

10<sup>th</sup> April, 2023

1. Appellant alongwith his counsel present. Mr. Fazal Shah Mohmand, Addl: AG alongwith Dr. Iqbal, Director Education, Mr. Muhammad Uzair Ali, DEO(M) Khyber, Mr. Shireen Zada, DEO(M), Bajaur and Mr. Lodhan Shahid, SDEO, Nawagi Bajaur all are present.

2. This appeal is not free from difficulty, the appellant claims his appointment order from 2006 and on 24.01.2018, he was transferred from District Khyber to District Bajaur. The facts to this extent are not disputed. Similarly there is a service certificate issued by the Head Master, GPS Hilal Khel No.1 Charmang District Bajaur which was also signed by the Head Master, GHS Sarkari Qilla Charmang Bajaur and SDEO (M) Nawagai District Bajaur, certifying not only the performance of duties by the appellant at GPS Hilal Khel No.1 Charmang but also punctuality and devotion of the appellant to the assigned work. The appeal is a bit complicated because after transfer of the appellant from District Khyber to District Bajaur, the District Education Officer Khyber proceeded to take a disciplinary action against the appellant and he struck off the appellant vide order dated 15.01.2019 i.e. at the time when he had already been transferred from this jurisdiction to District Bajaur, whereas the Education Department of District Bajaur is certifying the presence and performance of the duties by the appellant. The DEO (M) Khyber has expressed his ignorance about the transfer of the appellant to District Bajaur as per his statement made at the bar before the Tribunal today. To reconcile the situation and to come up with proper resolution of the matter, the Director has sought some time. Let in the interest of justice he be given thirty days time to submit detailed report regarding the matter and if legally possible, he may resolve the issue. The office is directed to hand over copies of order sheet dated 04.10.2022 and 05.10.2022. To come up on 15.05.2023 before D.B.



(Muhammad Akbar Khan)  
Member (E)



(Kalim Arshad Khan)  
Chairman