

3-5-2023

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BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 935 of 2022

Hafiz Jamsheed Khan Ex-SST Government Middle School
Kalagay, District Swat.

...Appellant

Khyber Pakhtunkhwa
Service Tribunal

Diary No.

4841

Dated

12/4/2023

VERSUS

The Secretary Elementary and Secondary Education
Government of Khyber Pakhtunkhwa, Peshawar and
Others.

...Respondents

REJOINDER BY THE APPELLANT

Respectfully Sheweth:

Preliminary Objections:

That all the preliminary objections are incorrect, baseless and against the law, rules and facts, thus are specifically denied. Moreover the Appellant has got a prima facie in his favour and has approached this Honourable Tribunal well within time and this Honourable Tribunal has got the jurisdiction to adjudicate upon the same.

On Facts:

- I. Para 1 of the comments amounts to admission needs no reply.

- II. *Para 2 of the comments as drafted also is admission, hence needs no reply as well.*
- III. *Para 3 of the comments as drafted is incorrect, ill construed and against the facts, thus the para is specifically denied.*
- IV. *Para 4 of the comments as drafted is vague and evasive, however a proper reply to the show cause notice was submitted, but the same was not considered for no valid reasons, whatsoever.*
- V. *Para 5 of the comments as drafted also is incorrect, vague and devoid of merits, thus the same is denied as well.*
- VI. *Para 6 of the comments as drafted is vague, devoid of merits and misconstrued as well as based on misstatements and concealment of facts, thus the same is denied as well.*
- VII. *Para 7 of the comments as drafted being admission needs no reply.*
- VIII. *Para 8 of the comments as drafted also being admission, thus needs no reply.*
- IX. *Para 9 of the comments as drafted is incorrect, based on misstatements and concealment of material facts to the utter detriment of the Appellant, hence the same is denied specifically.*
- X. *Para 10 of the comments as drafted is based on misstatement and concealment of material facts,*

the relevant record is already annexed with the service appeal, thus the para is denied.

- XI. *Para 11 of the comments as drafted being admission needs no reply.*
- XII. *Para 12 of the comments as drafted is incorrect, baseless and against the record, hence the same is denied as well.*
- XIII. *Para 13 of the comments as drafted also is incorrect, devoid of merits and against the available record, hence the same is denied as well.*
- XIV. *Para 14 of the comments as drafted also is misconstrued and devoid of merits thus the same is denied.*
- XV. *Para 15 of the comments as drafted also being admission needs no reply.*
- XVI. *Para 16 of the comments as drafted is incorrect and completely based on misstatement as the alleged Notification dated 25-07-2022 is neither communicated to the Appellant nor annexed with the Comments, thus the para is specifically denied.*
- XVII. *Para 17 of the comments as drafted also is based on misstatements as the alleged Notification dated 25-07-2022 is neither communicated to the Appellant nor annexed with the comments, thus the same is also denied.*

On Grounds:

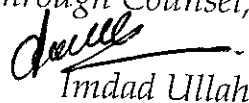
- a) Ground A of the comments as drafted is incorrect and baseless and is devoid of merits.
- b) Ground B of the comments as drafted is incorrect, whimsical and in need of solid proof, thus the para is denied.
- c) Ground C of the comments as drafted also is incorrect and based on misstatements and concealment of material facts, thus the same is denied specifically.
- d) Ground D of the comments as drafted is evasive and devoid of merits, thus the same is denied.
- e) Ground E of the comments as drafted also is incorrect, misconstrued and devoid of merits as the Appellant has regularly been performing his duties and not a single day of the students has been wasted unattended, thus the para is denied.

It is, therefore, very respectfully prayed that on acceptance of this rejoinder the appeal of the Appellant may very kindly be decided as prayed for originally.



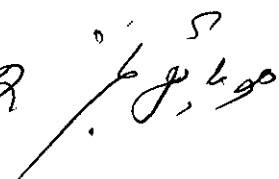
Appellant

Hafiz Jamsheed Khan
Through Counsel,



Imdad Ullah
Advocate Swat

0346940912



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BEFORE THE KHYBER PAKHTUNKHWA
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...Appellant

VERSUS

The Secretary Elementary and Secondary Education
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Others.

...Respondents

AFFIDAVIT

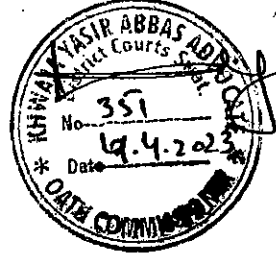
It is solemnly stated on Oath that all the contents of
this rejoinder are true and correct to the best of my
knowledge and belief and nothing has either been
misstated or kept concealed before this Honourable
Tribunal.



Deponent

Hafiz Jamsheed Khan

ATTESTED



03469409112 / 19/4/2023



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block "A" Opposite M PA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223587

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No. SO(PE)/E&SED/5-19/Re-instatement/Hafiz Jamsheed/2022
Dated Peshawar the 21-06-2022

To

Mr. Hafiz Jamsheed,
Ex-SST, GMS Kalagay,
Swat.

Subject: - PERSONAL HEARING.

I am directed to refer to the subject noted above and to state that personal hearing has been fixed on July 05th, 2022 (Tuesday) at 11:00 AM in the office of Additional Secretary (General), E&SE Department.

You are, therefore, directed to attend the said personal hearing on date, time and venue above.

Yours faithfully

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY)

Copy forwarded to the:

1. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
2. District Education Officer (Male), Swat with the direction to attend the above said personal hearing on date, time & venue above.
3. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
4. PA to AS (General), E&SE Department, Khyber Pakhtunkhwa.

SECTION OFFICER (PRIMARY)

21/6/22

نہایت محترمہ یہاں پر
نوٹ کیا گیا ہے کہ
2022ء جولائی 5
کو حتمی طور پر
مقرر کیا گیا ہے

7/7/22
Secretary
Elementary & Secondary Education
Govt. of Khyber Pakhtunkhwa



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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block "A" Opposite M PA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223587

No. SO(PE)/E&SED/5-19/Re-instatement/Hafiz Jamsheed/2022
Dated Peshawar the 14-06-2022

To

Mr. Hafiz Jamsheed.
Ex-SST. GMS Kalagay.
Swat.

Subject: - **PERSONAL HEARING.**

I am directed to refer to the subject noted above and to state that personal hearing has been fixed on June 16th, 2022 (Thursday) at 11:00 AM in the office of Additional Secretary (General), E&SE Department.

You are, therefore, directed to attend the said personal hearing on date, time and venue above.

Yours faithfully


(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY)

Copy forwarded to the:

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4. PA to AS (General), E&SE Department, Khyber Pakhtunkhwa.


SECTION OFFICER (PRIMARY)
14/6/22

مقررہ تاریخ آج بخورم 16 جون 2022ء


میں سیکرٹریٹ حکومت پاکستان اسلام آباد

کے پاس حاضر ہوا۔ درخواستیں ہوا کہ

تاریخ تبدیل کرنے کا کیا ممکن ہوگی

21/6/22 کو میں کو حاضر ہوا جو میں نے

5 جولائی 2022ء تاریخ دیا۔ لیکن
بغیر اطلاع 7 جولائی دیا۔


21-6-2022



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block "A" Opposite M PA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223587

8

No. SO(PE)/E&SED/5-19/Re-instatement/Hafiz Jamsheed/2022
Dated Peshawar the 21-06-2022

To

Mr. Hafiz Jamsheed,
Ex-SST, GMS Kalagay,
Swat.

Subject: - PERSONAL HEARING.

I am directed to refer to the subject noted above and to state that personal hearing has been fixed on July 05th, 2022 (Tuesday) at 11:00 AM in the office of Additional Secretary (General), E&SE Department.

You are, therefore, directed to attend the said personal hearing on date, time and venue above.

Yours faithfully


(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY)

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1. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
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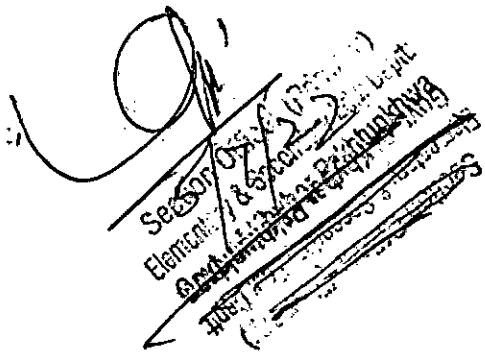

SECTION OFFICER (PRIMARY)
21/6/22

نوٹ: حافظ مجتبیٰ خان آئی سی ٹی ماسٹر GMS ملتان

مدین خلیع سوات ڈیپارٹمنٹ لہور 19-5-2022

محورہ 2022-7-5 کو ایکشن سکریٹ لیا اور

حاضر ہوئے۔ جبکہ سوات ڈیپارٹمنٹ سوات



Government of Khyber Pakhtunkhwa
Directorate of Elementary & Secondary Education

9 214

File No: _____
Dated: 17/11/2022

Notification

1. Whereas, (Jamshid Khan, SST (General), GMS KALAGAY(EmisCode:36876)) BAHRAIN SWAT was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 for the charges of willful absence from duty.
2. And whereas, a show cause notice was served upon you vide No. 4108-9 dated 29-6-2022 for willful absence from within the meaning of Rule-3 (d) and the Finance Department Notification No. So (FR)/FD/5-14/2014 dated 16-12-2014.
3. And whereas, the Competent Authority after having considered the charges, evidence on record, his/her explanation dated _____ and the personal hearing granted to him/her vide No. _____ dated _____ is of the view that the charges mentioned in the show cause have been proved against (Jamshid Khan, SST (General), GMS KALAGAY(EmisCode:36876)).
4. Now, therefore, in exercise of the powers conferred under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 the Competent Authority is pleased to impose the penalty of one-day salary deduction upon (Jamshid Khan, SST (General), GMS KALAGAY(EmisCode:36876)) in accordance with Rule-4 (a) (iii) of the ibid rules and absent period is converted into leave without pay with immediate effect.

Note: Necessary entries may be made in his/her service book.

2820-21

Director (E&SE)
Khyber Pakhtunkhwa

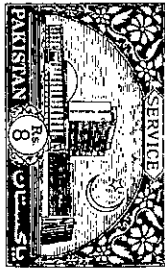
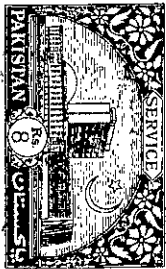
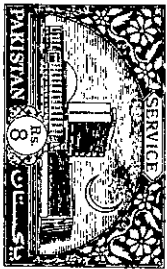
Endst: Even No. & Date

30-11-2022

GMS 214

Copy of the above is forwarded to the: -

- i. Principal/Headmaster/Headmistress/DDEO/SDEO concerned for necessary action under intimation to this office within 7 days.
- ii. Jamshid Khan, SST (General), GMS KALAGAY(EmisCode:36876), MADYAN, BAHRAIN, SWAT
- iii. Master File



O.P.S.S

DEPUTY CHIEF
Director (E&SE)
KPK Peshawar