

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Appeal No. 703/2016

Date of Institution ... 10.06.2016

Date of Decision ... 26.09.2017

Iqbal Kokar, Ex-Primary School Teacher, District Hangu R/O Garden Colony, near GGHS No. 3 Kohat City. ... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary E&SE, Peshawar and 2 others.

... (Respondents)

MR. YASIR SALEEM,  
Advocate

---

For appellant.

MR. KABIRULLAH KHATTAK,  
Asstt. Advocate General

...

For respondents.

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MR. NIAZ MUHAMMAD KHAN,  
MR. AHMAD HASSAN

...

CHAIRMAN  
MEMBER

JUDGMENT

NIAZ MUIHAMMAD KHAN, CHAIRMAN.-

Arguments of the learned

counsel for the parties heard and record perused.


FACTS

2. The appellant is aggrieved from his termination order dated 09.09.2009. Against which he filed departmental appeal on 13.2.2016 which was not responded to and thereafter the present appeal on 10.06.2016.

ARGUMENTS

3. The learned counsel for the appellant argued that the appellant was never charge sheeted nor regular enquiry was held as it was the requirement of the relevant law in

vogue for the time being i.e. Khyber Pakhtunkhwa Removal from Service (Special Powers) Ordinance, 2000. That the appellant was never served with final impugned order for which he had been striving through correspondence with the department but the department had not been providing the copies of the order. That at last he got the copy of the order through the Right to Information Commission on 13.11.2015. He further argued that at the relevant time, the above mentioned Ordinance was in vogue whereas the department has issued notice of absence and other proceedings like advertisement in newspapers under the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 1973. That the delay in filing in departmental appeal was due to his illness and due to family problems. That the word "termination" as mentioned in the final impugned order is not proper. That if the appeal is not accepted, the penalty of appellant may be converted into compulsory retirement as the appellant has 23 years service at his credit. The learned counsel for the appellant argued that in view of judgment reported in 2004-PLC (C.S)1014 technicality should not come in the way of substantial justice and the limitation is a matter of technicality.



4. On the other hand, the learned Assistant Advocate General argued that the present appeal is hopelessly time barred for the reason that the departmental appeal was filed after almost 7 years. That no explanation for this delay has been put forth by the appellant. That no application for leave has ever been submitted by the appellant in the department. That there was no other way for the department but to issue notice on his home address and also inform him through newspaper which was a correct procedure.

#### **CONCLUSION.**

5. This Tribunal would first take up the issue of the proceedings being conducted under the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 1973 at the time when Khyber Pakhtunkhwa Removal from Service (Special Powers) Ordinance, 2000 was in force. Going through the said Ordinance one can reach the conclusion that this

Ordinance has never repealed the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 1973. Rule 11 of the Ordinance clearly gives overriding effect to the Ordinance viz-a-viz the Civil Servants Act, 1973 and the rules made there under and any other laws for the time being in force. Since the Ordinance does not provide any special procedure for the proceedings of absent civil servant, and the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 1973 do provide a special procedure in the form of Rule 9 there is no discordance between rule 9 *ibid* and the provisions of the Ordinance. The department had therefore rightly invoked the provisions of Rule 9 of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 1973.


6. The notices were issued to the appellant and when he did not turn up, advertisement in the newspapers were issued and thereafter when he did not join the duty and proceedings, the impugned order was passed. There is no illegality in the proceedings.

7. Coming to the limitation, the departmental appeal having been filed after 7 years is clearly time barred and the appellant was duty bound to have explained each and every day for condonation of delay. He has filed an application for condonation of delay which is general in nature and it cannot be presumed to explain each and every day delay. Being a civil servant, the appellant was bound to apply for leave which itself is a misconduct and he cannot give any explanation for this.

8. Coming to the judgment relied upon by the learned counsel for the appellant regarding limitation being technicality, this Tribunal is not inclined to agree with the learned counsel for the appellant as the circumstances mentioned in the above reported judgments were not similar to the present appeal. Had the order of the authority been void ab-initio, or the limitation of only days was his case then surely this Tribunal would have ignored the limitation but this is not the case. The objection of the learned counsel for the

appellant in the impugned order by using the word "termination", this Tribunal is of the view that by using the word "termination" instead of "removal", the order does not become void. It can at the most be irregular and this Tribunal has the power to rectify the same. Similarly, the learned counsel for the appellant also objected to the retrospectivity of the impugned order. By giving retrospective effect, the order cannot be termed as void. This irregularity can also be rectified by this Tribunal. This Tribunal therefore, in exercise of the powers conferred under Section 7 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 amend the impugned order by substituting the word "termination" into "removal" and also the date of termination is substituted with immediate effect. With these modifications, this appeal is dismissed. The request of the learned counsel for the appellant for converting the penalty of removal from service into compulsory retirement cannot be acceded to because this Tribunal sits in appeal against the departmental authority and can convert the penalty into any other major penalty or penalties if the departmental authority had also such power. But since the proceedings under Rule 9 of the E&D Rules provides only for removal from service, the departmental authority had no option of imposing any other penalty except removal from service. Had the penalty been imposed under Rule 4 of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 or *pari-materia* Rule-4 of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 1973 this Tribunal could have converted the same to any other type but not when the scope of the penalty is limited by rule-9 of the E&D Rules 1973 to removal from service only. Parties are left to bear their own costs. File be consigned to the record room.

  
(AHMAD HASSAN)  
MEMBER

  
(NIAZ MUHAMMAD KHAN)  
CHAIRMAN

10.01.2017

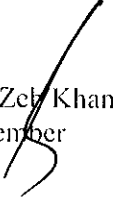
Counsel for the appellant and Assistant AG for respondents present. Rejoinder submitted which is placed on file. To come up for arguments on 31.05.2017.


  
(AHMAD HASSAN)  
MEMBER

  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

31.05.2017

Junior to counsel for the appellant and Mr. Muhammad Adeel Butt, Additional AG for the respondent present. Junior to counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 26.09.2017 before D.B.

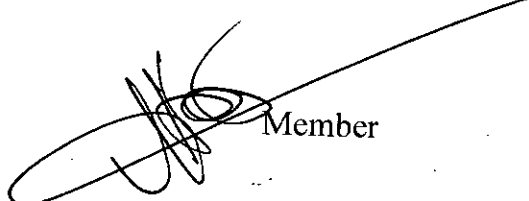
  
(Gul Zeh Khan)  
Member

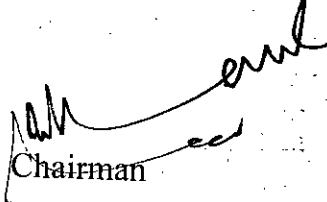
  
(Muhammad Amin Khan Kundi)  
Member

26.09.2017

Appellant alongwith counsel and Asst. AG for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, this appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.

  
Member

  
Chairman

ANNOUNCED  
26.09.2017

27.10.2016

Counsel for the appellant and Assistant A.G alongwith Khursheed Khan, SO and Mir Wali Khan, ADEO for the respondents present.

Counsel for the appellant argued that the appellant was serving as PST when his services were terminated vide impugned order dated 09.09.2009 where-against he preferred departmental appeal on 13.2.2016 which was not responded and hence the instant service appeal on 10.6.2016.

That absence of the appellant was due to mental illness. That on gaining health he preferred departmental appeal. That the appellant would claim compulsory retirement in view of his 25 years service. That the allegations against the appellant was unfounded and that the enquiry was not conducted in the mode and manners prescribed by law.

Points urged need consideration. Admit subject to limitation. Written reply submitted. Subject to deposit of security and process fee within 7 days, the appeal is assigned to D.B for rejoinder and final hearing for 10.01.2017 .

Appellant Deposited  
Security & Process Fee

  
Chairman

703/16

29.08.2016

Counsel for the appellant present. Pre-admission notice be issued to the respondents as well as learned Addl. AG. To come up for preliminary hearing on 29.09.2016.

  
CHAIRMAN

29.09.2016

Agent to counsel for the appellant present. Agent to counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 27-10-2016 before S.B.

  
Member

11.07.2016

Agent to counsel for the appellant present. Preliminary arguments could not be heard due to strike of the bar. To come up for preliminary hearing on ~~25-7-16~~.

  
Member

25.07.2016

Counsel for the appellant present. Seeks adjournment. Adjourned for preliminary hearing to 01.08.2016 before S.B.

  
Chairman

01.08.2016

Counsel for the appellant present. Counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 11.8.2016 before S.B.

  
Member

11.08.2016

Clerk to counsel for the appellant present. Preliminary arguments could not be heard due to general strike of the bar. To come up for preliminary hearing on 29.8.2016.



  
Member



Form- A  
FORM OF ORDER SHEET

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

Case No: 703/2016


S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	01/07/2016	<p>The appeal of Mr. Iqbal Kokhar resubmitted today by Mr. Sajid Amin Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	4-07-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on. <u>11-07-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Iqbal-Kokhar Ex-PST Distt. Hangu received to-day i.e. on 10.06.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures refer to in the memo of appeal are not attached with the appeal which may be placed on it.
- 2- Copy of termination order is illegible which may be replaced by legible/better one.
- 3- Annexures of the appeal may be attested.
- 4- Annexures of the appeal may be flagged.
- 5- Annexures of the appeal may be annexed serial wise as mentioned in the memo of appeal.
- 6- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1011 /S.T,

Dt. 13/6 /2016

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Sajid Amin Adv. Pesh.

- 1) Annexures attached with appeal
  - 2)
  - 3) All the annexures be attested
  - 4) Annexure of appeal be flagged
  - 5) All the annexures serial wise attached with appeal
  - 6) Five copies be made
- Sajid Amin Adv.

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

Appeal No. 703/2016


**Iqbal Kokar, Ex- Primary School Teacher, District Hango**  
**R/O Garden Colony, near GGHS No. 3 Kohat City.**  
**(Appellant)**

**VERSUS**

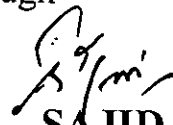
**Govt of Khyber Paktunkhwa through Secretary Elementary**  
**and Secondary Education Khyber Pakhtunkhwa Peshawar.**  
**(Respondents)**

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Appellant

Through

  
**SAJID AMIN**  
Advocate Peshawar  
(Suite: FR-3 & 4 Fourth  
Floor, Bilour Plaza  
Saddar Road, Peshawar Cantt)

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 612

Dated 10-6-2016

Appeal No. 703/2016

**Iqbal Kokar** Ex- Primary School Teacher, District  
Hango R/O Garden Colony, near GGHS No. 3 Kohat  
City.

(Appellant)

**VERSUS**

1. Govt of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Director, Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
- ✓ 3. District Education Officer (Male) Hangu.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the Order dated 09.09.2009, whereby the appellant has been terminated from Service w.e.f 01.11.2008, against which his departmental Appeal dated 13.02.2016 has not been responded despite the lapse of 90 days statutory period.

Prayer in Appeal: -

**Filed to-day**

**Registrar**

10/6/16

**Re-submitted to -day  
and filed.**

**Registrar**

On acceptance of this appeal the impugned order dated 09.09.2009, may kindly be set aside and the appellant may be re-instated into service with all back benefits of service or in alternate the penalty of termination may be converted into compulsory retirement from service, keeping in view the 23 years qualifying service of the appellant.

Respectfully Submitted:

1. That the appellant was initially appointed as Primary School Teacher vide order dated 31.08.1985. The appellant duly took over charge of his post and started performing his duties. **(Copy of the Appointment order is attached as Annexure A)**
2. That ever since his appointment the appellant has performed his duties as assigned with great zeal and devotion and there was no complaint regarding his performance.
3. That while performing his duties in the said capacity, in the year 2008, due to the domestic problems and a family dispute with his wife, which resulted in their separation, the appellant suffered great mental stress and torture and became patient of depression. He thereafter remained under treatment for a long period and could not join his duties due to his illness. **(Copies of the medical certificates are attached as Annexure B)**
4. That later the appellant was proceeded departmentally on account of his absence from duty and was awarded the major penalty of termination from service vide order dated 09.09.2009. It is pertinent to mention here that the order of the termination of the appellant from service was never communicated to him.
5. That after recovering from his prolong illness, the Appellant when went to join his duties he was not allowed to join, and was told that he has been terminated from service. The appellant continuously approached the concerned office for the provision of the termination order, however no order of his termination from service was ever served to him.
6. That lastly the Appellant filed applications dated 13.11.2015 and 29.12.2015 to the Commissioner Right to Information, for the provision of departmental proceedings and his termination from service order. His applications were duly forwarded vide letters dated, 06.01.2016. **(Copies of the application to the Commissioner Right to Information and forwarding letter dated 06.01.2016, are attached as Annexure C & D)**
7. That thereafter vide letter dated 16.01.2016, conveyed to the appellant vide letter dated 27.01.2016, the appellant was informed that his services were terminated vide order dated 09.09.2009 after issuance of certain absence notices. **(Copies of the letter dated 16.01.2016, letter dated 27.01.2016, absence notices and termination order dated 09.09.2009, are attached as Annexure E, F, G & H)**

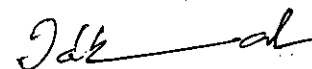
8. That after the communication of the order dated 09. 09.2009, the appellant filed his departmental appeal dated 13.02.2016, however the same has not been responded despite the lapse of 90days statutory period. *(Copy of the Departmental Appeal dated 13.02.2016 is attached as Annexure I).*
9. That the impugned order is illegal unlawful against law and facts therefore, liable to be set aside inter alia on the following grounds:-

**GROUND OF SERVICE APPEAL:**


- A. That the appellant has not been treated in accordance with law and hence his rights secured and guaranteed under law and constitution are badly violated.
- B. That no proper procedure has been adopted before the termination of service of the appellant, he has never been served with any charge sheet or show cause notice, nor has any inquiry been conducted. The impugned order is thus passed in violation of the principle of natural justice.
- C. That the appellant has not been allowed the opportunity of personal hearing hence he has been condemned unheard.
- D. That the impugned order of termination from service has allegedly been issued under the Removal from Service, however, the procedure of issuance of notices that has been followed in the instant case, was not provided under the Removal from Service (Special Powers), Ordinance, 2000, thus the case of the appellant is complete misapplication of law.
- E. That no charge sheet or show cause notice has been served upon the appellant nor has any absence notice ever been served upon him before the issuance of the impugned order. Even the appellant has not been communicated the impugned order, he was only informed vide letter dated 16.01.2016 about his termination from service that too upon intervention of the Right to Information Authority.
- F. That the appellant has never committed any act or omission which could be termed as misconduct albeit he has been terminated from service. His absence from duty was never willful but was due to his continuous long illness which disabled him to join his duties.

- G. That termination from service is nowhere prescribed as penalty under the service law, thus on this score alone the penalty order is not tenable and is liable to be set aside on this score alone.
- H. That at the relevant time Removal from Service was the law in field and though reference has been made in the impugned order to the said law, yet the procedure under the law has not been followed. The procedure of notice and publication has not been provided under law i.e, the RSO 2000.
- I. That the impugned order has been made to operate with retrospective effect, since no penalty order can be made to operate with retrospective effect, therefore on this score alone the impugned order being not maintainable is liable to be struck down.
- J. That the superior courts have always held that punishment must commensurate with magnitude of guilt, since the absence of the appellant was not willful, moreover he had at his credit a long and spotless service career, therefore, termination from service was too harsh penalty. In alternate the appellant could have been compulsorily retired from service so that he could get the benefits of his previous 23 years clean and spotless service.
- K. That the appellant is the sole bread earner of his family, however his termination from service has exposed him and his family to great hardships.
- L. That the appellant has a long and spotless service career of about 23 years at his credit, the penalty imposed upon him is harsh and liable to be set aside.
- M. That the appellant is jobless since his illegal termination from service and the penalty is too harsh and thus is liable to be set aside.

*It is, therefore, humbly prayed that on acceptance of this appeal the impugned order dated 09.09.2009, may kindly be set aside and the appellant may be re-instated into service with all back benefits of service or in alternate the penalty of termination may be converted into compulsory retirement from service, keeping in view the 23 years qualifying service of the appellant.*

  
Appellant

Through

  
**SAJID AMIN**  
Advocate Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Appeal No. \_\_\_\_\_/2016

**Iqbal Kokar** Ex- Primary School Teacher, District Hango  
R/O Garden Colony, near GGHS No. 3 Kohat City..

**(Appellant)**

**VERSUS**

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

**(Respondents)**

**APPLICATION FOR CONDONATION OF DELAY,  
IF ANY IN FILING THE TITLED APPEAL**

*Respectfully submitted:*

1. That the appellant has today filed the accompanied appeal before this honorable tribunal in which no date of hearing is fixed so far.
2. That the applicant prays for condonation of delay if any in filing the instant appeal inter alia on the following grounds:-

**GROUND OF APPLICATION**

- A. That the impugned order was never communicated to the appellant, since the appellant was ill and was unable to join his duties due to his prolong illness, therefore he was unaware about any departmental proceedings conducted against him, during this period he was neither served with any notice charge sheet or show cause notice nor was he informed about his termination from service. When the appellant recovered from his illness, he went to join his duties but was informed that he has been terminated from service. The appellant time and again made requests to the respondents for the provision of the termination order, lastly the appellant applied to the Commissioner Right to Information for the provision of departmental proceedings conducted against him and the termination order, where after it was communicated to the appellant vide letter dated 16.01.2016, conveyed to the appellant vide letter dated 27.01.2016. Thus the delay if any was not willful but due to the said reasons, hence deserves to be condoned.



- B. That the appellant has not been treated in accordance with law, the appellant has not been served with any charge sheet or show cause notice nor any inquiry was conducted, moreover he has been proceeded under the wrong law, besides the order of termination has also been made with retrospective effect, thus the whole proceedings and the resultant termination order is illegal and void and no period of limitation run against such an order.
- C. That valuable rights of the appellant are involved in the instant case, hence the delay if any in filing the instant case deserves to be condoned.
- D. That the delay if any in filing the instant appeal was not willful hence deserves to be condoned.
- E. That it has been the consistent view of the Superior Courts that causes should be decided on merit rather than technicalities including limitation. The same is reported in 2004 PLC (CS) 1014 and 2003 PLC (CS) 769.

*It is therefore humbly prayed that on acceptance of this application the delay if any in filing the instant appeal may please be condoned.*

*Ikk*

Applicant

Through

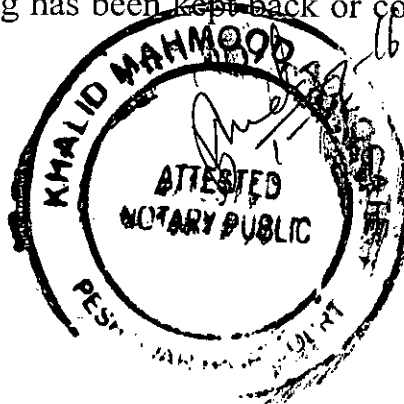
*S. Amin*

SAJID AMIN

Advocate, Peshawar

**AFFIDAVIT**

I, Iqbal Kokar Ex- Primary School Teacher, District Hango R/O Garden Colony, near GGHS No. 3 Kohat City, do hereby solemnly affirm and declare on oath that the contents of the above noted appeal as well as accompanied application for condonation of delay are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.



*Ikk*  
Deponent

Approved: 'A'

7

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KONAT

APPOINTMENT/ADJUSTMENT:

Appointment/Adjustment of the following PTC trainees on completion of their PTC training/on return from leave in BPS-7 @ Rs.560/-Pm fixed plus usual allowances is hereby ordered in the interest of public service with effect from the 1st September, 1985 ORo any subsequent date of their taking over charge:-

S.No.	Name of Trainees	Name of school where posted	Remarks
1.	Mr. Eid Marjan S/O Sakhi Marjan	GPS, No. 1, Thal	Against N.C.P
2.	Mr. Zia-ur-Rehman S/O Gul Moeen	GPS, Kot Larkh	-do-
3.	Ali Mir S/O Allabas Khan	GPS, Bada Khel	-do-
4.	Umer Hayat S/O Akbar Zaman	GPS, Darghai	-do-
5.	Inayatullah S/O Ghaniur Rehman	GPS, Sra Samaka	-do-
6.	Mohammad Shahdin S/O Mir Gul Din	GPS, Kudri Banda	Vice Israail transferred.
7.	Abdur Rehman S/O Musa Khan	GPS, Tor Chapri	Vice Taj Malook transferred.
8.	Ali Beg S/O Mir Beg Khan	GPS, Doaba	Against N.C.P
9.	Mohayuddin S/O Hafiz Subhanuddin	GPS, Murdu Khel	Vice Fazli Akbar on study leave.
10.	Gul Dad Khan S/O Sheraz Khan	GPS, Kiri Sheikhan	Against N.C.P
11.	Abdullah Jan S/O Sinar Gul	GPS, Panta Chanda	Vice Hafeezullah transferred.
12.	Gul Hussain S/O Khan Said	GPS, Thal No. 2.	Against N.C.P
13.	Zulfiqar Shah S/O Abdul Ghafoor	GPS, F. Bada	-do-
14.	Riaz Hussain S/O Faqir Hussain	GPS, Railway station, Doaba	-do-
15.	Musali Khan S/O Eid Mohammad	GPS, Lohari	Vice Abdul Qayum transferred.
16.	Noor Ali Khan S/O Noor Mohd Khan	GPS, Jabor Mata	Vice Azar Hussain transferred.
17.	Amin Afzal S/O Said Afzal	GPS, Khair Abad	Vice Niazbat Shah transferred.
18.	Safarullah Khan S/O Haji Jafar Khan	GPS, Bilitang	Against N.C.P
19.	Zafar Ahmed Khan S/O Bahador Khan	GPS, Bilitang	-do-
20.	Khalid Khan S/O Shehzad Khan	GPS, S. S. Ismail	Vice Gul Hameed transferred.
21.	Minhajuddin S/O Mohammad Saleem	GPS, Zero Dhak	Vice Abdul Jadoo transferred
22.	Jalilur Rehman S/O Essa Khan	GPS, Swari Khwa	Vice Mohd Islam transferred.
23.	Qaiser Khan S/O Mohdi Khan	GPS, Miri Bada	Against N.C.P
24.	Mohammad Janan S/O Yaqin Ali	GPS, Ibrahimzai	-do-
25.	Sahib Din S/O Mohammad Ishaq	GPS, Toli Banda	Vice Abdus Saeed transferred.
26.	Iqbal Kohhar S/O Sina Dita	GPS, Tehsil	Against L/vacancy
27.	Kamal Khan S/O Jalal Khan	GPS, Kurbogha	Vice Mohman Gul transferred.
28.	Abdur Rehman S/O Akbar Khan	GPS, K. F. Luso	Against N.C.P
29.	Zahid Shah S/O Noor Badshah	GPS, Rhoda	Vice Abdul Qayum selected for P.T. trg.
30.	Mohammad Amin S/O Mohammad Rafiq	GPS, Bohzadi, Chikerkot	Vice Umer Khan transferred.

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31.	Muhat Ali S/O Inayat Ali	GPS, Darvi khel	Vice Musharaf Hussain selected for PTC trg:
32.	Fazal Ahmed S/O Mir Wali Shah	GPS, Tora Stana	Against N.C.P
33.	Mohammed Idrees S/O Mohd Ayub	GPS, PAF, Base	-do-
34.	Umer Sadiq S/O Abdul Wadood	GPS, Sandialy Hala	-do-
35.	Saeed Ahmed S/O Lashkari Khan	GPS, Zargiri	Vice Mubibullah transferred.
36.	Mohammad Haseem S/O Nasser Mohammad	GPS, Sharhi Karbogha	Against N.C.P
37.	Shanullah S/O Hakim Khan	GPS, Chamla	Vice Wasim gul transferred.
38.	Javaid Hussain S/O Faqir Hussain	PS, Sur Chappar	Vice Sher Saleem transferred.
39.	Shehzad Haseem S/O Khadim Rasul	GPS, Naryab	Against N.C.P
40.	Tariq Hussain S/O Fazal Hussain	GPS, Siab	-do-
41.	Fayaz Iqbal S/O Hakeem Khan	GPS, Z.S. Allah Dad	Vice Sabz Ali transferred.
42.	Khumar Gul S/O Shohbaz Khan	GPS, Thall scouts	Vice Shohzad Khan proceeded on S/leave.
43.	Nok Mohammad S/O Larghon Shah	GPS, Kamal khel	Vice M. Zaman selected for trg:
44.	Hamid Zaman S/O Khan Zaman	GPS, Thall scouts	Vice Awalya proceeded on S/Leave.
45.	Bashir Khan S/O Munser Khan	GPS, Sheikhhan Banda, Lachi	Vice Anwar, Mago transferred.
46.	Abdul Rahim S/O Ashraf Din	GPS, Khushal Qorh	Vice Itbar Gul transferred.
47.	Famood Hussain S/O Hazrat Shah	GPS, Dhor Nalla	Vice Asghar Alam transferred.
48.	Qadir Khan S/O Haseem Khan	GPS, Lal Tarhi	Vice Mohd Tariq transferred.
49.	Abdul Rahim S/O Sardar Khan	GPS, Jopar	Vice Unab Gul transferred.
50.	Dilraj Ali S/O Eid Ali	GPS, Shamuddin Killa	Vice Riazulhassa transferred.
51.	Mohammad Tafiq S/O Mohd Hanif	GPS, Bazid khel	Vice Sadiqshah transferred
52.	Taj Mohammad S/O Mohammad shor	GPS, Z.S. Allah Dad	Against N.C.P
53.	Mohammad Yousaf S/O Eid Mohammad	GPS, Leghi Madi khel	-do-
54.	Sial Khan S/O Awal Khan	GPS, Thall No. 27	Vice Alamad transferred.
55.	Tahir Hussain S/O Syed Hussainbade	GPS, Nuzrat khel	Vice S. Mutahir on Leave.
56.	Qaiser Khan S/O Umer Gul	GPS, Sian	Vice Arif Hussain transferred.
57.	Umer Khan S/O Azizullah Khan	GPS, Khowasi Banda	Vice Mohd tariq selected for PTC
58.	Hafiz Munib Gul S/O Junab Gul	GPS, Gumbat No. 1	newly post.

90

31/5/25

9

III

Taimur Shah S/O Gharib Shah	GPS, Sarnala Candao	Vico Mohd Tariq transferred.
Mohammad Ishtaq S/O Akbar Shah	GPS, Mamon Banda	Vico Naseeb Khan transferred.
Kamal Amir S/O Fazal Daud	GPS, Karbogha	newly post.
Mubasher Ilahi S/O Mehmood Ilahi	GPS, Karbogha	-do-
Sharif Khan S/O Raous Khan	GPS, Khazina Banda	Vico Walayat Khan transferred.

No Tl/Dl etc is allowed/charge reports should be submitted to all concerned in duplicate.  
 No fresh appointments should produce Health & Age certificate from the N/S concerned.  
 The fresh appointments should not be allowed to take over charge of the post if they exceed 25 years of age or less than 18 years.  
 The character and antecedent forms should be obtained duly verified by the local police authorities and submit to SBO's concerned under intimation to this office.  
 In case he wants to resigned they will have to submit one month prior notice or shall forfeit one month pay to Govt.

(Haji Abdur Raziq Khan)  
 District Education Officer  
 (M) Kohat.

No. 17735-200 /H-I/PTC/I-AG, dated KT the 21 /1985.  
 Copy forwarded for information & necessary action to, the:-

Sub-Divisional Education Officers (M) Kohat & Hangu.  
 Chairman District Council, Kohat.  
 Candidate concerned.

*[Signature]*  
 District Education Officer,  
 Malo Kohat.  
 31/8/85

shad/

Office of the S.D.E.O. (Mal) Hangu

Encl: No. 1286-10/1A/PTC 9/1985

Forwarded to the S.D.E.O. Hangu

Sharee control (Hangu) with the  
 small that charge reports  
 should be submitted to the  
 officer in duplicate

*[Signature]*

*[Signature]*  
 1/85



Lady Reading Hospital  
Peshawar  
Out-Patients Department

Yearly No: 53021

Date: 3/9/07

Name: *فتالہ*

OPD:

فری ایجوکیشن سروس بیٹے 1.7 پر کال کریں۔

*D - 1/2*  
*W: 3/2*

*1 Severe Depression*

*Preoccupied*

*low mood*

*Loss of interest in all activities*

*Loss of libido*

*Anxiety*

*Irritable*

*Prefer to be alone*

*Sleeplessness*

*Loss of Appetite*

*Poor Self Care*

GSHPD, NWFP

*Good*  
*10*

V83-  
Artist PMU.

2 E.

Ceasing  
Aralmic  
Antedonic

Rapport +  
v. Depressed

Ad.

Blood Count + ESR  
LFTs + Lipid Profile  
TFTs

Rp

Cap Depex

1000 mg x 9.13.11

750 mg x 9.13.12

500 mg x 9.13.13

100 mg x 9.13.14  
100 mg x 9.13.15

MEDICAL OFFICER  
PSYCHIATRY UNIT  
LRH PESHAWAR

Not to be used to treat...  
Not to be used to treat...  
Not to be used to treat...

11



Lady Reading Hospital  
Peshawar  
Out-Patients Department

RS-101

Yearly No: 1129

Date: 15-3-76

Name: *آقوال خورلم*

OPD

*فری ایجوکیشن سرورس پیسے 1.7 کال کریں۔*

Seen before 6 months

A:- ch. Depression

Reports some improvement in Treatment

not fully Recovered

Compliance problem

Ad: ECT x 6 From OPD

Cap Depex

*3 3 3 ناشتے کے لئے جاری ہے*

MEDICAL OFFICER

GS&PD. NWFP  
Peshawar  
1-1-11

*[Handwritten signature]*

Tab Espidon

1 + 1 1mg

- Tab Prothader

ایک ڈولی سٹاک / جاری رکھیں

خانہ قصور پبلسٹی سے کھان پھرن  
کریں

15 دن کی Rest لیں  
انفیتہ اہستہ رہنا 16 شروع کریں

MEDICAL OFFICER  
PSYCHIATRY UNIT  
LRH PESHAWAR.

ایک ڈولی سٹاک / جاری رکھیں



(12)

Psychiatry



Lady Reading Hospital

Peshawar

Out-Patients Department

Yearly No: 73321

Date: 26/10/11

Name: *[Handwritten name in Urdu]*

OPD

Ref. to Consultant Psychiatrist

10-years

Di: Depression ch

On regular medications

Not much better.

But still low mood at times

Preoccupied

Lack of interest

activities

also mixing

P.T.O

GS&PD, NWFP, 4/11/11

*[Handwritten signature]*

2010  
- Had ECTS (6) - opp. (Good Release ECTS)

R

① - Cap Rize.

2009  
33 و 34

② Tab Indoral  
1-1 group

③ Tab Clomfrin  
250 - 250

④ Cap Traxene.

250 - 250

⑤  
250 - 250

MEDICAL OFFICER  
PSYCHIATRY UNIT  
LRT HOSPITAL

26.10.11

۲۵ Yehiching

(13)



# Lady Reading Hospital

Peshawar

## Out-Patients Department

RS-101

Yearly No: 374321

Date: 26.9.15

Name: *محمد علی*

OPD:

فری ایجو کیشن سرورس پلئے 1-7 پرکال کریں۔

Seen before several times

Diagnosis / Had ECTs

Had Anti Dep

Still on medication

*دالری صفر* - *علی (15)*  
*محمد علی*

Now he is almost symptom free

Can Joint his work as usual 170

*Yehiching*  
*19*

پاپی + سٹریس + جی ڈی کمپلکس  
بیماریوں کا علاج

رہنمائی کے لئے  
روٹینہ

دوبارہ معائنہ (6) 66/6

MEDICAL OFFICER  
PSYCHIATRY UNIT  
LRH PESHAWAR.

26.9.12

ANSWER - C

(14)

To

The Worthy District Education Officer,  
Hangu.

Subject:

**Application under the Right to Information Act, 2013 for the provision of the copies of service record of the appellant including the departmental proceedings conducted against the undersigned and the order of my dismissal from service.**

Respected Sir,

The undersigned was serving in the education department as PTC Teacher. In the year 2009, I have been proceeded against departmentally in absentia and have been dismissal from service.

It is, therefore, requested that attested copies of the record of departmental proceedings as well as the order of dismissal from service, may kindly be provided to the undersigned under Clause 7 of the Khyber Pakhtunkhwa Right to Information Act, 2013.

Truly Yours

*Iqbal*

**Iqbal Khokhar**  
Ex- PTC teacher  
District Hangu.  
Garden Colony  
near Government High School No. 3, Kohat City.

Dated: 12/11/2015.

Copy to: ✓

The Worthy Commissioner, Right to Information, Khyber Pakhtunkhwa,  
Peshawar.

File No. \_\_\_\_\_  
Diary No. 8369  
Date: 13-11-15  
Section: \_\_\_\_\_

*YK*

To,

The main Registrar  
Right to Information Commission  
Govt of NPK,

Subject:- Complaint against Non supply of information.

Sir/mam.

It is stated that i have requested to the  
Dist educational officer Hangu for providing  
information (copy enclosed), but they did not  
respond, There for kindly provide me  
the requisite information as per the rules of  
RTI act 2013.

Thanks

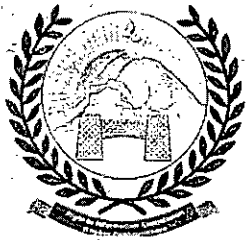
Date :- 29-12-15 Jāz al

Regards:-

Iqbal Khokhar  
Ex-PTC Teacher  
Dist Hangu  
Garden, Colony

Right to Information Commission Government of NPK	
Diary No:	9355
Date:	29-12-15
Signature:	

JK



Approved:

DI 1

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

(16)

No: RTIC/AR/1-1408/16/9076  
Dated: 06<sup>th</sup> Jan., 2016

To

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

Ref: **IQBAL KHOKHAR VS. DEO-M, HANGU**

Subject: **COMPLAINT AGAINST NON-SUPPLY OF INFORMATION BY DEO-M HANGU  
(COMPLAINT NO: 01408)**

Memo:

Complainant Mr. Iqbal Khokhar had filed a request with your Department dated: **13/11/2015**. You have failed to respond to the request within the timeline fixed by the Right to Information Act, 2013, and hence he has approached this Commission with the subject complaint under the Law. (copy attached)

2. You are directed to provide complete and relevant information to the complainant within **ten** working days of the receipt of this letter, under intimation to RTI Commission.
3. In case, you need any clarification/guidance in the matter, you are required to contact this Commission within **five** working days of the receipt of this letter on phone No. **091-9212643**, e-mail: [complaints@kprti.gov.pk](mailto:complaints@kprti.gov.pk) or fax No. **091-9211163**, so that the provision of information within fifteen working days is ensured.
4. In case the information is not supplied, you are directed to attend this Commission on **27/01/2016** to give reasons for the failure on your part.
5. Failure to comply with the above would compel this Commission to make resort to the punitive clauses of the Law.

Assistant/Registrar  
Right to Information Commission,  
KPK, Peshawar.

Copy to:

1. Secretary, Elementary & Secondary Education department, Peshawar
2. Mr. Iqbal Khokhar (Complainant)

Assistant Registrar  
RTI Commission, KPK

Assistant Registrar  
Right to Information Commission,  
KPK, Peshawar.

Yusuf

Amended: - E

(17)

(12)

OFFICE OF THE DISTRICT EDUCATION OFFICER, MALE DISTRICT  
HANGU.

Phone No 0925 621083 Fax No: 0925621083

No 5491 / SDEO(M)-H/Estab/P..File

Dated Hangu the: 16-01- 2016

To,

District Education Officer,  
(Male) Hangu.

Subject:- COMPLAINT AGAINST NON SUPPLY OF INFORMATION BY DEO-(M)  
HANGU COMPLAINT NO 01408.

Memo:-

**Reference Assistant Registrar Right to Information Commission,  
KPK Peshawar, No RTIC/AR/1-1408/16 Dated Peshawar the 06-01-2016.**

**One Mr. Iqbal Koker S/O Sain Deta Koker was appointed as Primary  
School Teacher vide District Education Officer, (Male) Kohat Endst: No 17735-800  
Dated 31-08-1985.**

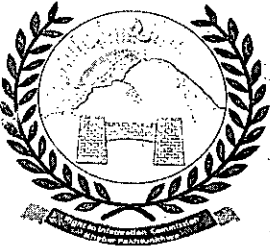
**He was absent from duty W.e.f. 01-11-2008. He was served with  
absent notice vide No 11006 Dated 03-11-2008, No 11065 Dated 19-11-2008 No  
12003 Dated 02-12-2008.. Again they were served with a show cause notice  
through Daily Mashriq Peshawar Dated 31-03-2009, but he did not any response to  
our notice. His case was submitted to worthy Executive District Officer, (E&SE)  
Department Hangu for further necessary action. His service was terminated by  
competent authority due to will full absence from duty W.e.f. 01-11-2008, vide  
Executive District Officer,(E&SE) Deptt: Hangu Endst: No 6634-37/F.Termination/  
EDO Dated 09-09-2009.**

**Hence report is submitted for your kind consideration and onward  
submission to the quarter concerned.**

  
SUB DIVISIONAL EDUCATION OFFICER,  
(MALE) HANGU.







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

118

Approved: F

No. RTIC/AR/1-1408/15

Dated: 27<sup>th</sup> Jan., 2016

763

To

Mr. Iqbal Khokhar,  
EX-PTC Teacher, District Hangu, Garden Colony, Near Govt High School No.3,  
Kohat City.

Ref:

MR. IQBAL KHOKHAR VS. DEO-M, HANGU.

Sub:

**SUPPLY OF INFORMATION UNDER RTI. ACT, 2013**  
**(COMPLAINT NO. 01408)**

Memo:

Attached please find the requisite information received from Office of the District Education Officer-M District, Hangu vide letter No. 5027, dated: 02-01-2016, regarding your case.

You are advised to confirm in writing the receipt of complete and relevant information within seven days of the receipt of this letter.

In case we do not receive any response from you, we will close this case on 8<sup>th</sup> February, 2016.

Assistant Registrar  
RTI Commission, KPK

Assistant Registrar  
Right to Information Commission,  
KPK, Peshawar.

Copy to:-

The District Education Officer.(DEO-M), Hangu.

Assistant Registrar  
Right to Information Commission,  
KPK, Peshawar.

Handwritten signature



OFFICE OF DISTRICT EDUCATION OFFICER

MALE DISTRICT HANGU

Email: deohangu@gmail.com

18

No. \_\_\_\_\_

Dated. 22/01/2016

To

Assistant Registrar,

Right to Information Commission,  
KPK, Peshawar

Subject: - **Complaint Against Non- Supply of Information By DEO-M Hangu (Complaint) No. 01408**.

Memo:-

Reference your office memo No. RTIC/AR/1-1408/9074 dated 06-01-2016 on the subject cited above.

The requisite information is hereby submitted to goodself as desire please.

*for*  
DISTRICT EDUCATION OFFICER  
MALE HANGU

Endst: No. 5027-29 Dated 22 / 01 / 2016

Copy to:-

1. Iqbal Koker Ex PST, Garden Colony Near Govt: High School No. 3 Kohat.
2. Officer Copy

*for*  
DISTRICT EDUCATION OFFICER  
MALE HANGU

*go*  
*17*



(Dog)



OFFICE OF DISTRICT EDUCATION OFFICER

MALE DISTRICT HANGU

Email: deohangu@gmail.com

20

No. 5027

Dated. 02/01/2016

To

Assistant Registrar,

Right to Information Commission,  
KPK, Peshawar

Subject: - **Complaint Against Non- Supply of Information By DEO-M Hangu (Complaint) No. 01408).**

Memo:-

Reference your office memo No. RTIC/AR/1-1408/9074 dated 06-01-2016 on the subject cited above.

The requisite information is hereby submitted to goodself as desire please.


  
DISTRICT EDUCATION OFFICER  
MALE HANGU

Endst: No. \_\_\_\_\_ Dated 1/1/2016

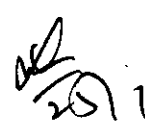
Copy to:-

1. Iqbal Koker Ex PST, Garden Colony Near Govt: High School No. 3 Kohat.
2. Officer Copy

  
DISTRICT EDUCATION OFFICER  
MALE HANGU



Right to Information Commission Government of KPK.
Diary No: <u>384</u>
Date: <u>25-1-16</u>
Section: <u>AR</u>



APR 5 (21)

OF THE DEPUTY DISTRICT OFFICER,  
MALE PRIMARY HANGU.

No. 373 / Notice

Dated Hangu the 20/3 /09

To

The Assistant Director,  
Regional Information, Office Kohat.

Subject:- NOTICE REGARDING ABSENCE FROM DUTY  
Memo:-

Enclosed please find herewith a notice of absence of PTC teachers of Deputy District Office (M) P. Hangu is three copies for favor of publication in "DAILY MASHRIQ" Peshawar at an early date.

You are also requested to please send the bill for early payment.

(S.M. AFRASYAB)  
DEPUTY DISTRICT OFFICER,  
(MALE) PRIMARY HANGU.

Endst. No. 374 / Dated 20/3 /2009

Copy of the above is forwarded for information to the  
— 1. Executive District Officer, (E&SB) Hangu

  
DEPUTY DISTRICT OFFICER,  
(MALE) PRIMARY HANGU.





### نوٹس غیر حاضری

مسی اقبال کھوکھر ولد سائیں دستہ کھوکھر سے آج ۲ گورنمنٹ پرائمری سکول  
 غیر حاضری ہوئی۔ رکنش محلہ سنڈھڑہ تحصیل ضلع کوھاٹ آب کی  
 رخصت کی مقدار از ۱-۹-۲۰۰۸ تا ۱۰-۱۰-۲۰۰۸ ۳۱ گوری ہو چکی ہے  
 اور آب صورت ۱-۱۱-۲۰۰۸ سے ۳ گوری کی اطلاع اور گوریوں اور حاضری

- خط نمبر ۱۱۰۰۶ صورت ۳-۱۱-۰۸ گوری نمبر ۱۱۰۶۵ صورت ۱۱/۱۹ اور
- گوری نمبر ۱۲۰۰۳ صورت ۲-۱۲-۰۸ گوری نمبر ۳۶۹ صورت ۱۹/۳
- مطلع گیا گیا کہ آب اپنی ڈپوٹی پر حاضری ہو چکی ہے اور ابی غیر حاضری کی
- موصول اور گوریوں و ہم بیان کریں

بند آجے کو بند لیا آجری نوٹس مطلع کیا جاتا ہے کہ اس  
 نوٹس کے اشتاعت کے بند رہ دن کے بعد انڈر ڈپوٹی پر حاضری ہو جائیں  
 اور اپنی غیر حاضری کی موصول وہ بیان کریں

- بصورت دیگر آب کے خلاف ایجنسی اینڈ ڈپوٹیوں ۱۹۷۳
- کے تحت کارروائی عمل میں لائی جائے گی جن میں آب کی
- حاضریت سے برخواستگی بھی ہو سکتی ہے

سنگھارہ محمد امجد اسباب  
 ۵۵۵ مرادہ پرائمری  
 ضلع سنڈھڑہ

*(Handwritten signature)*

(23)

# رجسٹرڈ

تاریخ 19/3/09

نمبر 369

ڈپٹی ڈسٹرکٹ آفیسر

(مردانہ) ہنگو۔

(6)

انتقالی نوٹس

PTC - 9A نیشنل سروس

علی شاہد، تحصیل، ضلع رحمان

نوٹس غیر حاضری

عنوان:-

یادداشت:-

آپ کو بحوالہ چھٹی نمبر 11006 مورخہ 3-11-08 چھٹی نمبر 11065 مورخہ 11/08/09

مورخہ 9-12-08 آپ کے گھر کے پتے پر نوٹس جاری کر دیے گئے ہیں کہ آپ مورخہ 2008-11-01 بغیر کسی اطلاع

کے سکول سے غیر حاضری لے کر چلے گئے ہیں۔ آپ کو بذریعہ نوٹس حد ایک بار پھر مطلع کیا جاتا ہے کہ سات دن کے اندر اندر دفتر ذیل دستخطی کورپورٹ کرے اور اپنی غیر حاضری کے تحریری وجہ بیان کریں۔

بصورت دیگر آپ کے خلاف پیشینہ ایڈز سپلینٹ روز 19 کے تحت کارروائی عمل میں لائی جائے گی

جس میں آپ ملازمت سے برخواست بھی ہو سکتے ہیں۔

شہد انوار امین

ڈپٹی ڈسٹرکٹ آفیسر

(مردانہ) ہنگو۔

مراسلہ نمبر

کاپی برائے اطلاع: جناب ایگزیکٹو ڈسٹرکٹ آفیسر سکول اینڈ لیٹرری ہنگو۔

شہد انوار امین

ڈپٹی ڈسٹرکٹ آفیسر

(مردانہ) ہنگو۔

AMR 26 H 24



OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELE & SEC. EDU. DEPT. LANGU

TERMINATION ORDER

Whereas the following P.T.S. of Elementary & Secondary Education Dept. have been removed from their assigned duty on the date mentioned below:

S.No.	Name	Post	From	To
1	Mrs. [Name]	[Post]	[Date]	[Date]

EXECUTIVE DISTRICT OFFICER  
ELE & SEC. EDU. DEPT. LANGU

Endst: 6/2/2025

Copy to the:-

- 1)
- 2)
- 3)
- 4)
- 5)

90

**OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY &  
SECONDARY EDUCATION HANGU**

**TERMINATION ORDER**

The services of the following PST/Chowikdar of (Elementary & Secondary Education Department) are hereby terminated due to willful absence from their assigned duty under special power ordinance 2000 (Removal From Service) from the date as mentioned against their name after observation all codal formalities by the Enquiry Officer.

S.No.	Name of Official	Seno of Name	Date of termination	Remarks
1.	Mr. Iqbal Kokar PST	GPS No.2 Wrasta Hangu	01.11.2008	Willful absent form duty

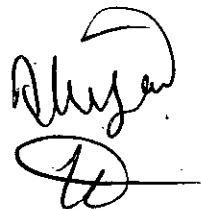
EXECUTIVE DISTRICT OFFICER  
ELE: & SEC: EDU. DEPTT. HANGU

Endst: 6634-37 / F. Termination (EDO) Dated 09/09/2009

Copy to the

- 1) District Nazim District Hangu.
- 2) District Coordination Officer, District Hangu.
- 3) District Account Office District Hangu.
- 4) Deputy \_\_\_\_\_ Primary District Hangu alongwith service books and with \_\_\_\_\_ make recovery entry to this effect in the service books
- 5) Office copy

Sd/-  
EXECUTIVE DISTRICT OFFICER  
ELE: & SEC: EDU. DEPTT. HANGU





(25)

Approved: I

To

The Honorable Director,  
Elementary and Secondary Education,  
Khyber Pakhtunkhwa Peshawar.

Subject: *Departmental Appeal against the order dated 09.09.2009, whereby the undersigned has been terminated from service w.e.f 01.11.2008.*

Prayer in Departmental Appeal.

*On acceptance of this Departmental Appeal order dated 09.09.2009, may kindly be set aside and the undersigned may be reinstated into service with all back benefits or in alternate the penalty of termination may be converted into compulsory retirement from service keeping in view my 23 years qualifying service.*

Respected Sir,

The applicant very humbly submits the following few lines for your kind and sympathetic consideration:

1. That the applicant was initially appointed as primary school teacher vide order dated 31.08.1985.
2. That ever since my appointment I have performed my duties as assigned with zeal and devotion and there was no complaint whatsoever regarding my performance.
3. That while performing my duties in the said capacity, in the year 2008, due to my domestic problems and some incidents I became a suffered great mental stress and torture and became patient of depression. I thereafter remained under treatment for a long period and could not join my duties due to my illness.
4. That due I was proceeded departmentally on account of my absence from duty and was awarded the major penalty of termination from service vide order dated 09.09.2009. it is pertinent to mention here that the order of my termination from service was never communicated to me.

5. That after recovering from my prolong illness, I when recovered from my illness, I when went to join my duties I was not allowed to join, and was told that I have been terminated from service, I continuously approached the concerned office, however no order of my termination from service was ever served to me.
6. That lastly I filed an application to the Commissioner Right to Information, for the provision of departmental proceedings and my termination from service order.
7. That thereafter vide letter dated 16.01.2016, I was informed that my service were terminated vide order dated 09.09.2009 after issuance of certain absence notices.
8. That my termination from service is illegal unlawful against the law and facts hence liable to be set aside inter alia on the following grounds.

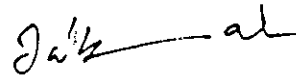
**GROUND OF DEPARTMENTAL APPEAL:**

- A. That I have not been treated in accordance with law and hence my rights secured and guaranteed under law and constitution are badly violated.
- B. That no proper procedure has been adopted before the termination of service of the undersigned, I have never been served with any charge sheet or show cause notice nor any inquiry has been conducted. The impugned is thus passed in violation of the principle of natural justice.
- C. That I have not been allowed the opportunity of personal hearing hence I have been condemned unheard.
- D. That no charge sheet or show cause notice has been served upon me nor any absence notice has been served upon me before the issuance of the impugned order. Even i have not been communicated the impugned order till date and have only been informed vide letter dated 16.01.2016 about my termination from service that too on intervention of the Right to Information Authority.
- E. That I have never committed any act or omission which could be termed as misconduct albeit I have been terminated from service. My absence from duty was never willful but was due to my continuous long illness which disabled me to join my duties.

- F. That the superior courts have always held that punishment must commensurate with magnitude of guilt, since my absence was not willful moreover I had at my credit a long and spotless service career, therefore termination from service was too harsh penalty. In alternate I could have been compulsorily retired from service so that I could get the benefits of my previous 23 years clean and spotless service.
- G. That I am the sole bread earner of my family, however my termination from service has exposed me and my family to great hardships.
- H. That I have a long and spotless service career of about 23 years at my credit, the penalty imposed upon me is harsh and liable to be set aside.
- I. That I am jobless since my illegal termination from service.

*It is, therefore, humbly prayed that on acceptance of this Departmental Appeal order dated 09.09.2009, may kindly be set aside and the undersigned may be reinstated into service with all back benefits or in alternate the penalty of termination may be converted into compulsory retirement from service keeping in view my 23 years qualifying service.*

Yours Obediently



**IQBAL KOKAR**

EX- Primary School Teacher,  
District Hango.

R/O Garden Colony,  
near GGHS No. 3 Kohat City.

Contact No. 0344-8964394



Dated. 13 / 02 / 2016

DAD  
19/16

28

15/2/2016

19 (7) 2  
19/16  
19/16

7/10

**POWER OF ATTORNEY**

In the Court of KPK Service Tribunal  
Iqbal Khan

} For  
} Plaintiff  
} Appellant  
} Petitioner  
} Complainant

**VERSUS**

Soot of case

} Defendant  
} Respondent  
} Accused

Appeal/Revision/Suit/Application/Petition/Case No. \_\_\_\_\_ of \_\_\_\_\_  
Fixed for \_\_\_\_\_

I/We, the undersigned, do hereby nominate and appoint

**SAJID AMIN ADVOCATE, HIGH COURT**

\_\_\_\_\_ my true and lawful attorney, for me in my same and on my behalf to appear at \_\_\_\_\_ to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at \_\_\_\_\_  
the \_\_\_\_\_ day to \_\_\_\_\_ the year \_\_\_\_\_  
Executant/Executants \_\_\_\_\_  
Accepted subject to the terms regarding fee \_\_\_\_\_

**SAJID AMIN**  
Advocate High Court

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

In the matter of  
Appeal No.703/2016

Iqbal Khokar Ex- PST District Hangu, R/O garden colony  
near GGHS No. 3 Kohat City.

*(Appellant)*

***VERSUS***

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

*(Respondent)*

**REJOINDER ON BEHALF OF THE APPELLANT**

Respectfully submitted:

**ON PRELIMINARY OBJECTIONS:**

1. Contents incorrect and misleading, the appellant has illegally been terminated from service, he being an aggrieved civil servant has got the necessary cause of action to file the instant appeal.
2. Contents incorrect and misleading, all facts necessary for the disposal of appeal are brought before this honorable court and nothing has been concealed.
3. Contents incorrect and misleading, the appellant has come to the tribunal with clean hands.
4. Contents in correct and misleading, this Honorable Tribunal has got the jurisdiction.
5. Contents incorrect and misleading, the appeal being filed well in accordance with the prescribed rules and procedure hence maintainable and competent in its form.
6. Contents incorrect and misleading, the instant appeal is filed well within the prescribed period of limitation.

**ON FACTS**

1. Contents need no reply, however, contents of Para-1 of the appeal are true and correct.
2. Contents of Para-1 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.

3. Contents of Para-2 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.
4. Contents of Para-3 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.
5. Contents of Para-5 of the appeal are correct; the reply submitted to the Para- is incorrect and misleading.
6. Contents of Para-6 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.
7. Contents of Para-7 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.
8. Contents of Para-8 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.
9. Contents of Para-9 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.

**GROUND**

The Grounds (A to M) taken in the memo of appeal are legal and will be substantiated at the time of arguments.

*It is therefore humbly prayed that the appeal of the appellant may please be accepted as prayed for.*

*Jabbar*

**Appellant**

Through

*Yasir Saleem*

**YASIR SALEEM**

Advocate High Court.

**AFFIDAVIT**

I do, hereby solemnly affirm and declare on oath that the contents of the above rejoinder as well as titled appeal are true and correct and nothing has been kept back or concealed from this Honourable Tribunal.

*Jabbar*

**Deponent**



**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,  
PESHAWAR.**

APPEAL No.703-P/2016

Iqbal Kokhar Ex. PST

.....Petitioners

Versus

Govt: of Khyber Pakhtunkhwa & others

.....Respondents

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S. No	Description of Documents	Annexure	Pages
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2.	Affidavit		03
3.	Departmental Appeal		04
4.	Notice in Daily Mashriq dated 31/03/2009		05

  
Deponent



**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,  
PESHAWAR.**

**APPEAL** No.703-P/2016

Iqbal Kokhar Ex. PST

.....Petitioners

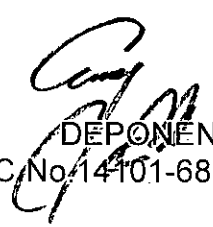
Versus

Govt: of Khyber Pakhtunkhwa & others

.....Respondents

**AFFIDAVIT**

I, Mir Wali Khan, ADEO (Male) Office of the District Education Officer, Male, Hangu do hereby solemnly affirm and declare on oath that the contents of accompanying **parawise comments** on behalf of **Respondents No.1 to 3** are true and correct to the best of my knowledge and belief that nothing has been concealed from this Hon'ble Court.

  
DEPONENT  
CNIC No/14101-6812268-1

Identified by

Additional Advocate General,  
Khyber Pakhtunkhwa,  
Peshawar

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHUNKHWA**

**PESHAWAR. APP. NO. 703/2016**

Mr. IQBAL KOKHAR EX; PST DISTRICT HANGU RO GARDEN COLONY NEAR GGHS NO.3  
KOHAT CITY.

**VERSUS**

1. Govt: of KPK through Secretary (E&SE. Edu) KPK Peshawar .
2. Director Ele; & Sec; Edu; Khyber PakhtunKhwa Peshawar.
3. District Education Officer (Male) Hangu.

**PARA-WISE COMMENTS/REPLY BY RESPONDENT ON THE BEHALF OF RESPONDENT  
NO:03**

**PRELIMINARY OBJECTION**

S.# Respectfully Sheweth

1. That the appellant has no cause of action or locus standee.
2. That the appellant has concealed some important material facts from this honorable court.
3. That the appellant has not come to this honorable court with clean hands
4. That the appellant petitioner is beyond the jurisdiction of this honorable court.
5. That the appellant in hand is not maintainable in the present form.
6. The instant appeal is time barred .

**FACTS:-**

1. That Para NO.1 no comments being pertaining to the service record .
2. Incorrect. The appellant was absent from 01.11.2008 and he was not performing his duty.
3. Baseless and incorrect. The appellant never communicated / conveyed any Documents regarding his illness or leave application to respondent No.3.
4. That, it is incorrect , the termination letter vide order Dated 9-9-2009 was communicated and appellant was also aware of about his termination .
5. That, It is incorrect , the appellant was served with his termination order from this Department .
6. That, the appellant was given all information's regarding departmental proceeding and his termination from service on appellant application.
7. That, it is incorrect the appellant was conveyed information about his termination vide this office order No.6634-37 dated 9-9-2009 and appellant was aware of his termination.
8. that, it is Incorrect, that the appellant was entertained by respondent No.3 vide this office endst. No 5789/SDEO (M) Hangu / Estb; /P.file Departmental proceeding (Annexure)A.
9. That , it is incorrect , the impugned order is legal because order of termination was passed after of observing all the coddle formalities.

**GROUND OF SERVICE APPEAL:**

- a) incorrect, that appellatant was treated according to the law and no right of Appellant was violated .
- b) incorrect , the appellatant order of termination was issued after observing of all coddle formalities
- c) Incorrect. all coddle formalities are fulfilled.
- d) incorrect the termination order of appellatant was issued under special powers Ordinance, 2000 ( removal from service) dated 9-9-2009 by Executive District officer (E&SE) in accordance with the law after observing of all coddle formalities .
- e) Incorrect appellatant was served absence notice vide letter no. 11006 dated 03.11.2008, letter no. 11065 dated 19.11.2008, letter no. 12003 dated 02.12.2008, and letter 369 dated 19.03.2009. Appellant was also issued notice in daily newspaper mashriq dated 31.03.2009. (copy of newspaper annexure (B).
- f) incorrect, appellatant willfully absent from duty w.e.f 01.11.2008 for very long time without any permission/information.
- g) incorrect proposed penalty is under the service law.
- h) incorrect impugned order is in accordance with the law.
- i) incorrect the order is according to the law.
- j) incorrect, the punishment given to the appellatant is an accordance with the law. because appellatant his remained absence willfully for a long period.
- k) subject to proof.
- l) incorrect. is replied above
- m) incorrect, appellatant termination is legal and valid. it therefore, request that the instant appeal of the appellatant may kindly be dismissed with cost.

**RESPONDENT 1.**

  
**SECRETARY (E&SE)  
GOVT. OF KPK PESH.**

**RESPONDENT 2.**

  
**DIRECTOR  
E&SE KPK PESH.**

**RESPONDENT 3.**

  
**DEO (M) HANGU**

OFFICE OF THE DISTRICT EDUCATION OFFICER, MALE DISTRICT  
HANGU.

Phone No 0925 621083 Fax No: 0925621083

No. 5789 / SDEO(M)-H/Estab/P..File

Dated Hangu the: 03-03-2016

To,

Director,,  
Elementary and Secondary Education,  
Khyber Pakhtun Khawa Peshawar.

Subject:- DEPARTMENTAL APPEAL IN R/O IQBAL KOKER EX-P.S.T.  
Memo:-

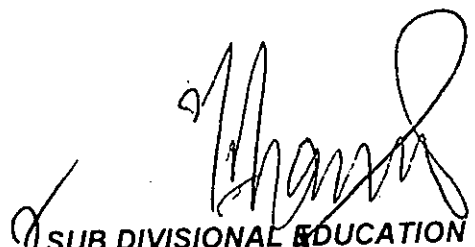
Reference Deputy Director Establishment Elementary & Secondary  
Education Khyber Pakhtun Khawa Peshawar No 5232/F.No162/Removal from  
service/PST/TT/AT/QARI (M) GEN: Dated Peshawar the 29-02-2016

One Mr. Iqbal Koker S/O Sain Deta Koker was appointed as Primary School  
Teacher vide District Education Officer, (Male) Kohat Endst: No 17735-800 Dated  
31-08-1985.

He was absent from duty W.e.f. 01-11-2008. He was served with  
absent notice vide No 11006 Dated 03-11-2008, No 11065 Dated 19-11-2008 No  
12003 Dated 02-12-2008.. Again they were served with a show cause notice  
through Daily Mashriq Peshawar Dated 31-03-2009, but he did not any response to  
our notice. His case was submitted to worthy Executive District Officer, (E&SE)  
Department Hangu for further necessary action. His service was terminated by  
competent authority due to will full absence from duty W.e.f. 01-11-2008, vide  
Executive District Officer,(E&SE) Deptt: Hangu Endst: No 6634-37/F.Termination/  
EDO Dated 09-09-2009.

Hence report is submitted for your kind consideration and onward  
submission to the quarter concerned.

*Copy to,*  
*1- DEO(M) Hangu*

  
SUB DIVISIONAL EDUCATION OFFICER,  
(MALE) HANGU.

