissal / Removal from Service as per E&D rules 2011. Further his "Personal Hearing" shall also be conducted after the reply of Charge Sheet / Show Cause Notice.
2. His original Service book, be traced and if not updated, Should be completed which is a major official record.

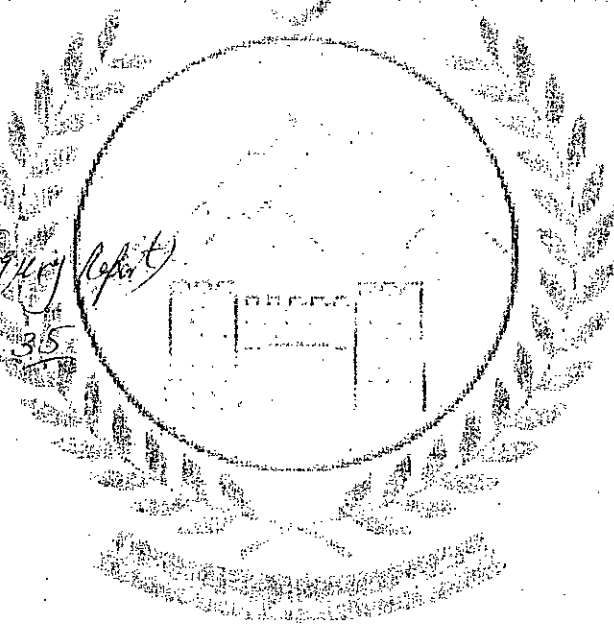
SIGNATURE OF ENQUIRY COMMITTEE:

- |  |          |   |
|--|----------|---|
| 1. Luqman Ali Khan, Principal GHSS No 1 Mansehra             | Chairman |  |
| 2. Mr. Nazir, Principal GHSS Pairan, Mansehra                | Member   |  |
| 3. Mr. Muhammad Aslam Vice Principal GHSS Pathenna, Mansehra | Member   |  |

Dated: 20-03-2019

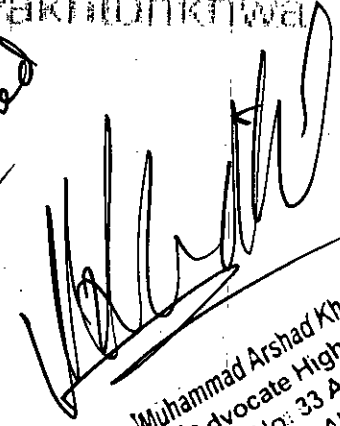
Total Number of Pages: 05 *(Enquiry Report)*

Total No of Pages: 35



Elementary & Secondary Education  
Government of Khyber Pakhtunkhwa

*Attested*



Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No: 33 Adjacent to  
Dist Abbottabad



**OFFICE OF THE PRINCIPAL GOVERNMENT  
HIGHER SECONDARY SCHOOL NO.1,  
MANSEHRA.**

Email: principalghssno01@Gmail.com

Phone # 0997301337

No.90

Dated: 20.03.2019

To,

**THE DISTRICT EDUCATION OFFICER,  
Mansehra.**

Subject:

**INQUIRY IN R/O AZHAR BILAL EX-PST.**

**MEMO:**

Reference District Education Officer (Male) Mansehra Notification No.12888 dated 10.09.2018 on the subject above, the undersigned has been appointed as Inquiry Officer to conduct the inquiry of Mr. Azhar Bilal Ex-PST, the inquiry has been conducted which is submitted to your good-self for further necessary action please.

**Venue: GHSS No.1, Mansehra.**

**Dates of Inquiry: 06/03/2019**

**CONSTITUTION OF INQUIRY COMMITTEE:**

Mr. Luqman Ali Khan Principal 1 GHSS No.1, Mansehra.

**NAME OF DEPARTMENTAL REPRESENTATIVE:**

Mr. Rafique Javed, Incharge Librarian, BPS-16, GHSS No.1, Mansehra.

**BRIEF HISTORY OF THE CASE:**

One Mr. Azhar Bilal was appointed as PTC (PST) BPS-7 at GPS Zurgia (Thor Ghar) vide DEO (Male) Primary Mansehra notification under Endst. No.2201-230/GB (G-F) dated 13/11/1994 (Annex-C). During this service he availed Ex/leave, EOL without pay several times during his service. He joined

*Attested*

*Muhammad Arshad Khan Janoli  
Advocate High Court  
Office No. 33 Adjacent to  
Abbottabad*

SRSP and performed as Social Organizer during leave period without taking any NOC from the Competent Authority. They then EDO E&SE Department ceased his service w.e.f. 28/03/2009 vide notification under Endst. No.2543-50 dated 27/10/2011. He challenged the department in Honourable Service Tribunal Camp Court Abbottabad.

The court directed for the conduct of full-fledge enquiry in the said case with the observation that charge sheet or show cause notice has not been given by the respondents to the appellant. (Enclosed 1<sup>st</sup> Appointment as annex B, Order of Service Tribunal as Annex D).

**PROCEDURE**

The following procedure was adopted for the conduct of enquiry.

1. **FACTS:**

- Mr. Azhar Bilal (Appellant) was initially appointed as PTC (PST) BS-7 at Govt: Primary School Zurgia K.D (Kala Dhaka/Thorghar) vide DEO (M) Primary Mansehra notification bearing Endst: No.2201-2301/GB/G-7 dated 13/11/1994.
- As per available record his service history is as following:
  - a) 1<sup>st</sup> Appointment in Education Department 15/11/1994 to 04/12/1995.
  - b) Leave period on full pay 05-12-1995 to 17/12/1995 (13 days).
  - c) Leave without pay 18/12/1995 to 31/07/1996 (227 days).
  - d) Regular Service 01/08/1996 to 03/09/2003.
  - e) Leave without pay 01/10/2003 to 30/09/2004 (365 days).
  - f) Regular Service 01/10/2004 to 09/09/2005.
  - g) Leave without pay 10/9/2005 to 19/09/2005 (10 days).
  - h) Regular Service 20/09/2005 to 06/03/2006.
  - i) Leave on Half Pay 7/3/2006 to 7/9/2006 (185 days).
  - j) Leave without Pay 8/9/2006 to 15/12/2006 (99 days).

*Attested*

*[Signature]*  
Muhammad Arshad Khan Talbot  
Advocate High Court  
Office No. 23 Adjacent to  
Abbottabad

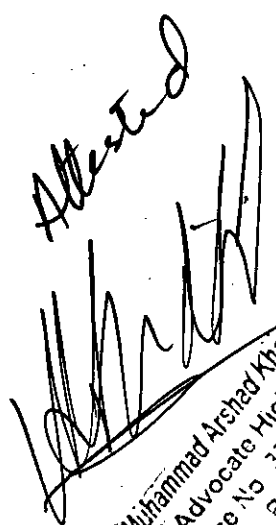
- k) Leave without pay 16/12/2006 to 1/12/2007 (350 days).
- l) Leave without pay 2/12/2007 to 1/12/2008 (365 days).
- m) Absent w.e.f. 02/12/2008 to 12/10/2011.

**SUMMARY WITHOUT PAY**

- i. 227 days.
  - ii. 365 days.
  - iii. 10 days.
  - iv. 99 days.
  - v. 350 days.
  - vi. 365 days.
  - vii. 1048 days.
- Total 2464 days.**

**SUMMARY DUTY PERIOD**

	Years	Month	Days
a)	1	0	19
b)	0	0	13
c)	7	1	29
d)	0	11	8
e)	0	5	16
f)	0	0	185
<b>Total</b>	<b>8</b>	<b>17</b>	<b>270</b>

*Attested*  
  
 Muhammad Arshad Khan  
 Advocate High Court  
 Office No 33 Adjacent to  
 Dist Bar

(Annexure E, F & G).

**NOTES:** Leave mentioned at S.No.e, g, h are sanctioned by then DEO (M) Mansehra which are on record whereas sanction of the remaining types of leave mentioned above is not available which has been recorded from page 3 & 4 of the file submitted by DEO (M) Mansehra calculated by the then concerned Official. On the above mentioned pages, the following wording has been quoted by the official. **(Annex-H).**

**“Remained absent w.e.f 2/12/2008, Salary of 2/2006 recovered”.**

Original Service Book or its photo copy is not available in the file of DEO (M) Mansehra due to unknown reason.

- After the expiry of his last leave on 1/12/2008 he remained absent. The then DEO (M) Mansehra conducted his personal hearing on 23/08/2011 and Ceased his Service w.e.f. 28/3/2009 under the Revised Rule 1981 para 12 on account of his willful absence from duty w.e.f. 28/3/2009 and serving in SRSP during leave period. The then DEO(M)

issued notification vide Endst: No.2543-50 dated 27/10/2011 relating to "Cease of his Service".

- The appellant challenged the order of DEO (M) Mansehra in the Honourable Services Tribunal Vide Appeal No.297/2012 on 02./03.2012. Decision was announced on 29/06/2018, the main content of the decision of the court is briefed as under:

"He remained absent w.e.f. 02/12/2008 to 12/10/2011 & then w.e.f. 28/3/2009 to 23/08/2011. According to rules he was entitled only for five years leave without pay whereas he availed six years and nine months. So was called for personal hearing on 23/08/2011 and EDO (E&SE) Mansehra notified his service as ceased w.e.f. 28.03.2009. The appellant preferred appeal the Honourable Service Tribunal D.C.O Mansehra and other as the Respondents". The court decided the appeal as "on acceptance of the appeal, the impugned order dated 27/10/2011 stand set aside and the respondent are directed to conduct fresh full-fledged enquiry and also give the opportunity of hearing to the appellant. The Tribunal that no charge sheet or show cause notice is given by the respondents to the appellant and even then imposed/major penalty of ceases service".

The undersigned Enquiry Officer sent letter No.189 dated 29/11/2018 addressed to Regional Program Mansehra SRSP District Mansehra regarding verification of servie rendered by Mr. Azhar Bilal during leave period availed from Education Officer. In response of the said letter, the authority of Sarhad Rural Support Program Mansehra vide his letter No.Nil dated 29/11/2018 responded that he has served in SRSP Mansehra and as per leave record he performed the during leave period. (Annex-J & K).

As per available record, the appellant has not been granted any NOC from the competent authority and has illegally joined his service as social organizer in SRSP Mansehra during leave period which he has concealed from the department as well as in his Appeal to Honourable Service Tribunal camp Court Abbottabad.

The record also shows that first he made appeal to DCO Mansehra against the order of EDO (M) Male Mansehra. The DCO vide Letter No.4829 dated 02/03/2012 required reply from EDO in response of which, the EDO submitted para-wise reply vide his letter No.2961 dated 08/12/2011. (Annexure L & M).

The DCO Also conducting "Personal Hearing" of the appellant on 2/4/2011. Mr. Azhar Bilal (Appellant), Mr. Jamil Ur Rehman Superintendent (Department Representative) were heard. The decision issued by DCO Mansehra on 02/04/2012 Order issued under Endst. No.6446-47/A-I/AE/DCO(M) dated 12/04/2012 is briefed as following.

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"I see no ground to interfere in order of the competent authority. Therefore the appeal of the appellants is hereby rejected".

Copy of the above was also issued to the appellants (Annex-N).

On expiry of his leave without pay arrival report on 2/12/2008 at GPS Markaha Bala signed by the head Teacher is also available on record but at the same time, the then dealing assistant has reported him as "Absent" on the page showing leave calculation. (Annex O").

**CROSS EXAMINATION.**

On 6/3/2019, the enquiry committee called on the appellants for Cross Examination. Venue for the purpose was GHSS No.1 Mansehra. The appellants were cross examined and listened Mr. Rafiq Javed SCT / In charge Librarian was recording the reply of statements. He failed to reply about the grant of NOC from EDO (M) Mansehra regarding joining of his service as a Social Organizer in SRSP. Further he didn't accept the getting of copy of order of DCO against him. He also mentioned that he has not made his request to EDO but furnished his attendance report to ADEO Circle Shinkiari Mansehra.

(Annex-P).

Written Attendance of the appellants was got on the day. (Annex-Q).

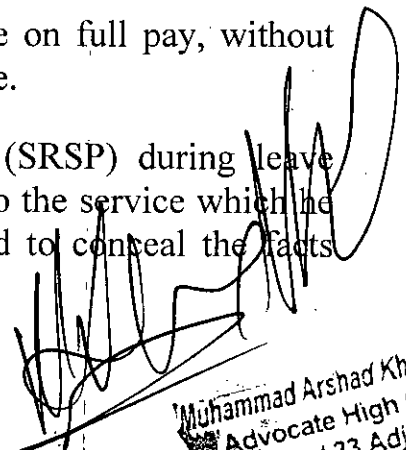
After conducting cross examination, it was concluded that overall, the appellants failed to satisfy the enquiry committee. His reply relating to NOC was not satisfactory.

The inquiry committee also got written statement of the appellants in which he cannot defend himself. (Annex R).

2. **FINDINGS**

Keeping in view the above mentioned facts, following are the findings of enquiry conducted.

- He enjoyed a lot of his service in getting leave on full pay, without pay, half pay and remained absent for a long time.
- He joined Sarhad Rural Support Programme (SRSP) during leave period without grant of NOC for the purpose. So the service which he rendered in SRSP Mansehra is illegal. He tried to conceal the facts about his service which he rendered in SRSP.

*Alleged*  
  
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- He has wasted enough time of innocent kids deprived them from education as much of service shows leave.
- He commented that he has not received copy of order issued by DCO Mansehra showing the rejection of his appeal whereas he challenged the DCO order in Service Tribunal it means that he has tried to protect himself.
- The then EDO (M)/Mansehra has not conducted property enquiry of Mr. Azhar Bilal as no Charge Sheet or Show cause notice has been issued to him which are the basic requirements of the conduct of enquiry. Due to this mistake the Honourable Service Tribunal Camp Court Abbottabad accepted the appeal of the appellant and directed the department to conduct a full-fledged enquiry.

3. **CONCLUSION.**

It has been concluded that Mr. Azhar Bilal (The Appellant) has illegally performed as Social Organizer in SRSP Mansehra during leave period as he has not availed any NOC from the department. He tried to conceal his services which he rendered in SRSP District Mansehra which is a great blunder on his part. So he is guilty of corruption & misconduct. He has wasted a lot of time of the little kids.

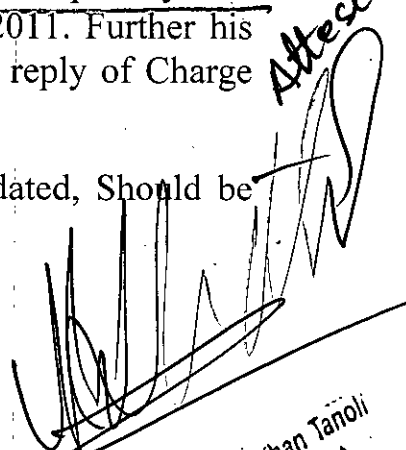
✓ **RECOMMENDATIONS:**

The enquiry Committee proposes the following recommendations.

1. The competent authority shall issue charge sheet and Show Cause Notice to the accused mentioning the major penalty of dismissal/Removal from Service as per E&D rules 2011. Further his "Personal Hearing" shall also be conducted after the reply of Charge Sheet/Show Cause Notice.
2. His original Service Book, be traced and if not updated, Should be completed which is a major official record.

**SIGNATURE OF ENQUIRY COMMITTEE:**

1. Luqman Ali Khan, Principal GHSS No.1 Mansehra Chairman
2. Mr. Nazir, Principal GHSS Pairan, Mansehra Member
3. Mr. Muhammad Aslam Vice Principal GHSS Parhenna, Mansehra Member

*Attested*  
  
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**Dated 20.03.2019**

Total Number of Pages: 05 (Inquiry Report)

Total No. of Pages: 35

ANNEXURE  
"G"

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To,

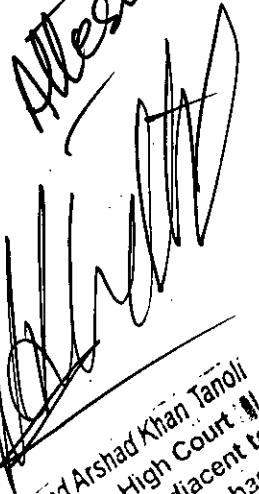
THE DIRECTOR ELEMENTARY AND SECONDARY  
Education, Khyber Pakhtunkhwa, Peshawar.

Subject: DEPARTMENTAL APPEAL AGAINST THE  
NOTIFICATION BEARING ENDST. NO.11660-64  
DATED 12.07.2019 ISSUED BY DY. DISTRICT  
EDUCATION OFFICER (MALE), MANSEHRA.

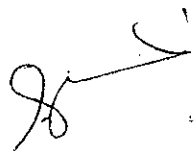
Respected Sir,

With due respect it is submitted:

1. That, the appellant was inducted in the Education Department as PTC Teacher on 13.11.1994 and served the department with great zeal and zest.
2. That, later on, leave was needed to the appellant, therefore, the appellant submitted an application upon which leave w.e.f. 07.03.2006 to 01.12.2008 was sanctioned to the applicant by the Department while fulfilling all the legal and codal formalities. After the expiry of leave period, the appellant duly submitted his written arrival report on 02.12.2008 to Head Teacher Government Primary School Makarha Bala, Tehsil and District Mansehra and the Head Teacher informed the appellant that the post of the appellant has been filled and one Mr. Javed Iqbal has been appointed on the said post, therefore, the appellant was directed to approach the Education office for further necessary action. In this regard, a letter in writing was issued to the appellant with the seal and signature of the Head Teacher

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mentioned above which is available on the inquiry file as well as also mentioned in the previous record.

3. That, the appellant took the above said letter and approach Mr. Shad Muhammad Khan, Assistant District Education Officer (Male), Circle Dhodial and submitted his arrival report to him and requested him to proceed with the said arrival report alongwith service book to District Education Officer (Male), Mansehra who assured and satisfied the appellant that his arrival report would be processed to District Education Officer (Male) Mansehra and the appellant will be intimated through proper channel as per law.

4. That, later on, the appellant time and again visited the office of A.S.D.E.O Circle Dhodial as well as District Education Officer (male) Mansehra but they all the time satisfied the appellant orally that they will adjust him but in the meanwhile no written correspondence was made by the above said offices willfully. As per law, rules and regulations when the appellant is serving under a circle officer, the duty of the appellant is to present/submit his arrival before the circle officer and it is the circle officer who is responsible to proceed the same to District Education Officer (Male), Mansehra.

5. That, the Education Department was duty bound to inform the appellant regarding his adjustment but instead of adjusting the appellant, they issued letter No.2543-50 dated 27.10.2011 whereby the service of the appellant were ordered to be ceased

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person namely Mr. Muhammad Aslam, the so-called inquiry officer who was made the part and parcel of the inquiry committee by the appointing authority vide letter No.12888-90/Lit(M)/Inquiry/PST dated 10.09.2018 but he was never present during the inquiry proceedings in the inquiry room on 06.03.2019, therefore, the inquiry so conducted under the signatures of three persons have no legal sanctity in the eyes of law. Similarly, the Chairman of the inquiry committee have only got the signatures of the third person namely Mr. Muhammad Aslam on the inquiry report which his inclusion in the inquiry, which is a great blunder on the part of the education department.

- 7. That, the appellant is totally unaware regarding the letter No.12888 dated 10.09.2018 as the same was kept in dark willfully by the Department as well as inquiry committee from the appellant. The appellant time and again sent different letters to D.E.O (M), Manshera after the order of Honourable Service Tribunal which are available on the file but no answer was given to the appellant in this regard.
- 8. That, as far as the detailed record examined by the inquiry committee is concerned; the appellant was never intimated that what type of record was examined by the inquiry committee. Furthermore, the appellant submitted detailed and comprehensive stance/version before the inquiry committee dated 06.03.2019 which was duly received by Chairperson of Inquiry committee namely Mr. Luqman Ali Khan but the same was never taken into consideration by the inquiry committee. The receiving of the said stance/version is already available on the inquiry file.
- 9. That, it was bounden duty of the inquiry committee to probe into the matter as per the version/stance of the

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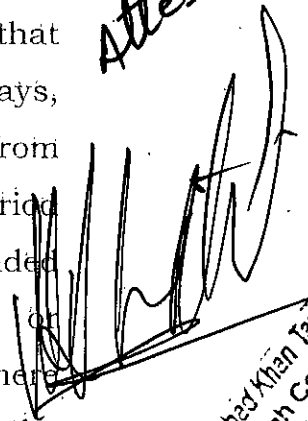
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appellant raised before Honourable Service Tribunal, Deputy Commissioner Office as well as during personal hearing dated 06.03.2019 but they badly failed to probe into the same in its true letter and spirit. Furthermore, neither any statement of Head Teacher Government Primary School Makarha Bala was recorded nor Mr. Shad Muhammad Khan, A.S.D.E.O Circle was examined in this regard. Although the inquiry committee has vast powers to probe into the matter and to record the statements of all the concerned in the matter but the inquiry committee failed to fulfill its legal obligation in this regard. Similarly, the statements of the above-mentioned persons were also not recorded in presence of the appellant nor they were summoned by the inquiry committee. It is also pertinent to mention here that the inquiry committee kept mum upon the attendance/arrival report of the appellant despite of the fact that the same is available on the inquiry file and no findings whatsoever were given on the same. Similarly, the inquiry committee did not bother to investigate regarding the arrival report of the appellant from the Education Department.

10. That, as far as the joining of Sarhad Rural Support Programme (SRSP) is concerned, it is submitted that the appellant was on personal leave during those days, therefore, there was no need to obtain any NOC from the Education Department during the leave period because the education department has not bounded the appellant through any written document or affidavit that the appellant will not work anywhere within leave period i.e. without pay. If had so, then the appellant would not work anywhere. It is also very much important to note that that the appellant only

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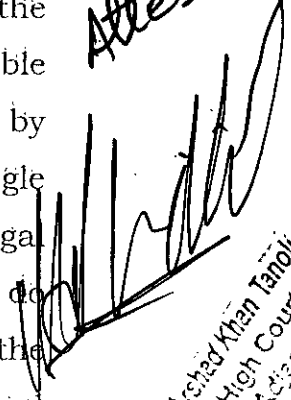
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served with SRSP as a volunteer keeping in view the difficulties faced by the earthquake affected people as there are hundred of thousands of peoples who became homeless due to earthquake. The volunteer services rendered for the SRSP are purely on humanitarian basis which cannot be termed as illegal. The appellant never wasted any time of innocent kids rather the appellant during his service tenure, tried his best to facilitate the students in all manners. The leave period was the basic right of the appellant which was availed by the appellant as per law, rules and regulations as well as per the legal permission of the Department, which does not amount to wastage of time of kids. The appellant never received any benefit from the Education Department regarding the leave period nor any loss was suffered to public exchequer by any conduct of the appellant.

11. That, the appellant was never given the opportunity of personal hearing on 16.08.2011 nor the appellant ever received any such letter vide office No.1767 nor appeared before any authority nor admitted any willful absence. All the allegations in this regard are totally false, frivolous, baseless and without any documentary evidence/substance hence the said so-called personal hearing has no bindings effects on the appellant. This point was raised before the Honourable KPK Service Tribunal but no evidence was annexed by the department in this regard rather only a single paper was introduced and that too with any legal procedure. Similarly, the inquiry committee also do not bother to obtain any proof in this regard from the Education Department rather only a single paper and that too without any evidence/substance has been used against the appellant and such conduct of the

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inquiry committee shows that all the proceedings were carried out mere on the basis of previous proceedings. It is worthy to note that the said letter was based for the ceasing of the service of the appellant which was challenged by the appellant before the Honourable KPK Service Tribunal which was set at naught by the Honourable Service Tribunal while ordering for fresh full fledge inquiry and the Service Tribunal also held that the education department has committed serious blunders by not following the legal procedure prescribed under the law and the same practice was committed by the inquiry committee in the matter in hand which is not permissible under the law as statement of relevant persons have not been recorded by the inquiry committee which were mandatory/ necessary for reaching at just and proper conclusion.

12. That, as the inquiry committee has not conducted the proceedings of inquiry in accordance with law, therefore, all the proceedings as well as recommendations by them is a nullity in the eyes of law. The recommendations of the inquiry committee are neither satisfactory nor justified nor can be acted upon as the basic roots of the inquiry are missing in the inquiry report rather all the proceedings were carried out mere on presumption, conjectures and surmises while keeping in view the previous position/case. No fresh improvement or proceedings have been carried out by the inquiry committee in this regard keeping view the directions of Honourable service Tribunal rather willfully the strong, cogent and confidence inspiring stance of the appellant has been treated as trash.

13. That, another astonishing aspect of the case is that the appellant was never intimated nor handed over the

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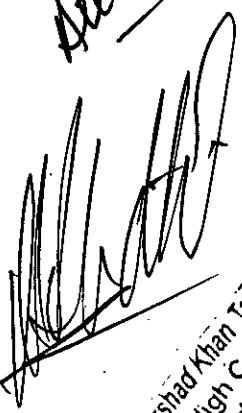
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findings of the inquiry till issuance of impugned notification dated 12.07.2019 despite of the fact that the appellant time and again submitted different applications to Education Department and other high-ups but the grievances of the appellant were never redressed and non-handing of inquiry report also shows that there is something wrong in the bottom. Similarly, under the law it was the bounden duty of the inquiry committee to hand over the inquiry report alongwith all the relevant material to the appellant after its completion but the said law has been blatantly violated by the Education Department while not issuing the inquiry committee alongwith other material to the appellant. Had the department or inquiry committee would issue the findings of committee to the appellant then the appellant would betterly assist the department on the right angle and would also point out material aspect of the case for reaching at just and proper decision.

- 14. That, the inquiry committee never tried to bring the real facts on the surface of the record rather the inquiry committee conducted the inquiry proceedings under the pressure of Education Department just to save their employments/service. Had the inquiry committee would record the statements of the above said persons and to dig the real facts then the innocence of the appellant would be proved/established. But the inquiry committee instead of inquiring the matter on the correct direction in the light of the directions contained in order of Honourable Service Tribunal relied on the previous record only which was already available on the file and the same has been set at naught/rejected by the Honourable Service Tribunal. As the inquiry

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committee has proceeded in the light of previous record, therefore, all the proceedings so conducted by them is a nullity in the eyes of law.

15. That, from whatever angle it is to be seen, the appellant never remained willful absent rather all the record as well as the detailed version/stances of the appellant clearly depicts that the appellant made his arrival within time but due to the negligence of the Education Department, the appellant was never adjusted nor considered for adjustment and the Education Department is blaming the appellant and the appellant has been made escape goat for the negligence committed by the Education Department.

16. That, bare perusal of the findings of inquiry committee would reveal that the inquiry committee discussed the irrelevant facts i.e. previous leave period of the appellant which never remained disputed one in the past or at present rather the inquiry officers just to mix up the case and to remove the attention from the real picture of the case have discussed the irrelevant aspect. The leave period mentioned at serial No.(a) to (l) is firstly never a dispute one nor the same has ever been made part of the case nor any show cause notice in this regard was issued to the appellant nor any departmental inquiry was made in this respect previously or presently. The inquiry officers have categorically admitted in their findings at page No.3 that "Original Service Book or its photocopy is not available in the file of D.E.O (M) Mansehra due to unknown reason" and also admitted at last page in para No.2 of recommendation that "His original service book, be traced and if not updated, should be

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completed which is a major official record". Keeping view such clear admission, how the inquiry committee can calculate the leave period of the appellant without original service book. The leave period mentioned at serial No.(a) to (l) in findings of inquiry are legal one and if there were no leaves left with the appellant then why the Education department sanctioned the last leave w.e.f. 02.12.2007 to 01.12.2008 and sanctioning the said leave clearly shows that the appellant had the requisite leaves in his favour which were duly availed by the appellant as per the permission of the Education Department as well as in the light of relevant law, rules and regulations. Furthermore non availability of original service book with the Education Department also shows malafide that they are concealing the real facts willfully.

- 17. That, the whole leave period so calculated by the inquiry officers is also illegal and void as they are calculating the later period i.e. after 02.12.2008 which is highly injustice with the appellant as the appellant has made his arrival on 02.12.2008 well within time and due to negligence of the Education Department, the said arrival report was never considered by them despite of the fact that the said arrival report is also made part and parcel of the inquiry which is evident from the findings of inquiry committee at page No 5 which is reproduced as under: -

"On expiry of his leave without pay any arrival report on 02.12.2008 at GPS Makarha Bala signed by the Head Teacher is also available on record but at the same time, the then dealing assistant has reported him as "Absent" on the part showing leave calculation annexure "O"

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Muhammad Arshad Khan Tanoli  
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Keeping in view such situation, the inquiry officers were duty bound to summon the said Assistant, Mr. Shad Muhammad Khan A.D.E.O Circle Shinkiani alongwith Head Teacher Government Primary School Makaria Bala, District Mansehra but the said crucial and important evidence has been withheld by the inquiry officers. Neither the statements of the said witnesses were recorded nor any opportunity of cross examination on the said witnesses was afforded to the appellant nor any proceedings in this regard were conducted by the inquiry officer. Furthermore, the appellant submitted detailed reply to show cause notice but the Education Department also did not bother themselves to summon/call the above said witnesses which was well in the authority/domain of the Education Department.

18. That, bare perusal of the record would reveals that the appellant's services were shown to be ceased with effect from 28.03.2009 whereas the leave period of the appellant was going to be expired on 02.12.2008 and after expiry of leave period, arrival report was duly submitted on 02.12.2008 to concerned authorities i.e. Circle Office. Now calculating the period between the ceasing of service and arrival report, it shows that the appellant's services were ceased after more than 03 months and such act of the education Department is a clear cut proof that the appellant was in service w.e.f. 02.12.2008 to 28.03.2009 hence the arrival report is also an admitted document by the Education Department as well as inquiry committee, therefore, this point is very much vital for the reinstatement of the service of appellant but the same has been overlooked by the Education Department as well as inquiry officers. Similarly, the leave period of the appellant is also admitted by the Inquiry Officers as well as Education Department.

19. That, no evidence of so-called willful absence has ever been produced by the Inquiry Officers or Education Department nor the same has been discussed in inquiry findings nor

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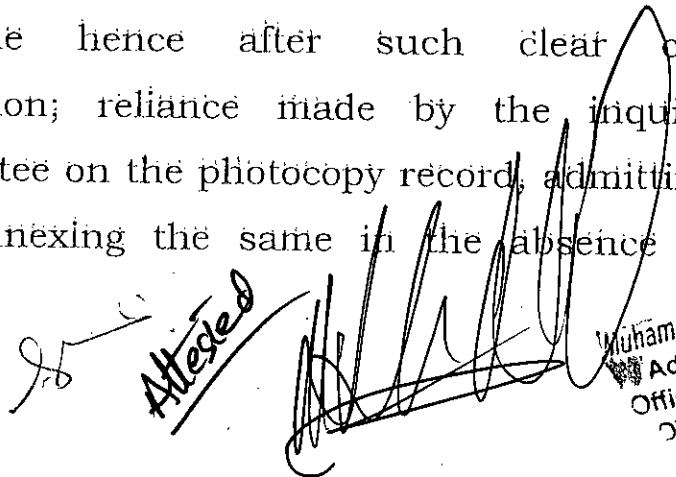
*J.S.*



the same was ever proved against the appellant rather all the record including arrival report speaks volume about the fact that the appellant has made his arrival well within time and never remained negligent in performance of his duties. The Education Department has staged the drama of so-called willful absence as well as so-called personal hearing dated 23.08.2011 of the appellant, malafidely and bogus letter No.1767 dated 16.08.2011 was introduced malafidely but badly failed to prove the same before the inquiry committee.

20. That, no official of the Education Department has come forward to annex any documentary proof against the appellant nor the name of any such official, nominated by the appointing authority from the department, is mentioned in the findings of inquiry committee nor the statement of any such official was recorded by the inquiry officers nor the appellant has been given a chance of cross examination on any such person. Similarly, as it was fresh full fledged inquiry under the law, therefore, fresh and original documents were to be presented and exhibited before the committee but not process under the law was adopted by the inquiry officers which was mandatory. The inquiry officers never pay heed to fulfill the legal requirement of law in the matter in hand.

21. That, the inquiry officers have made reliance on the photocopies of the previous record nor fresh or original documents were brought on the record nor exhibited as per law. Similarly, the inquiry committee itself admitted that the original service book of the appellant is not available hence after such clear cut admission; reliance made by the inquiry committee on the photocopy record, admitting and annexing the same in the absence of

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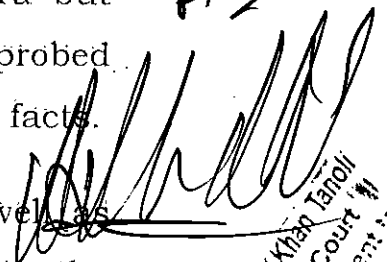
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original is a sheer violation of relevant law, rules and regulations.

22. That, the appellant never committed any corruption or misconduct nor any such allegations have been proved during the course of inquiry by the Inquiry Committee and leveling such allegations against the appellant also speaks volume of malafide on the part of the Inquiry committee and Education Department.
23. That, the appellant was called for personal hearing on 27.05.2019 which was received on the same date by hand which was mandatory to be sent to the appellant by registered post at his postal address. Furthermore, the appellant personally appeared before the Dy: District Education Officer (Male), Mansehra upon the direction of District Education Officer (Male), Mansehra. During the personal hearing the Deputy District Education Officer (Male), Mansehra discussed all the issues as well as reply given by the appellant in his show cause notice one by one and the appellant duly justified all the allegations levelled against him and real facts were brought into the notice of the Deputy District Education Officer (Male), Mansehra but despite that fact neither the real facts were probed into nor any effort was made to dig the real facts.
24. That, during the inquiry proceedings as well as during the proceedings of show cause notice, the appellant never found guilty of Efficiency and Discipline Rules, 2011 rather the appellant has

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Muhammad Arshad Khan Janoli  
Advocate High Court  
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served the department with great zeal and zest and never remained negligent in performance of his duties.

25. That, no legal, valid or justified reasons have been recorded by the Dy: District Education Officer (Male) in support of its impugned notification bearing No.11660-64 dated 12.07.2019.
26. That, the Dy: District Education Officer (Male) Mansehra have committed illegality and material irregularity while issuing the impugned notification which have no legal sanctity in the eyes of law.

**It is, therefore, most humbly requested** that on acceptance of the instant departmental appeal, the impugned notification/order bearing No.11660-64 dated 12.07.2019 alongwith the order bearing No.2543-50 dated 27.10.2011 may graciously be set aside and the appellant may graciously be reinstated in service w.e.f. 28.03.2009 and all back benefits w.e.f 01.12.2008 may also be granted/awarded to the appellant. OR any other relief which your honour deems appropriate in the circumstances of the case, may also be granted.

Dated 23.07.2019

*AS* 23-7-19  
**AZHAR BILAL NIAZI**  
 SON OF  
**GHULAM MUSTAFA NIAZI**  
 PST Teacher

Resident of Mohallah Nogazi,  
 Mansehra.

Contact No.0336-9005132

0346-9612556

*Attested*  
 Muhammad Arshad Khan Tanoli  
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# SHOW CAUSE NOTICE.

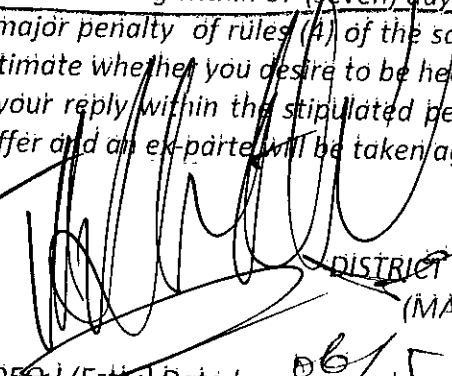
ANNEXURE  
= H<sup>3</sup>

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1. I, Khan Muhammad, District Education Officer (Male) Mansehra, as a competent authority under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 do hereby serve you a Show Cause Notice Mr. Azhar Bilal Ex-PST GPS Makraha Bala, Tehsil Baffa as Follows:-

- 1- In the light of Judgement of KPK Service Tribunal camp court Abbottabad dated 29/06/2018 in appeal No. 297/2012, a full-fledged enquiry committee was constituted comprising three senior most Officers of the Department to probe in to the matter vide this Office letter No. 12888 dated 10/09/2018.
  - 2- The Inquiry committee have examined all relevant record in detail and submitted detail report with findings / recommendations.
  - 3- According to the report of inquiry committee you joined a lot of your service in getting leave on full pay / half pay and without pay, & expiry of said leave you remained absent from duty for a long time.
  - 4- You have joined Sarhad Rural Support Programme (SRSP) during the period of leave without obtaining NOC from the department for the said purpose. Your services rendered in SRSP Mansehra treated as illegal which you have concealed the facts, resulted you have wasted enough time of innocent kids, and deprived them from education.
  - 5- You <sup>were</sup> have also given the opportunity of personal hearing vide this Office No. 1767 dated 16/08/2011. During the hearing on 23/08/2011 you have admitted regarding your willful absence from duty and serving in SRSP during the said period. Your services was ceased w.e.f 28/03/2009, under the revised rule 1981, Para 12 Vide this Office Endst: No. 2543-50 (G-B)-III /DDO (M) Dated 27/10/2011.
  - 6- The inquiry committee recommended to issue Show Cause Notice for imposing major penalty of Dismissal / Removal from Service under E&D Rule 2011, you found guilty.
  - 7- I am satisfied that you found guilty of misconduct and inefficiency as specified in rules of 3 of said rules. Thus you have rendered yourself liable to be proceeded against under the said rules.
2. In exercise of power conferred by the Khyber Pakhtunkhwa Govt: Servant (Efficiency & Discipline) rules 2011, the Competent Authority is hereby pleased to dispose with conduct of formal enquiry and serve you with the instant 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 rules (4) of the said rules school not be imposed upon you and also intimate whether you desire to be heard in person?
3. In case you failed to submit your reply within the stipulated period, it will presumed that you have no defense to offer and an ex-parte will be taken against you.

Attested



DISTRICT EDUCATION OFFICER  
(MALE) MANSEHRA

Endstt: No 7476-79 / ADEO-I (Estt:) Dated 06/5

Muhammad Ahsan Khan Jabali  
Advocate High Court  
Office No. 33 Adjacent to  
Diet Bar Abbottabad

Copy of the above is forwarded for information to the:-

- 1- Sub-Divisional Education Officer (Male) Baffa.
- 2- Sub Divisional Education Officer (Male) Mansehra.
- 3- ASDEO (M) Dhodial.
- ✓ 4- Mr. Azhar Bilal Ex-PST GPS Makhra Bala.
- 5- Office Copy.

DISTRICT EDUCATION OFFICER  
(MALE) MANSEHRA

ANNEXURE  
'I'

54

To:

THE DISTRICT EDUCATION OFFICER (MALE),  
Mansehra.

Subject: REPLY TO SHOW CAUSE NOTICE BEARING  
ENDST. NO.7476-79/ADEO-I (ESTT:) DATED  
06.05.2019 RECEIVED BY HAND ON 14.05.2019  
FROM YOUR OFFICE.

Respected Sir,

Please find enclosed herewith original reply  
of show cause notice dated 17.05.2019  
consist upon 07 pages for further necessary  
proceedings please.

Dated 17.05.2019

*[Handwritten signature]*

**AZHAR BILAL NIAZI**  
SON OF  
**GHULAM MUSTAFA NIAZI**  
Ex-PST Teacher  
Resident of Mohallah Nogazi,  
Mansehra.  
Contact No.0336-9005132  
0346-9612556

D. No. 3329  
17/5/19  
D.E.O (M)  
Mansehra.

Attested

*[Handwritten signature]*

Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No. 33 Adjacent to  
Distt Bar Abbottabad

RP-54

رسید

رجسٹری یا بیمہ بھیجنے والے کو پست پر دیے گئے پتہ پر واپس بھیجا جائے۔

☆ ایک رجسٹری نمبر \_\_\_\_\_

برائے (نام) D.E.O (M) قالیہ \_\_\_\_\_ وصول پائی۔

بیمہ کی مالیت \_\_\_\_\_ وزن (لٹروں میں) \_\_\_\_\_

مکتوب الیہ کے دستخط \_\_\_\_\_ تاریخ تقسیم \_\_\_\_\_ 18.5.19

☆ یہاں "چھٹی" "پوسٹ کارڈ" "یکٹ" یا "پارسل" جو چیز ہو تحریر کریں۔ بیمہ کی صورت میں لفظ "بیمہ" لکھیں۔  
☆ صرف بیمہ کی صورت میں یہاں اندراج کیا جائے۔ بصورت دیگر کٹ دیا جائے۔

قیمت: دس روپے -/10 Rs.

55

To,

THE DISTRICT EDUCATION OFFICER (MALE),  
Mansehra.

Subject: REPLY TO SHOW CAUSE NOTICE BEARING  
ENDST: NO.7476-79/ADEO-I (ESTT:) DATED  
06.05.2019 RECEIVED BY HAND ON 14.05.2019 FROM  
YOUR OFFICE.

Respected Sir,

With due respect it is submitted that I have received the above-noted show cause notice on 14.05.2019 by hand from your office (as no registered post was received to the applicant which was mandatory to be posted/sent to the applicant), the reply of which is as under: -

1. That, the applicant was inducted in the Education Department as PTC Teacher on 13.11.1994 and served the department with great zeal and zest till 06.03.2006 without any stigma on the service of the applicant which is apparent from the service book duly prepared by the department.
2. That, later on, personal leave was needed to the applicant, therefore, the applicant submitted an application upon which leave w.e.f. 07.03.2006 to 01.12.2008 was sanctioned to the applicant by the Department. After the expiry of leave period, the applicant duly submitted his written arrival report on 02.12.2008 to Head Teacher Government Primary School Makarha Bala, Tehsil and District Mansehra and the Head Teacher informed the applicant that the post of the applicant has been filled and one Mr. Javed Iqbal has been appointed on the said post, therefore, the applicant was directed to approach the Education office for further necessary action. In this regard, a letter in writing was issued to the applicant with the seal and signature of the Head Teacher mentioned above which is available on the inquiry file as well as also mentioned in the previous record.

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Attested  
Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No. 33 Adjacent to  
Dist Bar Abbottabad

3. That, the applicant took the above said letter and approach Mr. Shad Muhammad Khan, Assistant District Education Officer (Male), Circle Dhodial and submitted his arrival report to him and requested him to proceed the said arrival report alongwith service book to District Officer (Male), Mansehra who assured and satisfied the applicant that his arrival report would be proceeded to District Education Officer (Male) Mansehra and the applicant will be intimated through proper channel.
4. That, later on, the applicant time and again visited the office of A.D.E.O Circle Dhodial as well as District Education Officer (male) Mansehra but they all the time satisfied the applicant orally that they will adjust the applicant but in the meanwhile no written correspondence was made by the above said offices willfully.
5. That, the Education Department was duty bound to inform the applicant regarding his adjustment but instead of adjusting the applicant, they issued letter No.2543-50 dated 27.10.2011 whereby the service of the applicant was ordered to be ceased without any show cause notice or personal hearing. Against which the applicant filed a service appeal before the Honourable Service Tribunal which was accepted and the order of full fledged inquiry was passed.
6. That, although the inquiry committee was constituted in the light of order of Honourable KPK Service Tribunal but the applicant was never intimated nor any correspondence was made to the applicant for joining the proceedings of the inquiry. The applicant himself appeared before the inquiry committee in Government Higher Secondary School No.1, Mansehra on 06.03.2019 at 10:00 PM where only two persons namely Mr. Luqman Ali Khan and Mr. Nazir Sahib were present, in this respect an entry was also made by the

Attested

Muhammad Arshad Khan Jaroli  
Advocate High Court  
Office No 23 Adjacent to  
D-104 7th Floor Abbottabad

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applicant in his attendance certificate duly signed by the applicant, which is available on the inquiry file as well as with the applicant. The applicant is ready to take oath that no third person joined the inquiry proceedings on 06.03.2019. In this regard, the applicant also offers oath to Mr. Luqman Ali Khan and Mr. Nazir Sahib that no third person was available at the time of inquiry nor introduced to the applicant nor the applicant seen the third person nor meet with him. The applicant was initially never came to know that three persons were constituted as inquiry committee rather the applicant later from the show cause notice came to know that three persons were constituted as inquiry committee for the inquiry purpose from the department but still the name of third person has not been disclosed on the applicant. It is also important to note that if there was any third person in the inquiry committee but he was never present during the inquiry proceedings in the inquiry room on 06.03.2019; therefore, the inquiry so conducted under the signatures of three persons have no legal sanctity in the eyes of law.

7. That, the applicant is totally unaware regarding the letter No.12888 dated 10.09.2018 as the same was kept in dark willfully by the department as well as inquiry committee from the applicant. The applicant time and again sent different letters to D.E.O, Mansehra after the order of Honourable Service Tribunal which would be available on the file but no answer was given to the applicant.
8. That, as far as the detailed record examined by the inquiry committee is concerned; the applicant was never intimated that what type of record was examined by the inquiry committee. Furthermore, the applicant submitted detailed and comprehensive stance/version before the inquiry committee which was duly received by Chairperson of Inquiry committee namely Luqman Ali Khan but the same was never taken into consideration by the inquiry committee. The receiving of the said stance/version is already available on

*Attested*

Muhammad Arshad Khan Janoli  
Advocate High Court  
Office No. 33 Adjacent to  
Distt Bar Abbottabad

*[Handwritten signature]*



the inquiry file as well as the file of Honourable Service Tribunal, KPK Peshawar.

9. That, it was bounden duty of the inquiry committee to probe into the matter as per the version/stance of the applicant raised before Honourable Service Tribunal, Deputy Commissioner Office as well as during personal hearing dated 06.03.2019 but they badly failed to probe into the same in its true letter and spirit. Furthermore, neither any statement of Head Teacher Government Primary School Makatha Bala was recorded nor Mr. Shad Muhammad Khan, A.D.E.O Circle was examined in this regard. Although the committee has vast powers to probe into the matter and to record the statements of all the concerned in the matter but the inquiry committee failed to fulfill its legal obligation in this regard. Similarly, the statements of the above-mentioned persons were also not recorded in presence of the applicant nor they were summoned by the inquiry committee. It is also pertinent to mention here that the inquiry committee kept mum upon the attendance/arrival report of the applicant and no findings whatsoever were given on the same. Similarly, the inquiry committee did not bother to investigate regarding the arrival report of the applicant from the Education Department.

10. That, as far as the joining of Sarhad Rural Support Programme (SRSP) is concerned, it is submitted that the applicant was on personal leave during those days, therefore, there was no need to obtain any NOC from the Education Department. The applicant only service with SRSP as a volunteer keeping in view the difficulties faced by the earthquake affectees. The volunteer services rendered for the SRSP are purely on humanitarian basis which cannot be termed as illegal. The applicant never wasted any time of innocent kids rather the applicant during his service tenure,

Attested

Muhammad Arshad Khan Jang,  
Advocate High Court  
Office No. 33 Adjacent  
Distt Bar Abbottabad

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tried his best to facilitate the students in all manners. The leave period was the basic right of the applicant which was availed by the applicant as per law, rules and regulations which does not amount to wastage of time of kids. The applicant never received any benefit regarding the leave period nor any loss was suffered to public exchequer by any conduct of the applicant.

11. That, the applicant was never given the opportunity of personal hearing on 16.08.2011 nor the applicant ever received any such letter vide office No:1767 nor appeared before any authority nor admitted any willful absence. All the allegations in this regard are totally false, frivolous, baseless and without any documentary evidence/substance hence the said so-called personal hearing has no bindings effects on the applicant. This point was raised before the Honourable KPK Service Tribunal but no evidence was annexed by the department in this regard rather only a single paper was introduced and that too with any legal procedure. Similarly, the inquiry committee also do not bother to obtain any proof in this regard from the Education Department rather only a single paper and that too without any evidence/substance has been used against the applicant and such conduct of the inquiry committee shows that all the proceedings were carried out mere on the basis of previous proceedings. It is worthy to note that the said letter was based for the ceasing of the service of the applicant which was challenged by the applicant before the Honourable KPK Service Tribunal which was set at naught by the Honourable Service Tribunal while ordering for full fledge inquiry and the Service Tribunal also hold that the department has committed serious blunders by not following the legal procedure prescribed under the law and the same practice was committed by the inquiry committee in the matter in

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*Attested*  
 Muhammad Arshad Khan Janoli  
 Advocate High Court  
 Office No. 33 Adjacent to  
 Dist Bar Abbottabad

hand which is not permissible under the law as statement of relevant persons have not been recorded by the inquiry committee.

12. That, as the inquiry committee has not conducted the proceedings of inquiry in accordance with law, therefore, all the proceedings as well as recommendations by them is a nullity in the eyes of law. The recommendations of the inquiry committee are neither satisfactory nor can be acted upon as the basic roots of the inquiry are missing in the inquiry report rather all the proceedings were carried out mere on presumption, conjectures and surmises while keeping in view the previous position/case. No fresh improvement or proceedings have been carried out by the inquiry committee in this regard.
13. That, another astonishing aspect of the case is that the applicant was never intimated nor handed over the findings of the inquiry till date despite of the fact that the applicant time and again submitted different applications to Education Department and other high-ups but the grievances of the applicant were never redressed and non-handing of inquiry report also shows that there is something wrong in the bottom and such conduct of the inquiry committee as well as department shows that they are bent upon their wrong and illegal acts.
14. That, the inquiry committee never tried to bring the real facts on the surface of the record rather the inquiry committee conducted the inquiry proceedings under the pressure of Education Department just to save their employments/ service. Had the inquiry committee would record the statements of the above said persons and to dug the real facts then the innocence of the applicant would be proved/established. But the inquiry committee instead of

*Attested*

Muhammad Arshad Khan Janoli  
Advocate High Court  
Office No 33 Adjacent to  
Dist. Court

*25*

inquiring the matter on the correct direction in the light of the directions contained in order of Honourable Service Tribunal relied on the previous record only which was already available on the file and the same has been set at naught/rejected by the Honourable Service Tribunal.

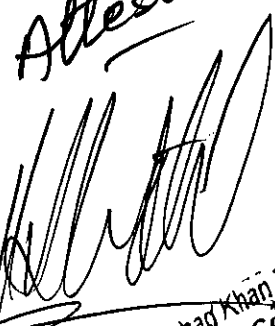
15. That, from whatever angle it is to be seen, the applicant never remained willful absent rather all the record as well as the detailed version/stances of the applicant clearly depicts that the applicant made his arrival within time but due to the negligence of the Education Department, the applicant was never adjusted nor considered for adjustment and the Education Department is blaming the applicant and the applicant has been made escape goat for the negligence committed by themselves.

16. That, from the above said discussion, the major penalty cannot be imposed upon the applicant rather the applicant has fulfilled his duties and legal obligations in all respects within time, therefore, the services of the applicant are liable to be restored with all back benefits.

It is, therefore, most humbly requested that keeping in view of the above, the said inquiry may be dropped and the applicant may please be restored in service with all back benefits.

Dated 17.05.2019

  
**AZHAR BILAL NIAZI**  
 SON OF  
**GHULAM MUSTAFA NIAZI**  
 Ex-PST Teacher  
 Resident of Mohiallah Nogazi,  
 Manshra.  
 Contact No. 0336-9005132  
 0346-9612556

*Attested*  
  
 Muhammad Arshad Khan Tanoli  
 Advocate High Court  
 Office No: 33 Adjacent to  
 Dist Bar Abbottabad

**NOTE:**

**The instant reply of show cause notice consists upon 07 pages, each pages has duly been signed by the applicant.**

ANNEXURE

"J"

62

To,

THE CHAIRPERSON INQUIRY OFFICER,  
Principal Govt. Higher Secondary School No.1,  
Mansehra.

Subject:

INITIATION AND COMPLETION OF INQUIRY AS  
PER THE DIRECTIONS/ORDER OF KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL, CAMP  
COURT ABBOTTABAD IN SERVICE APPEAL  
NO.297/2012 DATE OF INSTITUTION 02.03.2012  
DATE OF DECISION 29.06.2018.


Respected Sir,

With due respect, it is submitted:

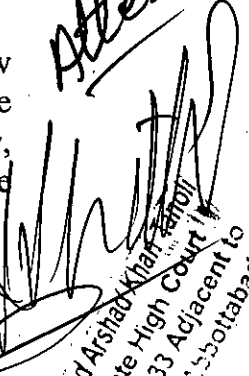
1. That, the petitioner initially filed a service appeal No.297/2012 which was allowed by Honourable Khyber Pakhtunkhwa Service Tribunal, camp court Abbottabad vide judgment dated 29.06.2018 and the Honourable Tribunal directed the education department to conduct full fledged enquiry and also give opportunity of hearing to the appellant.
2. That, the petitioner when came to know through reliable sources that the inquiry was marked to your goodself as Chairperson alongwith others, therefore, the appellant approached to your office time and again for initiation and completion of inquiry as per law as well as keeping in view the direction of Honourable Tribunal but till now neither the petitioner was called upon by your goodself or education department (E.D.O Male Mansehra) nor any intimation was given to the appellant regarding the process of inquiry.
3. That, this application is being filed as previously the education department by delaying tactics affected the rights of the petitioner. Similarly, due to delay in inquiry, the petitioner is suffering from severe mental agonies.

It is, therefore, most humbly requested that keeping in view the above-mentioned situation, the inquiry may please be initiated and be completed strictly in accordance with law, rules and regulations as well as keeping in view the direction/order of the Honourable Service Tribunal.

Dated 28.02.2019

  
AZHAR BILAL NIAZI  
Son of Ghulam Mustafa Niazi  
Resident of Mohallah Nogazi,  
Mansehra.  
Contact No. 0336-9005132  
0346-9612556  
0997-306094

YOU CAN ALSO USED ADDRESS FOR MAILING.  
C/o Al-Sheikh Hotel, Mohallah Nogazi, Mansehra.

*Attested*  
  
Muhammad Arshad Khan  
Advocate High Court  
Office No. 33 Adjacent to  
District Court Abbottabad

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To,

MR. LUQMAN ALI KHAN,  
The Inquiry Officer/  
Principal Government Higher Secondary  
School No.1, Mansehra.

Subject: APPLICATION FOR ISSUANCE OF  
INTIMATION OF THE STAGE OF  
INQUIRY.

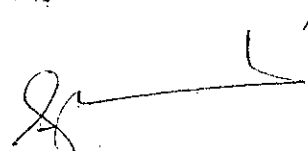
Respected Sir,

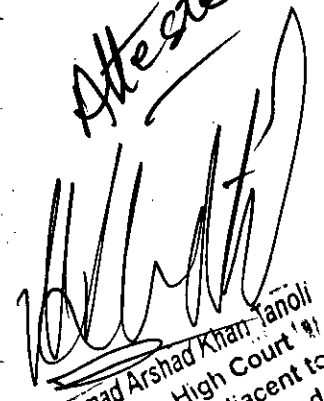
With due respect, it is submitted that I  
have appeared before your goodself  
alongwith Mr. Nazir Sahib in connection  
with inquiry on 06.03.2019 but till now, I  
have never been intimated with the stage  
of proceedings of inquiry.

It is, therefore, requested that kindly  
intimate me regarding the stage of the  
proceedings of the inquiry pending under  
your kind control.


Thanking you in anticipation.

Dated 25.03.2019

  
AZHAR BILAL NIAZI  
SON OF  
GHULAM MUSTAFA NIAZI  
Ex-PST

*Attested*  
  
Muhammad Arshad Khan, Tanoli  
Advocate High Court  
Office No 33 Adjacent to  
Distt Bar Abbottabad

RESIDENTIAL ADDRESS:  
Resident of Mohallah  
Noghazi, Mansehra.  
Contact No.0336-9005132  
0346-9612556

768  
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uninsured letters of not more than  
the in **RGL14029372**  
Post Office Guide: or on which an  
acknowledgement is due.  
Date Stamp  
\*Write here "letter", "postcard", "packet" or "parcel"  
if Receiving Officer with the word "insured" before it when necessary.  
Insured for Rs. (In figures) 1000 (In words) One thousand  
Insurance fee Rs. \_\_\_\_\_ Ps. \_\_\_\_\_ Weight } Kilo-  
Name and address } (in words) } Grams  


64

To,

Mr. LUQMAN ALI KHAN,  
Principal Government Higher Secondary School No.1,  
Mansehra.

Subject: APPLICATION FOR ISSUANCE OF THE  
COPIES OF INQUIRY REPORT ALONGWITH  
ALL THE RELEVANT DOCUMENTS.

Respected Sir,

With due respect, it is submitted that an inquiry was initiated in the matter of the petitioner on the basis of order of Honourable Service Tribunal which has been carried out by your goodself alongwith Mr. Nazir Sahib and the same has been finalized.

I have submitted an application through registered post to your goodself but neither I am intimated from the stage of inquiry nor any copies were sent to the petitioner till now.

As I am unaware from the stage of the proceedings of the inquiry and if the inquiry has been completed/closed then it is my basic, legal and fundamental right to be provided with the copies of the inquiry report alongwith questionnaire as well as other relevant documents annexed by your goodself in the context of inquiry.

It is, therefore, most humbly requested that the petitioner may please be provided/issued the copies of inquiry report alongwith relevant documents.

Dated 28.03.2019

AZHAR BILAL NIAZI  
SON OF  
GHULAM MUSTAFA NIAZI  
Ex-PST Teacher  
Resident of Mohallah: Nogazi,  
Mansehra.

Contact No. 0336-9005132  
0346-9612556

Attested

Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No: 33 Adjacent to  
Dist Bar Abbottabad

No. 1224 For Insurance Notices see reverse.  
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uninsured letters of not more than  
Rs. 20/- Ps. 2/-  
RGL14029828  
Guide of on which no  
acknowledgement is due.

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Date-Stamp

\*Write here "letter", "postcard", "packet" or "parcel"  
with the word "insured" before it when necessary.

Insured for Rs. (in figures) 10/- (in words) Ten

Weight (in words) 10gms Kilo Grams

Insurance fee Rs. 0/-

Name and address of sender

65

To,

THE DISTRICT EDUCATION OFFICER (MALE);  
Mansehra.

Subject:

APPLICATION FOR ISSUANCE OF THE  
COPIES OF INQUIRY REPORT ALONGWITH  
ALL THE RELEVANT DOCUMENTS.

Respected Sir,


With due respect, it is submitted that an inquiry was initiated in the matter of the petitioner on the basis of order of Honourable Service Tribunal which has been carried out by Mr. Luqman Ali Khan, Principal Government Higher Secondary School No.1, Mansehra alongwith Mr. Nazir Sahib and the same has been finalized.

I have submitted an application through registered post to above-mentioned inquiry officer but neither I am intimated from the stage of inquiry nor any copies were sent to the petitioner till now.

Now I came to know that the inquiry report/file has been sent to the office of your goodself for further necessary action and under Right to Information Act, the petitioner seeks the issuance of the copies of the inquiry report from your goodself. Furthermore, the inquiry officer was duty bound to intimate the petitioner from the proceedings of the inquiry and to issue the copies of inquiry report alongwith relevant document by post to the petitioner but he has badly failed to fulfill his legal obligation. I also personally met with Mr. Luqman Ali Khan, Chairperson of Inquiry committee but he straightaway refused to issue me the copies of inquiry report with the observation that he had sent the same to your goodself hence the instant application is needed.

It is, therefore, most humbly requested that the petitioner may please be provided/issued the copies of inquiry report alongwith relevant documents.

Dated 29.03.2019

  
AZHAR BILAL NIAZI  
SON OF  
GHULAM MUSTAFA NIAZI  
Ex-PST Teacher  
Resident of Mohallah Nogazi,  
Manselira.  
Contact No.0336-9005132  
0346-9612556

Attested

Muhammad Aslam Khan Janoli  
Advocate High Court  
Office No. 33 Adjacent to  
Distt Bar Abbottabad

No. 1347

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the initial weight prescribed in the  
Post Office Guide or on which no  
Rs. Ps.  
RGL14029951

Received a registered  
addressed to

Write here "letter", "postcard", "packet" or "parcel"  
with the word "insured" before it when necessary.  
Initials of Receiving Officer  
Insured for Rs. (in figures)

Weight Kilo



66

To,

THE DISTRICT EDUCATION OFFICER (MALE),  
Mansehra.

Subject:

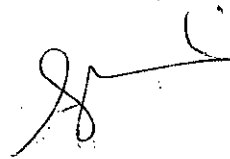
**REMINDER REGARDING APPLICATION FOR  
ISSUANCE OF THE COPIES OF INQUIRY  
REPORT ALONGWITH ALL THE RELEVANT  
DOCUMENTS UNDER RIGHT TO  
INFORMATION ACT.**

Respected Sir,

Such like application was earlier sent to your goodself on 29.03.2019 via duly registered post from General Post Office, Mansehra which was received by your office but no response has been given till now hence the instant application is being sent to you as reminder. *(Copy of the application is attached herewith).*

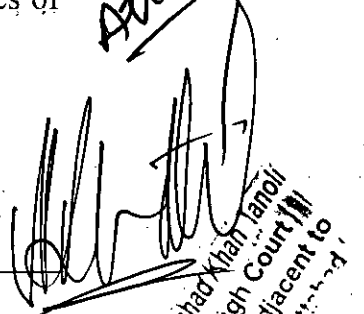
It is, therefore, most humbly requested that the petitioner may please be provided/issued the copies of inquiry report alongwith relevant documents.

Dated 08.04.2019



AZHAR BILAL NIAZI  
SON OF  
GHULAM MUSTAFA NIAZI  
Ex-PST Teacher  
Resident of Mohallah Nogazi,  
Mansehra.  
Contact No. 0336-9005132  
0346-9612556

*Attested*



Muhammad Arshad Khan Janjoli  
Advocate High Court  
Office No. 33 Adjacent to  
Dist. Bar Abbottabad

NOTICE (1) - The Post Office is not responsible for loss or damage in the case of inland registered articles, unless they are also insured.

67

To,

THE DEPUTY COMMISSIONER,  
Manshra.

Subject:

APPLICATION UNDER RIGHT TO INFORMATION ACT FOR THE  
ISSUANCE OF COMPLETE INQUIRY REPORT ALONGWITH  
RELEVANT DOCUMENTS FROM EDUCATION DEPARTMENT  
(D.D.O.) MANSHEIRA.

Respected Sir,

With due respect, it is submitted: -

1. That, the petitioner initially filed a service appeal No.297/2012 which was allowed by Honourable Khyber Pakhtunkhwa Service Tribunal, camp court Abbottabad vide judgment dated 29.06.2018 and the Honourable Tribunal Court directed the education department to conduct full fledged enquiry.
2. That, keeping in view the above said situation, the District Education Officer (Male) Manshra after constituting the enquiry committee under the chairmanship of Mr. Luqman Ali Khan, Principal, GHSS No.1, Manshra alongwith Mr. Nazir Sahib duly forwarded the inquiry to them. Consequently the petitioner on 06.03.2019 appeared before Mr. Luqman Ali Khan and Nazir Sahib who put some questions upon the petitioner verbally and also entered the answers with him. The petitioner also submitted his contentions before the inquiry Officer. It was told to the petitioner by the above said enquiry committee that they shall inform and intimate the petitioner regarding the inquiry by duly sending the findings of the inquiry alongwith relevant documents.

*(Copy of the attendance certificate dated 06.03.2019 is attached herewith).*

3. That, later on, the petitioner came to know that the inquiry has been finalized therefore, the petitioner kept waiting for intimation of the findings of inquiry but in vain hence the petitioner was constrained to file an application for issuance and intimation of the inquiry to Mr. Luqman Ali Khan, Inquiry Office on 25.03.2019 through registered A/D but the petitioner has not been issued the copies of inquiry report nor intimated with the proceedings of stage of inquiry. Similarly another application on the same subject was addressed to Mr. Luqman Ali Khan mentioned above on 28.03.2019 through registered A/D and later on the petitioner also personally appeared before him on 28.03.2019 but he straightaway told the petitioner that he has sent the inquiry

Attested  
Muhammad Arshad Khan  
Advocate High Court  
Office No. 33 Adjacent to  
Distt Bar Abbottabad

to E.D.O Manselra for further necessary action and he refused to issue <sup>the</sup> ~~the~~ copy of the inquiry alongwith relevant documents to the petitioner and verbally directed the petitioner to contact the office of E.D.O Manselra in this regard.

*(Copies of the applications alongwith registered A/D receipts are annexed herewith).*

4. That, on next day i.e. 29.03.2019, the petitioner submitted an application to E.D.O Manselra through registered A/D for issuance of the copies of inquiry report alongwith all the relevant document but still no response has been given despite of the fact that the petitioner also scit a reminder dated 08.04.2019 alongwith letter dated 29.03.2019 to E.D.O Manselra by post as well as by hand personally which was received by Mr. Muhammad Akram P.A to EDO Manselra.

*(Copies of the applications alongwith receiving note, A/D alongwith receipt are annexed herewith).*

5. That, the petitioner later on time and again visited the office of E.D.O Manselra for ibid purpose but still the grievances of the petitioner have not been redressed rather the petitioner has been made a rolling stone by the Education Office hence the petitioner has been constrained to file the instant application before your goodself.

6. That it is the basic, legal, fundamental and constitutional right of the petitioner to be issued the copies of inquiry report alongwith relevant documents by which the petitioner can safeguard his rights otherwise there is every apprehension that the rights of the petitioner would be infringed by Education Officer.

**It is, therefore, most humbly requested that the Education Department/EDO Office Manselra and Mr. Luqman Ali Khan Chairperson Inquiry committee or any other competent authority having the report of inquiry may kindly be ordered to issue the inquiry report alongwith relevant documents to the petitioner.**

Dated 16.04.2019

*AS*  
16/4/19

**AZHAR BILAL NIAZI**  
SON OF  
**GHULAM MUSTAFA NIAZI**  
Ex-PST Teacher  
Resident of Mohallah Nogazi,  
Manselra.  
Contact No.0336-9005132  
0346-9612556  
(Copy of CNIC is attached)

*Attested*  
*Muhammad Arshad Khan Jangoh*  
Advocate High Court  
Office No. 23 Adjacent to  
Distt Bar Abbottabad

OFFICE OF THE DEPUTY COMMISSIONER MANSEHRA

69

No. 6746 / Edu/AE/DC(M)

Dated 16 /04/2019

To

The District Education Officer (Male),  
Mansehra.

Subject:

APPLICATION UNDER RIGHT TO INFORMATION ACT FOR  
THE ISSUANCE OF COMPLETE INQUIRY REPORT  
ALONGWITH RELEVANT DOCUMENTS FROM EDUCATION  
DEPARTMENT (D.E.O), MANSEHRA.

A self-contained application dated 16.04.2019 in respect of Mr. Azhar Bilal Niazi S/O Ghulam Mustafa Niazi (Ex-PST Teacher) R/O Mohallah Nogazi, Mansehra is enclosed herewith alongwith its enclosures for lawful action at the earliest under intimation to this office.

*F.M.M.O.*  
Deputy Commissioner  
Mansehra

No. 6747 / Edu/AE/DC(M)

Copy to Mr. Azhar Bilal Niazi S/O Ghulam Mustafa Niazi (Ex-PST Teacher) R/O Mohallah Nogazi, Mansehra for information with reference to his application dated 16.04.2019.

*Attested*  
*[Signature]*

*F.M.M.O.*  
Deputy Commissioner  
Mansehra

Muhammad Arshad Khan Janoli  
Advocate High Court  
Office No. 33 Adjacent to  
Distt Bar Abbottabad

To,

**THE DEPUTY COMMISSIONER,  
Mansehra.**

Subject: **REMINDER REGARDING APPLICATION UNDER RIGHT TO INFORMATION ACT FOR THE ISSUANCE OF COMPLETE INQUIRY REPORT ALONG WITH RELEVANT DOCUMENTS FROM EDUCATION DEPARTMENT (D.E.O), MANSEHRA.**

Respected Sir,

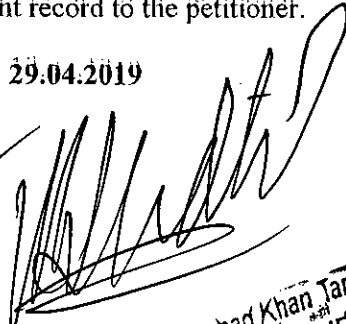
With due respect, it is submitted: -

1. That, the petitioner submitted such like application previously before your goodself by hand on 16.04.2019 which was sent to District Education Officer (Male), Mansehra by your goodself vide office order No.6746/Edu/AE/DC(M) dated 16.04.2019 and copy of the said office order was provided to the petitioner through registered post which was duly received by the petitioner but till now no further response has been given to the petitioner by your office.
2. That, as per the relevant law i.e. **RIGHT TO INFORMATION ACT**, such like applications must be responded or disposed off within 10 days or as soon as possible under section 7 of the ibid Act but despite lapse of specified period, no response has been given to the undersigned nor the copies were issued to the petitioner by your good office.
3. That, the inquiry file along with all the relevant record is already lying with the District Education Officer (Male), Mansehra.

**It is, therefore, most humbly requested** that the application filed by the petitioner dated 16.04.2019 may please be ordered to be respondent or disposed off in accordance with relevant law i.e. Right to Information Act while providing the attested copies of the inquiry report along with all the relevant record to the petitioner.

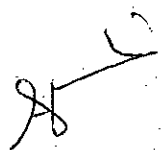
Dated 29.04.2019

*Attested*



*R*  
29/4/19

Muhammad Arshad Khan Janoli  
Advocate High Court  
Office No 33 Adjacent to  
Distt Bar Abbottabad



**AZHAR BILAL NIAZI**  
SON OF  
**GHULAM MUSTAFA NIAZI**  
Ex-PST Teacher  
Resident of Mohallah Nogazi,  
Mansehra.  
Contact No.0336-9005132  
0346-9612556  
(Copy of CNIC is attached)

71

**REMINDER  
OFFICE OF THE DEPUTY COMMISSIONER MANSEHRA**

No. 8213 / Edu/AE/DC(M)

Dated 30 / 04 / 2019

h04

To

The District Education Officer (Male),  
Mansehra.

Subject:

**REMINDER REGARDING APPLICATION UNDER RIGHT TO  
INFORMATION ACT FOR THE ISSUANCE OF COMPLETE  
INQUIRY REPORT ALONGWITH RELEVANT DOCUMENTS  
FROM EDUCATION DEPARTMENT (D.E.O), MANSEHRA.**

Reference this office letter No. 6746/Edu/AE/DC(M), dated 16.04.2019.

A self-contained application in respect of Mr. Azhar Bilal Niazi S/O Ghulam Mustafa Niazi (Ex-PST Teacher) R/O Mohallah Nogazi, Mansehra is enclosed herewith alongwith its enclosure.

You are directed to do the needful as per law at the earliest under intimation to this office.

*[Signature]*  
Deputy Commissioner  
Mansehra

No. 8214 / Edu/AE/DC(M)

Copy to Mr. Azhar Bilal Niazi S/O Ghulam Mustafa Niazi (Ex-PST Teacher) R/O Mohallah Nogazi, Mansehra for information.

*Attested*

*[Large Signature]*

*[Signature]*  
Deputy Commissioner  
Mansehra

Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No. 33, Indus  
Distt. Mansehra

72

To,

THE P.I.O/ADMIN OFFICER,  
INFORMATION COMMISSION, GOVT.OF KPK  
7<sup>th</sup> Floor, Tasneem Plaza, 6-Saddar Road,  
Peshawar Cantt, (KPK).

Subject: APPLICATION UNDER RIGHT TO  
INFORMATION ACT FOR THE ISSUANCE OF  
COMPLETE INQUIRY REPORT ALONGWITH  
RELEVANT DOCUMENTS FROM EDUCATION  
DEPARTMENT (D.E.O), MANSEHRA.

Respected Sir,

With due respect it is submitted:

1. That, an inquiry was conducted upon the order of Honourable Service Tribunal, KPK Peshawar by the Education department (Male), Mansehra.
2. That, the inquiry committee completed its inquiry report and sent the same to District Education Officer (Male), Mansehra.
3. That, the applicant submitted an application on 29.03.2019 to D.E.O (Male) Mansehra for the subjected titled above but no action was taken thereupon. Another reminder was sent by the applicant to D.E.O (Male) Mansehra on 08.04.2019 but the same was turned with deaf ear. The reminder as well as application was sent to D.E.O (Male) Mansehra through registered post as well as by hand which was duly received by P.A to D.E.O (Male), Mansehra. (Copies are annexed herewith).
4. That, in the meanwhile, the applicant time and again visited the office of D.E.O (Male), Mansehra but no response was given to the applicant rather they made lame excuses.
5. That, after sufficient time when the grievances of the applicant were not redressed by the E.D.O (Male), Mansehra, therefore, the applicant was constrained to submit an application to Deputy Commissioner, Mansehra with titled mentioned above by hand. After receipt of the said application, the Deputy Commissioner, Mansehra wrote a letter bearing No.6746/Edu/AE/DC(M) dated 16.04.2019 for lawful action at the earliest under intimation to office and the copy of the said letter was also sent to the applicant by registered post. (Copies are annexed herewith).

Attached

Muhammad Arshad Khan Janjani  
Advocate High Court  
Office No. 33 Adjacent to  
Dist Bar Abbottabad

- 6. That, when no action was taken by the D.E.O on the said application/letter then the application submitted a reminder on 29.04.2019 to Deputy Commissioner, Mansehra personally by hand who again wrote a letter No.8213/Edu/AE/DC(M) dated 30.04.2019 on the subject titled above but till date no legal action has been taken thereupon nor the applicant was issued the copies of the relevant record alongwith report. (Copies of the same are annexed herewith)
- 7. That, as per the relevant law i.e. Right to Information Act, such like applications must be responded or disposed off within 10 days or as soon as possible under section 7 of the ibid Act but despite lapse of considerable long time, no response has been given to the undersigned nor the copies were issued to the applicant by any means.
- 8. That, needless to mention here that the inquiry file alongwith all the relevant record is already lying with the District Education Officer (Male), Mansehra and by not issuing the copies of the said record, they are violating the fundamental rights of the applicant.
- 9. That, the conduct of the E.D.O Office is dubious, doubtful and smacks malafide on their part as the applicant has every apprehension for the sabotaging of his crucial rights by the hands of the E.D.O Office. The conduct of the E.D.O Office is not above board that they even not responded to the request of Deputy Commissioner, Mansehra.

Attested

Muhammad Arshad Khan Taseer  
 Advocate Ferozeshah  
 Office No. 33 Adjacent to  
 Dist Bar Abbottabad

It is, therefore, most humbly requested that on acceptance of the instant application, the Education Department (Male), Mansehra may strictly be ordered to issue the copies of the inquiry report alongwith all the relevant documents to the applicant forthwith.

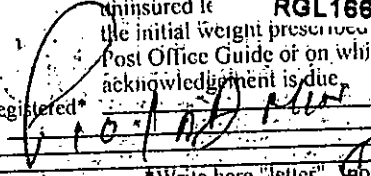
Dated 10.05.2019



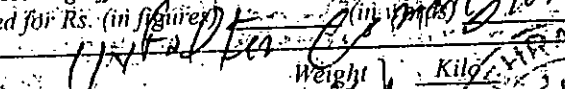
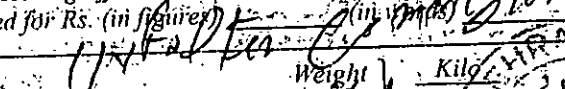
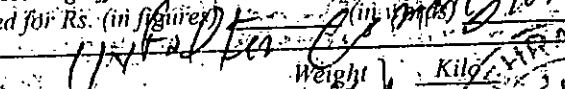
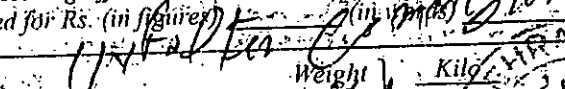
**AZHAR BILAL NIAZI**  
 SON OF  
**GHULAM MUSTAFA NIAZI**  
 Ex-PST Teacher  
 Resident of Mohallah Nogazi,  
 Mansehra.  
 Contact No.0336-9005132  
 0346-9612556  
 (Copy of NIC is attached).

No. 1300

For Insurance Notices see reverse.  
 Stamps affixed except in case of  
 uninsured it RGL16634474  
 the initial weight prescribed in  
 Post Office Guide of on which no  
 acknowledgment is due.

Received a registered addressed to  Stamp

Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Initials of Receiving Officer   
 Insured for Rs. (in figures)   
 Insurance fee Rs. Ps. (in words)   
 Name and address of sender 



If insured:





GOVERNMENT OF KHYBER PAKHTUNKHWA  
INFORMATION COMMISSION  
7th Floor, Tasneem Plaza, Near Benevolent Fund Building,  
6th Saddar Road, Peshawar  
Email: [complaints.kprti@kp.gov.pk](mailto:complaints.kprti@kp.gov.pk)  
Ph: 92-91-9211151  
Fax: +92-91-9211163

74

No: RTIC/AR/1-5864/19 / 3987-52

Dated: 16 MAY 2019

To

The District Education Officer (DEO-M)/PIO,  
Manisela.

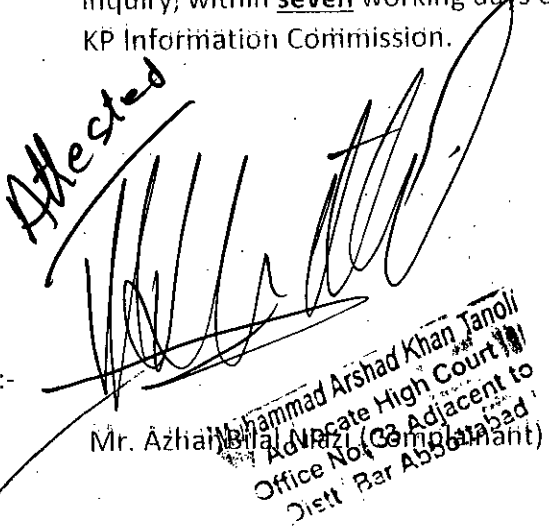
Subject:  
Memo:

**COMPLAINT AGAINST NON-SUPPLY OF INFORMATION (COMPLAINT NO: 05864)**

I am directed to state that a citizen Mr. Azhar Bilal Niazi has filed an information request with your department for seeking some information, however the same was not provided to him within prescribed time limit, therefore, he has filed a complaint before the KP Information Commission. (copy attached)


2. It is to direct that complete and relevant information regarding inquiry report may be provided to the complainant, if the case has been finalized in the light of said inquiry, within seven working days of the receipt of this letter under intimation to KP Information Commission.

Copy to:-

*Attached*  


Mr. Azhar Bilal Niazi (Complainant)  
Muhammad Arshad Khan Janoli  
Advocate High Court  
Office No. 103 Adjacent to  
Distt Bar Association

Assistant Registrar,  
KP Information Commission,  
Peshawar.

  
Assistant Registrar,  
KP Information Commission,  
Peshawar.

75

To,

THE DISTRICT EDUCATION OFFICER (MALE),  
Mansehra.

Subject: APPLICATION FOR ISSUANCE OF ATTESTED  
COMPLETE INQUIRY REPORT ALONGWITH  
ALL THE RELEVANT RECORD/DOCUMENTS.

Respected Sir,

With due respect it is submitted

1. That, the applicant has been issued with a show cause notice which was duly replied by the applicant well within time.
2. That, at this stage, the applicant is in severe need of inquiry report alongwith all the relevant documents for clearance of his position/stance but despite several letters through registered A/D as well as through personal requests, the applicant has not been issued the copies of inquiry report alongwith the relevant record which is highly injustice with the applicant as well as against the relevant law, rules and regulation and the fundamental rights of the applicant.
3. That, if at this stage, the applicant has not been issued with the copies of inquiry report alongwith all the relevant documents then it would amount that you are not ready to fulfill the cannons of justice and are providing shelter/defence to the wrong previous decision made by the Education Department. Furthermore, the conduct of Education Department clearly shows that the applicant is being victimized of personal vengeance.

It is, therefore, most humbly requested that the applicant may please be issued with the attested copies of inquiry report alongwith all the relevant record.

Dated 27.05.2019

*Attested*

Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No. 33 Adjacent to  
Distt Bar Abbottabad

*96*

AZHAR BILAL NIAZI  
SON OF  
GHULAM MUSTAFA NIAZI  
Ex-PST Teacher  
Resident of Mohallah Nogazi,  
Mansehra.  
Contact No.0336-9005132  
0346-9612556

*انوار*

*3712*

*29.5.19*

*DEO (M)*

*P.A TO DEO (M) Mansehra.*

*Received*

To,

THE ASSISTANT REGISTRAR,  
KPK INFORMATION COMMISSION,  
7<sup>th</sup> Floor, Tasneem Plaza, 6-Saddar Road,  
Peshawar Cantt, (KPK).

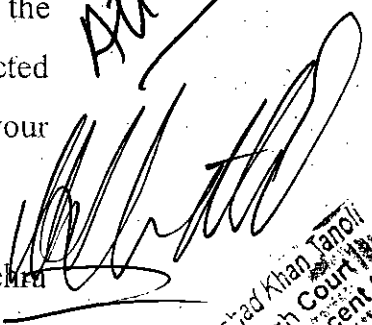
Subject: REMINDER REGARDING APPLICATION UNDER RIGHT TO INFORMATION ACT FOR THE ISSUANCE OF COMPLETE INQUIRY REPORT ALONGWITH RELEVANT DOCUMENTS FROM EDUCATION DEPARTMENT (D.E.O), MANSEHRA. DATED 10-5-19.

Respected Sir,

With due respect it is submitted;

1. That, previously the applicant has submitted an application on the subject above which was registered under complaint No.05864 in your office and a letter bearing Ref No.RTIC/AR/1-5864/19/3951-52 dated 16.05.2019 was issued to the applicant but despite lapse of considerable time, the grievances of the applicant have not been redressed and being not acted upon, the instant reminder is hereby sent to your goodself:
2. That, the District Education Officer (Male), Mansehra has not issued the inquiry report alongwith relevant record nor any response was given to your goodself nor any copy was addressed to me despite the clear cut directions by your goodself.
3. That, it is the fundamental right of the applicant to be issued with the copy of the inquiry report alongwith the relevant record but this right of the applicant is being infringed by the District Education Officer (Male), Mansehra.

*Attested*




Muhammad Arshad Khan Janjoo  
Advocate High Court  
Office No 33 Adjacent to  
Dist Bar Abbottabad

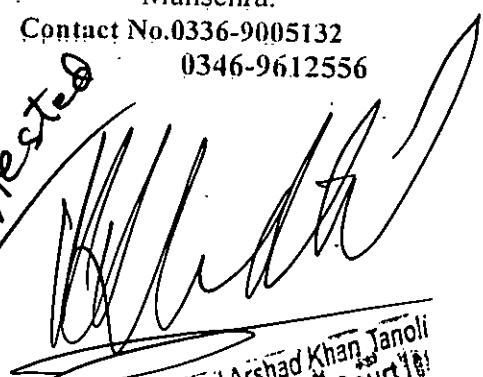
4. That, despite your clear cut directions, non-issuance of inquiry report by the D.E.O (male) Mansehra is a sheer mockery with the department like your goodself which are solely introduced for such like purpose. Similarly, the D.E.O (Male) Mansehra by considering him above the law, not only disobeyed your orders but also the orders of Deputy Commissioner, Mansehra have not been complied with. Such act of District Education Officer (Male), Mansehra is highly condemnable and deplorable.

It is, therefore, most humbly requested that the District Education Officer (male), Mansehra may strictly be directed to issue the copies of inquiry report alongwith all the relevant record to the applicant forthwith as per law.

Dated 27.05.2019

  
AZHAR BILAL NIAZI  
SON OF  
GHULAM MUSTAFA NIAZI  
Ex-PST Teacher  
Resident of Mohallah Nogazi,  
Mansehra.  
Contact No.0336-9005132  
0346-9612556

0.852 For Insurance Notices see reverse. Rs. Ps.  
Stamps affixed except in case of  
uninsured letter  
the initial weigh. RGL16635848  
Post Office Guide or on which no  
acknowledgement is due  
Received a registered  
addressed to \_\_\_\_\_ Date-Stamp  
Write here "letter", "postcard", "packet" or "parcel"  
Initials of Receiving Officer will the word "insured" before it when necessary.  
Insured for Rs. (in figures) \_\_\_\_\_ (in words)  
Insurance fee Rs. \_\_\_\_\_ Ps. (in words) } Kilo  
Grams  
Name and  
address  
of sender \_\_\_\_\_

Attested 

Muhammad Arshad Khan Janoli  
Advocate High Court  
Office No. 33 Adjacent to  
Dist. Bar Abbottabad



GOVERNMENT OF KHYBER PAKHTUNKHWA  
KP INFORMATION COMMISSION  
7<sup>th</sup> Floor, Tasneem Plaza, Near Benevolent Fund Building,  
6th Saddar Road, Peshawar  
Email: [Complaints.kprti@kp.gov.pk](mailto:Complaints.kprti@kp.gov.pk)  
PH: 92-91-9212643  
Fax: +92-91-9211163

78

REMINDER

No: KPIC/AR/1-5864/19/4476-98

Dated: 13 JUN 2019

To

The District Education Officer (DEO-M)/PIO,  
Manséhra.

Sub:

**COMPLAINT AGAINST NON-SUPPLY OF INFORMATION**  
**(COMPLAINT NO: 05864).**

I am directed to refer this Office letter No. RTIC/AR/1-5864/19/3951-52  
dated 16<sup>th</sup> May, 2019.

Your Reply to the above mentioned letter is still awaited.

It is once again, requested to provide the requisite information to the  
complainant within five days positively of the receipt of this letter under  
intimation to this Commission.

Copy to:-

1. Mr. Azhar Bilal Niazi (Complainant)
2. DMO Concern.

Assistant Registrar  
KP Information Commission  
KPK, Peshawar.

Attested

Assistant Registrar  
KP Information Commission  
KPK, Peshawar.

Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No. 33 Adjacent to  
Distt Bar Abbottabad

Recd  
16.6.19



GOVERNMENT OF KHYBER PAKHTUNKHWA  
KP INFORMATION COMMISSION  
7<sup>th</sup> Floor, Tasneem Plaza, Near Benevolent Fund Building,  
6th Saddar Road, Peshawar  
Email: [complaints.kprti@kp.gov.pk](mailto:complaints.kprti@kp.gov.pk)  
Ph: 92-91-9212643  
Fax: +92-91-9211163

79

No: KPIC/AR/1-5864/19

Dated:

10 JUL 2019

5223-25

To

The District Education Officer (DEO-M)/PIO,  
Mansehra.

Subject: **SUMMON IN COMPLAINT NO. 5864**

In order to dispose off the subject complaint (Copy Enclosed), you are directed to attend the KP Information Commission Peshawar on **18<sup>th</sup> July, 2019** at 10:30 am along with all relevant record pertaining to the Information demanded by the complainant.

*Attested*

Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No: 33 Adjacent to  
Distt Bar Abbottabad

Assistant Registrar,  
KP Information Commission,  
Peshawar.

Copy to:-

1. Mr. Azhar Bilal Niazi (Complainants) with direction to attend the Commission on the date mentioned above.
2. DMO Concern.

Assistant Registrar,  
KP Information Commission,  
Peshawar.

Supadit

جناب عالی

کذا عرض خدمت ہے کہ سائل کی محکمہ انٹرویو بحکم عدالت سرورس ٹریبونل

ایبٹ آباد سٹیج کی گئی۔ آج مورخہ 13-7-2019 کو بذریعہ فون DEO آفس سے  
مجھے اطلاع دی گئی کہ آپ کی انٹرویو کا فیصلہ ہو گیا ہے۔ آپ نوٹیفیکیشن  
دفتر سے وصول کریں۔

آپ جناب سے کذا عرض ہے کہ مجھے اس نوٹیفیکیشن سے ماخوذ متعلقہ  
کاغذات بھی دینے چاہئیں تاکہ میں مزید قانونی کارروائی کر سکوں جو کہ میرا قانونی  
حق ہے۔

1. انٹرویو رپورٹ مورخہ 20-3-2019 (انٹرویو نہیں)

2. ریٹرنز 90-1288 مورخہ 10-9-2018

Arshad

Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No: 33 Adjacent to  
Dist Bar Abbottabad

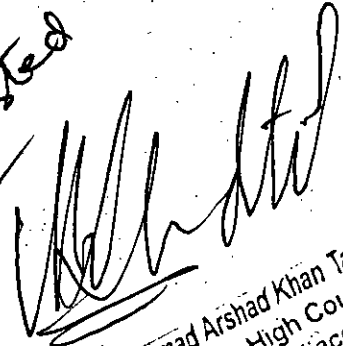
ANNEXURE  
EK<sup>3</sup>

81

Attendance Certificate in No. Pk Azhar Bilal  
Ex. PTC (PST)

This is to certify that I, Azhar Bilal Niazi Sp,  
Ghulam Mustafa Niazi ensured my presence for personal  
hearing in front of Mr. Luqman Ali Khan Sp (Principal GHSS No. 1  
Mansehra) and Mr. Nazim Sp on dated 6th March, 2018 at 10:00 AM  
in GHSS NO. 1 Mansehra.

Attested



Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No: 33 Adjacent to  
Distt Bar Abbottabad

Azhar Bilal Niazi  
Sp Ghulam Mustafa Niazi



# وکالت نامہ

کورٹ فیس

Service Tribunal KPIK Peshawar بعدالت

Azhar Bilal Govt of KPK etc. عنوان:

Appellant منجانب:

Service Appeal نوعیت مقدمہ:

## باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسے پیروی وجواب دہی کل کاروائی متعلقہ آں مقام

Muhammad Arshad Khan Janoli  
Advocate High Court  
Office No: 33 Adjacent to  
Distt Bar Abbottabad

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداختہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد استجارت نالش بصینہ مفلسی کے دائرہ کرنے اور اس کے پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

Accepted

Muhammad Arshad Khan Janoli  
Advocate High Court  
Office No: 33 Adjacent to  
Distt Bar Abbottabad

2019

الرقوم: 22 جلدی

لوہ سند  
مستری سید سبزی

اطمینان سبزی