

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No.1884/2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No.

4551

Dated

28/3/2023

Abdul Wahab

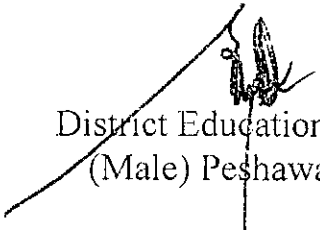
Petitioner.

V/S

Education Department Respondents

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District Education Officer,
(Male) Peshawar

Abdul Wahab Afridi.....Petitioner

V/S

Education DepartmentRespondents

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS No.1 to5.

Respectively Sheweth:

The Respondents submits as under:

PRELIMINARY OBJECTIONS:

1. That the appellant has got no cause of action /locus standi.
2. That the appellant has concealed material facts from this Hon,ble Tribunal.
3. That the appellant is estopped by his own conduct to file the instant appeal before this Hon'ble Tribunal.
4. That the instant appeal is badly barred by law and limitation.
5. That the instant appeal is not maintainable in its present form.
6. That the instant appeal is bad for mis-joinder and non-joinder for the necessary parties.
7. That the appellant has not come with clean hands to this Hon'ble Tribunal.

ON FACTS.

1. That Para No.1 pertains to record.
2. That Para No.2 also pertains to record.
3. That in reply to Para No.3, it is submitted that the applicant was wilful absent from his duty therefore, the Respondent Department proceeded the appellant under the rules and disciplinary action has been initiated.

(Copy of report of ASDEO and Charge Sheet are attached as Annex: A & B)

4. That Para No.4 is incorrect and misleading. There is no record available in office of Respondent Department.
5. That Para No.5 is incorrect and misleading. The appellant was wilful absent from his duty.
6. That in reply to Para No.6, it is submitted that the appellant admitted his absentee from his duty.
7. That Para No.7 is incorrect to the extent that the appellant filed the Departmental appeal. While in reply to rest of the Para is that the appellant has no cause of action to file the instant appeal in the Hon'ble Service Tribunal.

REPLY ON GROUNDS

- A. That Ground-A is incorrect, misleading and against the facts. The appellant did not perform his duty and not taking interest in his duty.

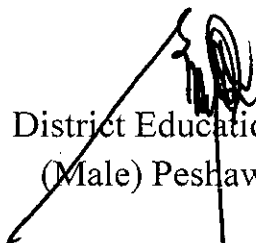
- B. That Ground-B is incorrect, misleading and against the facts. Detail reply has been given in the above Para.
- C. That Ground-C is incorrect and misleading.
- D. That Ground-D also incorrect, misleading. The appellant was wilful absent from his duty furthermore, he is not performing his duty still.
- E. That Ground-E is incorrect and misleading.
- F. That Ground-F is incorrect.
- G. That Ground-G is incorrect.
- H. That Ground-H incorrect. The appellant has been treated according to law and rules.
- I. That the respondent also seeks permission of this Hon'ble Tribunal to advance other grounds and proofs at the time of hearing.

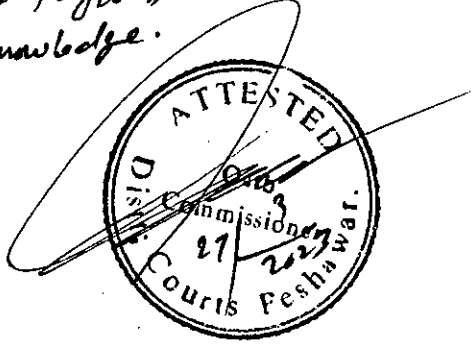
It is therefore, very humbly prayed that on acceptance of this reply, the instant appeal may very kindly be dismissed with cost.


Affidavit

It is stated on oath that the contents of the above reply is true & correct to the best of my knowledge.

Limiting
SDEO (M)
 Hassan Khel Peshawar


 District Education Officer
 (Male) Peshawar



M. L. 
 28-3-2023
 HEAD MASTER
 G.P.S Muhabat Khel
 HSD Peshawar

P-3 Annex "A" - انٹرویو امریں جہاں
① SPEO صاحب ٹاؤن ون افسان ایس اے سہیل
② ASPEO اعجاز خان سہیل نذر فون

جہاں عالی
میں ایچ بی سی - ایس - ٹی جی پی - ایس مہتاب علی سے
ڈویژنل من مین سے آپ سے خدمت میں بیان تحریر کرنا ہوا۔
آپ عبدالوہاب ولد ندیم احمد پوسٹ فیکلڈار 22/6/23 کو اس
سکول میں جامع لیا گیا۔ لیکن شروع دن سے مائد مکان
ہو کر سکول میں نہیں پھوڑتا ہے۔ بار بار سکول آن کی
کوٹیشن کی۔ لیکن مائد مکان ان کو پیر دفعہ سکول
سے نکال دیا ہے۔ ہم نے بار بار انٹران کو اس معاملے
سے ڈیٹا کیے۔ لہذا مائد مکان ان کو کسی صورت نہیں پھوڑتا ہے
لہذا ان کو یہاں سے دوسرے جگہ ٹرانسفر کریں۔

گورنمنٹ پرائمری سکول مہتاب علی
سب ڈویژنل من مین

16/3/2023

Ammer - B

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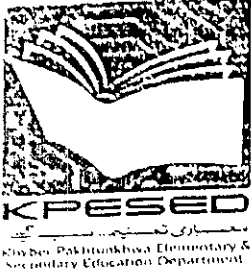
OFFICE OF THE DISTRICT EDUCATION OFFICER

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(MALE) PESHAWAR

No. 9334 /PF. Abdul Wahab Afridi

Dated 22 / 02 / 2023



To

The SDEO (M) HSD Peshawar

Subject: CHARGE SHEET

Memo:-

Enclose please find herewith charge sheet in respect of Mr. Abdul Wahab Afridi Chowkidar GPS Muhabat Khel Hassan Khel Sub Division Peshawar and you are directed to serve upon to above named official through register AD immediately under intimation to this office.

Dy: District Education Office
(Male) Peshawar

Handwritten initials/signature
o/c

Ameez - B

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CHARGE SHEET

1. I, Sajjad Akhtar Iqbal, District Education Officer, Peshawar as Competent Authority, hereby charge you *Mr. Abdul Wahab Afridi Chowkidar* GPS Muhabat Khel Hassan Khel Sub Division, Peshawar as follows: -

That you, while posted as Chowkidar (BS-03) GPS Mohabat Khel Hassan Khel Sub Division Peshawar committed the following irregularities:

That You *remained willfully absent from your duties since 04.09.2022, the next day of your taking over charge as Chowkidar at the school*

2- By reason of the above, you appear to be guilty of inefficiency and misconduct under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Rules *ibid*.

3- You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the inquiry officer/ inquiry committee, as the case may be.

4- Your written defense, if any, should reach the inquiry officer/ inquiry committee within specified period, failing which it shall be presumed that you have no defense to put in and in that case *ex-parte* action shall be taken against you.

5- Intimate whether you desire to be heard in person.

6- Statement of Allegations is enclosed.

(SAJJAD AKHTAR IQBAL)
DISTRICT EDUCATION OFFICER PESHAWAR

Mr. Abdul Wahab Afridi, Chowkidar GPS Mohabat Khel Hassan Khel Peshawar