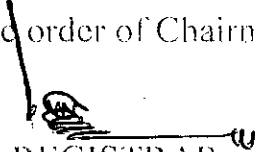


FORM OF ORDER SHEET

Court of _____

Case No. _____

658/2023

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1- | 28/03/2023 | <p>The appeal of Mr. Noor Ali resubmitted today by registered Post through Mr. Abdul Saboor Khan Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on _____. Notices be issued to the appellant and his counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p> |

**BEFORE THE KPK SERVICE TRIBUNAL
PESHAWAR**

Service appeal No 658 / of 2023

Noor AliAppellant

VERSUS

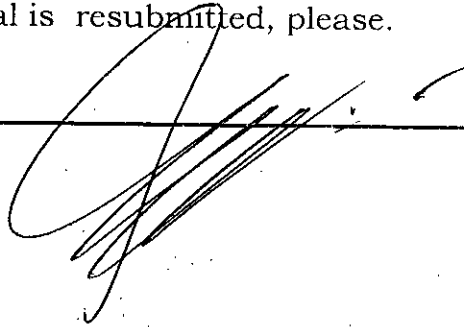
Govt. of KPKrespondents

REMOVAL OF OFFICE OBJECTIONS.

- 1). Memorandum of appeal has already been signed by the appellant.
- 2). No appeal on the subject matter has earlier been filed before this Hon'ble tribunal and the instant appeal is first in kind against the impugned order.
- 3). Annexures of the appeal have been attested by the counsel for the appellant.
- 4). Index is already available with the appeal.
- 5). There is only one promotion dated 25.01.2022 which is already available at page No. 19 and 20.
- 6). Better copies of Annexure "E" and "F" are annexed with the appeal at page No. 18-A and 20-A.

The above mentioned objections have been duly removed and the appeal in original is resubmitted, please.

Dated: 22.03.2023




The appeal of Mr. Noor Ali Senior CT Teacher Ex-SDEO Male Seo District Kohistan Upper received today i.e. on 09.03.2023 is incomplete on the following score which is returned to the co Counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal be got signed by the appellant. ✓
- 2- Certificate be furnished that whether any appeal on the subject matter has earlier been filed in this Tribunal.
- 3- Annexures of the appeal be attested.
- 4- Check list is not attached with the appeal.
- 5- Copy of promotion orders dated 01.09.2021 & 25.01.2022 are not attached with the appeal which may be placed on it.
- 6- Annexures-E&F of the appeal are illegible which may be replaced by legible/better one. ✓
- 7- Sub-rule-4 of rule-6 of the Khyber Pakhtunkhwa Service Tribunal rules 1974 requires that every civil servant to whom the relief claimed may affect shall also be shown as respondent.

No. 920 /S.T.

Dt. 13/3 /2023


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Abdul Saboor Khan Adv.
High Court at Mansehra.

- ① Apped has been signed by the appellant.
- ② No apped on the subject matter has been filed.
- ③ Index is already attached.
- ④ promotion order dated 25¹/₂₂ is at Page 19/20 of the apped.
- ⑦

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No 658 of 2023

Noor Ali.....Appellant

VERSUS

The Govt of KPK etcRespondents

APPEAL

INDEX

| S# | Description of documents | Annexure | Page# |
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| 2. | Affidavit | - | 8 |
| 3. | Correct address of Parties | - | 9 |
| 4. | Copy of order dated 22.06.2002. | "A" | 10 |
| 5. | copy of order dated 12.05.2017. | "B" | 11 |
| 6. | Copies of Judgment dated 24.05.2018. | "C" | 12-16 |
| 7. | copy of office order dated 15.08.2018. | "D" | 17 |
| 8. | copy of notification dated 12.02.2021. | "E" | 18 |
| 9. | Copy of notification dated 25.01.2022. | "F" | 19-20 |
| 10 | Copies of seniority list. | "G" | 21-22 |
| 11 | copy of impugned order dated 02.11.2022. | "H" | 23 |
| 12 | copy of Departmental appeal dated 03.11.2022. | "I" | 24 |
| 13 | Wakalt Nama | - | 25 |

Dated 28.02.2023

Noor Ali
(Appellant)

Through:-

ABDUL SABOOR KHAN
Advocate High Court

1

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No 658 of 2023

Noor Ali, Senior CT Teacher Ex-SDEO Male
Seo District Kohistan Upper.

.....**Appellant**

VERSUS

- 1) The, Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Peshawar.
- 2) The, Director Elementary and secondary Education Peshawar.
- 3) The, District Education officer (Male) District Kohistan upper

.....**Respondents**

SERVICE APPEAL UNDER SECTION 4 OF
KPK SERVICE TRIBUNAL, ACT, 1974
AGAINST THE IMPUGNED ORDER NO
5781-84 DATED 02.11.2022, PASSED BY
RESPONDENT NO. 02 WHEREBY
APPELLANT WAS DEMOTED FROM SST
(GENERAL) BPS-16 TO SCT WITHOUT ANY
LAWFUL JUSTIFICATION.

PRAYER:-

On acceptance of the instant service appeal, the impugned order bearing No 5781-84 dated 02.11.2022 passed by respondent No. 02 may kindly be set-aside declaring it illegal, void and against the law on the subject and appellant be restored as SST (General) on the strength of the notification dated 25.01.2022.

Respectfully Sheweth:-

1. That, appellant was initially appointed as PTC in the year 1997 and thereafter, promoted to the post of CT vide order dated 22.06.2002.

(Copy of order dated 22.06.2002 annexed as Annexure "A").

2. That, respondent No. 03 vide order dated 12.05.2017 imposed major penalty of removal from service upon the appellant.

(copy of order dated 12.05.2017 annexed as annexure "B").

3. That, appellant impugned the said order before this Hon'ble tribunal by way of service appeal No.

1007/2017 which was allowed vide judgment dated 24.05.2018.

(Copies of Judgment dated 24.05.2018 are annexed as annexure "C").

4. That, in compliance of the aforesaid judgment of the this Hon'ble tribunal respondent No. 03 vide office order dated 15.08.2018 reinstated the appellant into the service.

(copy of office order dated 15.08.2018 annexed as annexure "D").

5. That, vide notification dated 12.02.2021 appellant was promoted to the post of senior CT by respondent No. 02.

(copy of notification dated 12.02.2021 annexed as annexure "E")

6. That, respondent No. 02, vide notification dated 25.01.2022 promoted the appellant from SCT to SST(General) in BPS-16.

(Copy of notification dated 25.01.2022 annexed as annexure "F").

7. That, as per seniority list appellant was at serial No. 05. Appellant also filed service appeal No. 119 of 2019 which was dismissed vide order dated 17.09.2020 on Technical grounds.

(Copies of seniority list annexed as annexure "G").

8. That, vide impugned notification dated 02.11.2022, respondent No. 02 was pleased to withdraw the promotion notification of the appellant without any lawful justification.

(copy of impugned order dated 02.11.2022 annexed as annexure "H").

9. That, feeling aggrieved from the impugned order, appellant filed departmental appeal on 03.11.2022 which was received vide diary No. 106 dated 10.11.2022.

(copy of departmental appeal dated 03.11.2022 annexed as annexure "I").

10. That, the appellant authority could not decide the fate of the Departmental appeal filed by the appellant within the statutory period of time.

11. That, feeling aggrieved from the impugned notification No. 5781-84 dated 02.11.2022 appellant having no other legal remedy is filing the instant service appeal before this Hon'ble tribunal for setting aside the impugned order inter alia on the following amongst other grounds.

5

GROUNDS:-

- A.** That, the impugned order dated 02.11.2022 is illegal, unlawful, without lawful authority, without jurisdiction and of having no legal effect.
- B.** That, a valuable right had accrued to the appellant which could not have been taken away by respondent No. 02. Under the legal principle of "**locus poenitentia**".
- C.** That, there was no reason or justification with respondent No. 02 to withdraw the valid promotion order of the appellant against the post of SST General.
- D.** That, appellant was promoted as SST by a validly constituted promotion committee after observing all the legal formalities and no legal authority was vesting in respondent No. 02 to withdraw the promotion order of the appellant through the impugned order.
- E.** That, before issuing the impugned order, it was the legal duty of the

respondent No. 02 to put the appellant on notice but no such notice was ever issued and as such, appellant has been condemned unheard.

- F. That, appellant served as SST for a period of about 9 months. The promotion order of the appellant had already been acted upon and a valuable right had accrued in the favour of appellant. In such like eventuality, there was no basis to issue the impugned order.

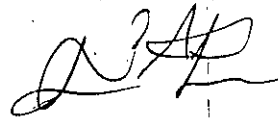
PRAYER:-

On acceptance of the instant service appeal, the impugned order bearing No **5781-84** dated **02.11.2022** passed by respondent No. 02 may kindly be set-aside declaring it illegal, void and against the law on the subject and appellant be restored as SST (General) on the strength of the notification dated 25.01.2022.

Dated 28.02.2023

Through:-

Noor Ali
(Appellant)

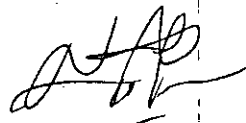


ABDUL SABOOR KHAN
ADVOCATE HIGH COURT

VERIFICATION :

I, Noor Ali, Senior CT Teacher Ex-SDEO Male
Seo District Kohistan Upper, do hereby solemnly
affirm and declare that the contents of fore-going
Appeal are true and correct to the best of my
knowledge and belief and nothing has been
concealed or suppressed form this Honorable
Tribunal.

**NOOR ALI
(DEPONENT)**



BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No _____ of 2023

Noor Ali **Appellant**

VERSUS

The Govt of KPK etc **Respondents**

APPEAL

AFFIDAVIT

I, Noor Ali, Senior CT Teacher Ex-SDEO Male
Seo District Kohistan Upper, do hereby
solemnly affirm and declare on oath that the no
such subject matter appeal has ever been filed
before this honorable court nor pending nor
decided. That the contents of fore-going affidavit
are true and correct to the best of my knowledge
and belief and nothing has been concealed or
suppressed from this Honourable tribunal.

Dated: 28.02.2023

NOOR ALI

(DEPONENT)



BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No _____ of 2023

Noor Ali.....Appellant

VERSUS

The Govt of KPK etcRespondents

APPEAL

CORRECT ADDRESSES OF THE PARTIES

APPELLANT:

Noor Ali, Senior CT Teacher Ex-SDEO Male
 Seo District Kohistan Upper.

RESPONDENTS:

- 1) The, Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Peshawar.
- 2) The, Director Elementary and secondary Education Peshawar.
- 3) The, District Education officer (Male) District Kohistan upper

Dated 28.02.2023



Noor Ali
 (Appellant)

Through:-



ABDUL SABOOR KHAN
 Advocate High Court

OFFICE OF THE EXECUTIVE DISTRICT OFFICER EDUCATION & LITERACY
DISTRICT KOHISTAN

APPOINTMENT

Consequent upon the Selection by the District Appointment Committee Education Deptt: District Kohistan, the following P.T.C Regular Teachers of Kohistan Distt are hereby appointed as CT(Trained) Teachers on Regular Basis on their own pay and Grade in the interest of public service with immediate effect. In case of B.A 1st or 2nd Division they are entitled B.P.S-14.

| S.No | Name/Father's Name | Present School | Place of Posting | Remarks: Merit |
|------|-----------------------------------|-------------------------|------------------|----------------|
| 1. | Muhammad Alam S/O Taghaban Shah | M/S Waliabad | GMS.Bari Go Agst | V.P 54.31 |
| 2. | Sher Zada S/O Ummar Yar | GPS Jijal | GMS.Hukam Abad | V.P 49.01 |
| 3. | Noor Ali S/O Muzimal Khan | GPS Karr Bagroo | GMS.Dargah | V.P 48.22 |
| 4. | Farid Khan S/O Muhammad Ayub | GPS Summar Nala | GMS.Basha | V.P 47.94 |
| 5. | Abdul Qadous S/O Ahmad | GPS Shumal(Seo) | GMS.Khwar | V.P 46.31 |
| 6. | Gul Amir Khan S/O Raj Khan | M/S Rahimabad | GMS.Kafar Banda | V.P 46.05 |
| 7. | Muhammad Hassan S/O Gul Dad | GPS Bazar Ranolia | GMS.Kundal | V.P 45.53 |
| 8. | Muhammad Zahir Shah S/O Sherin | GPS Chakai | GMS.Kumsher | V.P 45.44 |
| 9. | Fazal Haq S/O Suleman | GPS Bazar Ranolia | GMS.Baryar | V.P 44.14 |
| 10. | Muhammad Ummar S/O Mir Piab | GPS Karr Bagroo | GMS.Peach Bela | V.P 43.05 |
| 11. | Sar Zuhab S/O Fazal Haq | GPS Gujar Banda(Pattan) | GMS.Loohi | V.P 42.49 |
| 12. | Jehan Zeb S/O Sijjad | M/S Dhar Kandar | GMS.Gabrial M.K | V.P 42.03 |
| 13. | Noor Badshah S/O Hamim | GPS Shadlan Khail | GMS.Gabrial M.K | V.P 40.54 |
| 14. | Abdul Sattar S/O Muhammad Shireen | GPS Datra Pattan | GMS.Hukam Abad | V.P 40.41 |
| 15. | Bashir Ahmad S/O Muqaddar | M/S Ahmad Abad(Ranolia) | GMS.Parri | V.P 40.20 |
| 16. | Abdullah S/O Arbab | GPS Below Karang | GMS.Kundal | V.P 38.41 |
| 17. | Noor Muhammad S/O Ali Dad | M/S Soria Safa | GMS.Hukam Abad | V.P 37.31 |
| 18. | Taj Muhammad S/O Khazan | GPS Shoulgara | GMS.Kafar Banda | V.P 37.16 |
| 19. | Abdul Hakeem S/O Mirza Khan | GPS Pattan | GMS.Shatial | V.P 35.98 |
| 20. | Anwar Shah S/O Karim Shah | M/S Chor Dang | GMS.Parri | V.P 35.95 |

Note:-

- 1.No TA/DA is allowed to any one.
- 2.Charge report should be submitted to all concerned
- 3.Their qualification Certificates i.e FA,BA & CT may be verified from the concerned Board/University.

Executive District Officer
Executve District Officer
Educ.&Lit:District Kohistan

No: 8067-951

Dated Kohistan the 22/06/2002.

Copy for information to the:-

1. Secretary to Government of NWFP for Schools & Literacy Peshawar.
2. Director Secondary Education NWFP Peshawar.
3. Zilla Nazan District Kohistan.
4. District Co-Ordination Officer Kohistan.
5. District Officer Primary Kohistan.
6. District Account Officer Kohistan.
7. Dy:District Officer(M)Primary Kohistan.
8. Headmasters concerned Middle Schools.
9. Candidates concerned.

Executive District Officer
Executve District Officer
Educ.&Lit:District Kohistan.

OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) KOHISTAN

Email: emiskohistan@yahoo.com

Phone # 0998-407128

NOTIFICATION

Whereas Mr. Noor Ali S/O Muzamil Khan Ex-CT GMS Dargah Harban Kohistan has been applied for leave without pay w.e.f 01/04/2005 to 30/04/2007 (2-years and 29 days) and has been sanctioned vide this office Eandstt: No. 1580-85 dated 15/04/2005, signed by then in charge Executive District Education Officer Kohistan.

Whereas before expire of Extra ordinary leave without pay, he has submitted simple application for adjustment without service record directly in EDO office instead of Deputy DEO office being Drawing and disbursing officer through proper channel dated 26/04/2007, which record has also not been traced in this office.

Whereas he attended his school on 01/05/2007 to 31/05/2007 (1-Month) as he stated in his statement during the enquiry conducted by Principal GHSS Baffa Mansehra and after that he is absent till now without any information/permission from the competent authority.

Whereas according to the facts mentioned in enquiry report, after laps of (2-years and 5-months) i.e. 01/6/2007 to 24/10/2009, he has once again approached Education office and submitted his application for adjustment on 24/10/2009, only photocopy of application provided by him during enquiry.

Whereas according to the facts mentioned in enquiry report he once again remained out of screen w.e.f 25/10/2009 to 17/09/2013 (3-years, 10-months and 22-days) after long period/remained absence from his duty, and reenter and submit his application for adjustment. He has not appeal before next higher authority after laps of more than (6-years, 4-months and 28-days).

Whereas after even 7-years he has submitted his appeal in honourable court of Service Tribunal Peshawar in service appeal No.20/2015, after trail/arguments, the honourable court is remanded back to the respondents with the direction to decide the case of the appellant on the basis of afresh appeal.

Whereas in the light of court judgment this office conducted enquiry and report submitted to Director Elementary and secondary Education KPK Peshawar vide this office No.74102-4 dated 09-11-2016, but the worthy Director did not agree with the said enquiry and to a fresh inquiry was marked to Mr. Wajid Principal GHSS Bafa Manshra vide No. 3382-83 dated 13/11/2016, the concerned enquiry officer Principal GHSS Baffa Mansehra submitted his enquiry report in the Directorate of Elementary & Secondary Education- KPK Peshawar and recommended that to initiate disciplinary proceeding against him and opportunity of defense may be given to Mr. Noor Ali.

Whereas the worthy Director sent the above enquiry report vide No.7279/F.No.1035/A-15/KC (26) dated Peshawar the 23/02/2017, with the direction that, the recommendation of enquiry officer may be implemented immediately. In the light of above, circumstances this office issue shows cause notice to him to explain his willful absence vide this office No.2732 dated 05/04/2017. His reply reached in this office on 13/04/2017. He has been failed to provide authentic proof to support his appeal. The undersigned is not satisfied by the reply as well as personal hearing arguments/evidences/statements provided by the appellant regarding his unlawful and unjustified long absence period w.e.f 01/06/2007 up till now.

Therefore, as a result of above mentioned facts, the (District Education Officer (M) Kohistan) being a competent authority Under Govt: of Khyber Pakhtunkhwa efficiency and disciplinary rule 2011, is fully satisfied to impose upon him the major penalty of REMOVAL FROM SERVICE with effect from 01/06/2007

Endstt: /No./Estab: 3726-32 /dated Kohistan 12/05/2017

Copy of the above is forwarded to the:-

1. Director Elementary and Secondary Education Kohistan.
2. Additional Registrar KPK Service Tribunal Peshawar.
3. Deputy Commissioner Kohistan
4. Deputy District Education Officer (M) Kohistan.
5. District Accounts Officer Kohistan.
6. Teachers concerned.

District Education Officer
(Male) Kohistan

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1061 of 2017

Noor Ali son of Muzammil Khan, C.T Teacher
Government Middle School Dargah Harban
District KohistanAppellant



VERSUS

Khyber Pakhtunkhwa
Service Tribunal

Dist. No. 1061

Dated 11-9-2017

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

SERVICE APPEAL UNDER SECTION 4
OF KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 AGAINST THE
IMPUGNED ORDER NO.3726-32 DATED
KOHIKISTAN 12.05.2017 WHEREBY RESPONDENT
NO. 3 IMPOSED MAJOR PENALTY UPON
THE APPELLANT OF REMOVAL FROM
SERVICE WITH EFFECT FROM
06.06.2007 ON THE GROUND OF
ALLEGED WILLFUL ABSENCE.

PRAYER:-

On acceptance of the instant appeal,
the impugned order dated 12.05.2017
may please be set aside being illegal

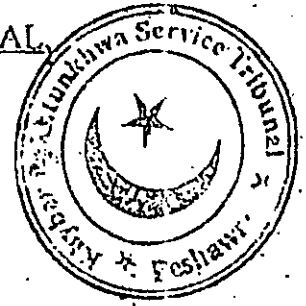
Filed on 11/9/2017
Registered
11/9/2017

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

13

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT, ABBOTTABAD.



Service appeal No. 1007/2017

Date of institution ... 11.09.2017
Date of decision 24.05.2018

Noor Ali son of Muzammil Khan, C.T Teacher Government Middle School
Dargah Harban District Kohistan.. (Appellant)

Versus


1. Government of Khyber Pakhtunkhwa, through Secretary, Elementary &
Secondary Education, Peshawar and 2 others. ... (Respondents)

Mr. Abdul Saboor Khan,
Advocate ... For appellant.

Mr. Muhammad Jan
Deputy District Attorney ... For respondents.

MR. SUBHAN SHAR,
MR. MUHAMMAD HAMID MUGHAL, ... CHAIRMAN
MEMBER.

ATTESTED


Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

JUDGMENT

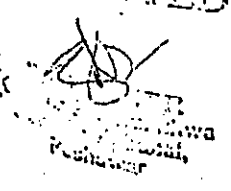
SUBHAN SHAR, CHAIRMAN:-

سور Ali Succinctly stated the facts as gathered from the available record are,
that the appellant Noor Ali was appointed as PST Teacher on 26.06.1997 and
later on, he was promoted on 22.06.2002 to the post of C.T Teacher. During the
service, he applied for leave without pay which was allowed and on expiry of
the said leave, he submitted another application for adjustment against vacant
C.T post but no action was taken. Further contended that on the application of
appellant, an inquiry was initiated which recommended the adjustment of the
appellant but even then, the findings of the committee were not honored by the
respondents. The appellant at first instance, challenged it in service appeal No.
20/2015 before this Tribunal which was accepted on 19.07.2016 and the case

was remanded back to the respondents with the observations to proceed against him in accordance with law and full opportunity of hearing be given to him. In compliance of the judgment of this Tribunal, an inquiry was constituted and as per inquiry report of the said committee dated 27.10.2016, it was recommended to adjust the appellant since 01.05.2007. In the same findings of the said inquiry DEO (M) Kohistan was also held responsible for his slackness in his duties. The competent authority was not satisfied with the report and another enquiry was ordered and as per report of this second inquiry dated on 05.11.2017, the enquiry committee recommended action against the official/officers who did not issue show cause notice to the appellant in time. Without taking any action on the recommendations of both the inquiries, the respondents DEO (Male) Kohistan issued the impugned order dated 12.05.2017 whereby major penalty of removal from service was imposed upon the appellant w.e.f 01.06.2007.

2. Mr. Abdul Saboor advocate, the learned counsel for the appellant contended that the respondents did not comply with the order of this Tribunal and dismissed him from service without adopting the standard procedure prescribed under the law and he requested the Tribunal that the impugned order passed by the DEO (Male) Kohistan being illegal be set aside and the appellant be reinstated with back benefits.


3. Mr. Muhammad Jan, learned Deputy District Attorney opposed the contentions of the learned counsel for the appellant and argued that the impugned order is comprehensive in nature wherein the wilful absence of the appellant has been highlighted. He further contended that the appellant remained absent from duty and the punishment imposed by the competent

APPOINTED


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authority is in accordance with the law. At the end he requested that the appeal may be dismissed.

4. Keeping in view the arguments of the learned counsel for the parties and going through the record clubbed with the appeal as well as produced by the representative of the respondents named above, it appears that the appellant has been charged for his absence from duty and he should have been proceeded against under Rule 7 of the Khyber Pakhtunkhwa Government servants (E&D) Rules 2011 but this rule was totally ignored/over sighted by the respondents. Again when the appellant approached this Tribunal through his previous appeal, the case was remanded to the authority to proceed against the appellant in accordance with law with further direction that opportunity be given to him but strange enough, the respondents neither complied with the directions of this Tribunal nor acted upon the recommendations of both the enquiries rather issued show cause notice to the appellant on 05.04.2017 wherein tentative penalty of removal from service was suggested. This show cause notice was duly replied by the appellant. At this stage, it will be relevant to mention here that in the reply to the said show cause notice, appellant Noor Ali wished to be heard in person on 14.04.2017 but, he was not heard as the DEO was allegedly not available on that date. Finally on 12.05.2017 the appellant was dismissed from service w.e.f 01.06.2007 without fulfilling the requisite conditions of inquiry/issuance of charge sheet alongwith statement of allegations and giving full opportunity of hearing to the appellant. In short, the impugned order passed by the respondents is not only against the law on the subject. Frankly speaking, to cover the slackness and negligence of officials/officers involved including the DEO (Male) Kohistan himself, he passed the impugned order with the attempt to show his performance. As already stated, in both the

ATTACHED


(Handwritten mark)

inquiries constituted by the respondents themselves. it was categorically mentioned that these officials/officers including the DEO (Male) Kohistan be put accountable by not taking action the moment when the appellant allegedly absented himself from the duties.

5. The upshot of the forgoing discussion is that after taking into consideration the arguments of the learned counsel for the parties and going through the record, this Tribunal reached to the conclusion that the impugned order passed by the respondents is an utter violation of the law and not sustainable in the eyes of law nor it carries any legal value. As such, on the acceptance of this appeal, the impugned order dated 12.05.2017 passed by the respondents is set aside and the appellant is reinstated with immediate effect.

6. So far as the request of the appellant for back benefits is concerned, it was duly considered but frankly speaking, the appellant remained absent from duty and is not entitled to back benefit as he did not perform his job though he succeeded in getting benefit from the blunders committed by the respondents and others. In the circumstances of the case, the parties are left to bear their own costs. File be consigned to the record room.

Announced
24.05.2018

Sd/- Subhan Shah,
Chairman
Imp Court A/Abad
Sd/- M. Hamid Mughal
Member

Office of the
Administrative
Assistant
Peshawar

Date of Presentation of Application 12-6-18

Number of Pages 2000

Copying Fee 12

Urdu 2

Total 14

Name of Applicant [Signature]

Date of Receipt 12-06-18

Date of Delivery of Copy 12-06-18



OFFICE OF THE DISTRICT EDUCATION OFFICER (M) KOHISTAN

OFFICE ORDER.

Whereas Mr. Noor Ali Ex-CT GMS Dargah Harban Dassu District Kohistan has submitted his service appeal No. 20/2015 before Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar. The Honorable Service Tribunal Peshawar accepted his appeal, the appellant was Re-Instated into service and the case was remanded back to the respondents with the observations to proceed against him in accordance with law and full opportunity of hearing be given to him. Judgment announced on 19-07-2016.

Whereas the Department conducted an inquiry through Mr. Wajid Iqbal Principal GHSS Baffa Mansehra nominated by worthy Director E&SE KPK Peshawar vide No. 3382-83 dated 13/11/2016, the concerned inquiry officer submitted his inquiry report in the Directorate of E&SE KPK Peshawar and recommended disciplinary proceedings against him and opportunity of defense may be given to Mr. Noor Ali.

Whereas the worthy Director sent the above inquiry report vide No. 7279/F.No. 1035/A-15/KC (26) dated Peshawar the 23/2/2017 with the direction that the recommendation of inquiry officer may be implemented immediately.

Whereas in the light of inquiry report this office issued show cause notice to him to explain his willful absence vide this office No 2732 dated 5/4/2017 he submitted his reply in this office on 13/4/2017. Due to unsatisfactory reply the District Education Officer (M) Kohistan imposed upon him major penalty removal from service under E&D rule 2011 vide No 3726-32 dated 12/5/2017.

Whereas the accused submitted his service appeal against the above referred removal order to worthy Director E&SE KPK. The worthy Director rejected his appeal vide No 1742-44/F.No.1035/A-15/KC:27 dated 8/8/2017.

Whereas the accused submitted his service appeal before Honorable Service Tribunal Peshawar vide appeal No 1007/2017 dated 21/08/2017. The Honorable Service Tribunal Peshawar accepted his appeal and passed order to re-instate the appellant with immediate effect without back benefit.

In view of the above facts and order of Honorable Service Tribunal Peshawar Mr. Noor Ali Ex-CT GMS Dargah Harban Dassu District Kohistan is hereby Re-Instated into service w.e.f 01/07/2018 and adjusted at GMS Goshali against vacant post without back benefits as CT on his own pay and grade in the light of judgment of Honorable Service Tribunal Peshawar in service Appeal No 1007/2017 dated 24-05-2018.

His intervening period w.e.f 01/05/2007 to 30/06/2018 is treated as extra ordinary leave without pay.

Note:-

1. No TA /Da is Allowed.
2. Charge Report should be submitted to all concerned.

District Education Officer
(Male) Kohistan

Endst: No. 6049-56/DEO (M) KH Dated Dassu the 15-08-2018

Copy of the above is forwarded to the:-

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. Advocate General Khyber Pakhtunkhwa Peshawar.
3. Deputy Commissioner Lower.
4. Deputy District Education Officer (M) Kohistan.
5. District Accounts Officer, Kohistan.
6. ADEO (Litigation) Local Office.
7. PA to DEO (M) Kohistan.
8. Official Concerned

District Education Officer
(Male) Kohistan.

Promotion to Senior Teachers of District Kohistan Upper

DIRECTORATE OF ELEMENTARY AND SECONDARY
EDUCATION KHYBER PAKHTUN KHAWA PESHAWAR

Notification

Consequent upon the recommendation of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No. S&SE/AY-18 T&S/2012 dated 11.7.2012 and Finance Department Endorsement No. 50(PR)/TD/10-22(E) 2010 dated 16.7.2012, the following CT (Male) is promoted to the posts of Senior CT, in BPS-16 (Rs.18910-1520-64510) respectively, plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, on the terms and condition given blow with immediate effect, and further he will be advised by the District Education Officer concerned.

ITEM No.1 PROMOTION OF CT (BPS-15) MALE TO THE POST OF SCT BPS-16 ON REGULAR BASIS

| | |
|--|------|
| Total No. Of Vacant Post Of CT | 87 |
| 1 st Share Of SCT | 29 |
| Promotion Quota to SCT | 100% |
| Already Promoted to SCT | 23 |
| Posts Available for Promotion to SST (G) | 06 |
| Proposed SCT for Promotion to SST(G) | 01 |

| Sr | Sr # | Name | Name of School | Date of Birth | Date of Appointment as Regular CT | Qual: | Remarks |
|----|------|----------|----------------|---------------|-----------------------------------|--------------|--|
| 1 | 1 | Nous Ali | GCMIIS Dasu | 23.02.1971 | 22.06.2002 | MA, CT, B.Ed | Services are placed at the disposal of DEO(M) Kohistan Upper for further adjustment against the post of SCT in BPS-16 on regular basis with immediate effect |

Terms and Conditions:-

- 1 He would be on probation for a period of one year extendable for another one year.
- 2 He will be governed by such rules and regulations as may be issued from time to time by the Govt.
- 3 His services can be terminated at any time, in case his performance is found unsatisfactory during probationary period. In case of misconduct, he shall be proceeded under the rules framed from time to time.
- 4 Charge report should be submitted to all concerned.
- 5 His Inter-Service seniority on lower post will remain intact.
- 6 No TA/DA is allowed for joining his duty.
- 7 He will give an under taking to be recorded in his service book to the effect that if any over payment is made to him in the light of this order will be recovered and if he is wrongly promoted he will be reversed.
- 8 Before handing over charge, his documents may be checked. If he has not the required relevant qualifications as per rules, he may not be handed over charge of the post

(Hafiz Dr. Muhammad Ibrahim)

Director

Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

Encl: No 8594-99 / File No.1/Promotion SCT (BPS-16) Dated Peshawar the 18/2/2021

Copy forwarded for information and necessary action to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar
2. District Education Officer (M) Kohistan Upper
3. District Accounts Officer Kohistan Upper
4. Officials Concerned
5. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department
6. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar
7. M/File

Attested
PRINCIPAL
Govt. Centennial Model
High School Dasu
3/3/21

Deputy Director (Estab)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

Promotion of SST of District Kohistan Upper

19
F

Notification

Consequent upon the recommendation of the Departmental Promotion Committee and in pursuance of Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No. SO/BAVI-18/B/SB/2012 dated 11.7.2012 and Finance Department Endorsement No. SO (FRYFD/10-22/BR/10 dated 16.7.2012, the following CT/SCT and PST/SPST/PSHT (Males) are promoted to the posts of SST (General) in BPS-16 (Rs.18910-1520-6510) respectively, plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, on the terms and condition given below with immediate effect.

A. SST (General)

ITEM A-1 PROMOTION OF CT/SCT MALE TO THE POST OF SST (G) BPS-16 ON REGULAR BASIS

| | |
|---|------|
| Total No. of Vacant Posts of SST(G) | 05 |
| 25% (1) Reserved for SST (G) | 1.25 |
| 75% Promotional Posts of SST (G) | 3.75 |
| 40% CT/SCT to SST(G) | 02 |
| Promotional CT/SCT for Promotion to SST (G) | 02 |

| Sr. No. | Age | Qualification | Name of School | Date of Birth | Date of Apppt. as Regular CT | Qualification | Remarks |
|---------|-----|---------------|----------------|---------------|------------------------------|-----------------|--|
| 1 | 5 | Near-Alli | GCMHS Dassu | 23/02/1971 | 22/06/2002 | MA, M.Ed, B.Ed | Services are placed at the disposal of DEO (M) Kohistan Upper for adjustment against the post of SST (G) in BPS-16 on regular basis with immediate effect. |
| 2 | 7 | Alli | GHS Jalkot | 01/05/1971 | 29/05/2004 | MSC, M.Ed, B.Ed | Services are placed at the disposal of DEO (M) Kohistan Upper for adjustment against the post of SST (G) in BPS-16 on regular basis with immediate effect. |

ITEM A-2 PROMOTION OF PST/SPST/PSHT MALE TO THE POST OF SST (G) BPS-16 ON REGULAR BASIS

| | |
|--|------|
| Total No. of Vacant Posts of SST(G) | 5 |
| 25% (1) Reserved for SST (G) | 1.25 |
| 75% Promotional Posts of SST (G) | 3.75 |
| 40% PST/SPST/PSHT to SST(G) | 1 |
| Promotional PST/SPST/PSHT for Promotion to SST (G) | 1 |

| Sr. No. | Age | Qualification | Name of School | Date of Birth | Date of Apppt. as Regular | Qualification | Remarks |
|---------|-----|---------------|----------------|---------------|---------------------------|---------------|--|
| 1 | 3 | Young | OPSS-17 | 15/11/1971 | 25/05/1971 | BA/BEd | Services are placed at the disposal of DEO (M) Kohistan Upper for adjustment against the post of SST (G) in BPS-16 on regular basis with immediate effect. |

To be recorded in their service books to the effect that if any over payment is made to them in light this order will be recovered and if he is wrongly promoted he will be reverted.

P. (2)

Annex (9)

DISTRICT EDUCATION OFFICER (MALE) DISTRICT KOHISTAN UPPER
Final Seniority List of SCT/CT Teachers (M) Schools District Kohistan Upper on 01.08.2021

| S No | Name of Teacher | Qualification | | Father Name | BPS | Date of Birth | Domicile | Date of First entry into Govt. Service | Date of appointment as trained teacher. | Place of posting. | Remarks |
|------|---------------------|---------------|--------------|-----------------|-----|---------------|----------|--|---|-------------------|------------------|
| | | Academic | Professional | | | | | | | | |
| 1 | M. Akram Shah | MA | CT/B.Ed | Muhammad Taqi | 16 | 12/10/1964 | Kohistan | 15/1/1983 | 06/04/1999 | GHS Lohi | Already Promoted |
| 2 | Muhammad Qaribullah | BA | CT | Malik Noman | 16 | 01/12/1970 | Kohistan | 08/02/1992 | 07/04/1999 | GHS Shatial | Already Promoted |
| 3 | Habib ur Rahman | FA | CT | Malik Shadat | 15 | 10/01/1972 | Kohistan | 06/04/1999 | 31/03/2002 | GMS Barigoo | Already Promoted |
| 4 | Muhammad Yousaf | BA | CT | Sultan Khan | 16 | 10/01/1973 | Kohistan | 06/04/1999 | 31/03/2002 | GHS Lohi | Already Promoted |
| 5 | Noor Ali | MA/M.Sc | M.ed/Bed/CT | Haji Muzammil | 16 | 23/02/1971 | Kohistan | 26.06.1997 | 22/06/2002 | GCMHS Dassu | Already Promoted |
| 6 | Muhammad Younas | BA | CT | Abdul Qadoos | 16 | 09/04/1977 | Kohistan | 06/04/1999 | 29/01/2003 | GHS Eleel | Already Promoted |
| 7 | Ajam Khan | MSc. BS | M.Ed/B.Ed/CT | Ahmad Jee | 16 | 01/05/1971 | Kohistan | 21/3/1990 | 29/05/2004 | GHS Jalkot. | Already Promoted |
| 8 | Saddiq Hussain | BA | B.Ed/CT | M. Ali | 16 | 05/12/1970 | Kohistan | 12/08/1999 | 29/05/2004 | GHS Kafar Banda | Already Promoted |
| 9 | Mushiaq Ahmad | BA | B.Ed/CT | Malik Alif Said | 16 | 09/09/1970 | Kohistan | 04/06/1999 | 29/05/2004 | GHS Jalkot. | Already Promoted |
| 10 | Raja Sher Khan | BA | B.Ed/CT | Malik Pirzada | 16 | 06/05/1968 | Kohistan | 23/5/1992 | 29/05/2004 | GHS Jalkot. | Already Promoted |
| 11 | Nowshir Wan | BA | CT/B.Ed | Znroof Khan | 16 | 08/06/1975 | Kohistan | 29/5/2004 | 26/05/2004 | GHS Dassu | Already Promoted |
| 12 | Mushiaq Ahmad. | BA | CT/B.Ed | Mohd Amir | 16 | 04/08/1983 | Kohistan | 29/5/2004 | 29/05/2004 | GHS Bar Sela | Already Promoted |
| 13 | M Sirajud Deen | MA | CT/B.Ed | Madad Khan | 16 | 13/12/1968 | Kohistan | 06/04/1999 | 06/07/2004 | GHS Harban | Already Promoted |
| 14 | Ghulam Jan | FA | CT | Akbar Khan | 15 | 08/05/1977 | Kohistan | 06/04/1999 | 20/12/2004 | GMS Mamokser | Already Promoted |
| 15 | Muhammad Faqeer | MA | M.Ed/B.Ed/CT | M Qadeer Khan | 16 | 01/06/1958 | Kohistan | 14/5/1992 | 12/01/2006 | GHS Chuchang | Already Promoted |
| 16 | Abdul Hakeem | BA | M.Ed/CT | Abdullah Jan | 16 | 12/12/1979 | Kohistan | 02/12/2006 | 02/12/2006 | GHS Kafar Banda | Already Promoted |
| 17 | Abdul Wakil | MSc/Pak | M.Ed/CT | Lai Khan | 16 | 20/12/1973 | Kohistan | 23/1/1996 | 07/12/2006 | GHS Bar Bela | Already Promoted |
| 18 | Saif-ur-Rahman | BA | CT | Rasool Shah | 16 | 4/1/1978 | Kohistan | 14.08.2007 | 14/08/2007 | GHS Kafar Banda | Already Promoted |
| 19 | Gul Nawaz | BA | CT/B.Ed | Sakhawat Khan | 16 | 02/02/1984 | Kohistan | 01/06/2008 | 06/01/2008 | GHS Peroo Bella | Already Promoted |
| 20 | Muhammad Din | FA | /DE | Zour Das Khan | 15 | 15/5/1985 | Kohistan | 26/4/2008 | 26/04/2008 | GMS Barigoo | Already Promoted |
| 21 | Barkat Shah | BA | CT-2nd | Zahooq | 16 | 01/03/1986 | Kohistan | 24/4/2008 | 30/03/2010 | GCMHS Dassu | Already Promoted |
| 22 | Fazal Hashim | BA | CT | Muhammad Sharif | 16 | 12/05/1986 | Kohistan | 14/8/2007 | 09/07/2010 | GHS Teyel | Already Promoted |
| 23 | Abdul Wahid | MA | CT/B.Ed | Sardar Khan | 16 | 06/05/1982 | Kohistan | 24.08.2012 | 30.06.2012 | GHS Shatial | Already Promoted |
| 24 | Muhammad Younas | BA | CT | Khaliq Khan | 16 | 3/2/1984 | Kohistan | 05.11.2003 | 21/03/2015 | GHS Bar Bela | Already Promoted |

D/A
 Service Books

Asstt. Dist. Edu. Officer
 Estt. (M) Kohistan

[Signature]
 District Education Officer (M)

| | | | | | | | | | | | |
|----|------------------|---------|--------------|----------------|----|------------|----------|------------|------------|--------------------|----------------------|
| 25 | Duraj Khan | BA | CT | Jehan Zeb | 16 | 15.03.1968 | Kohistan | 21.08.2015 | 21.08.2015 | GHS Seo. | Already Promoted |
| 26 | Qazi Shah | BA | CT | Sad Bar | 16 | 1/6/1969 | Kohistan | 16.05.1992 | 01/09/2015 | GHS Lohi | Already Promoted |
| 27 | Muhammad Siraj | BA | B.Ed | Haji Shan | 16 | 8/5/1972 | Kohistan | 16.05.1992 | 01/09/2015 | GHS Seo. | Already Promoted |
| 28 | Sher Baz Khan | MSc. | CT | Saiful Malook | 15 | 10/5/1995 | Kohistan | 10.03.2016 | 10.03.2016 | GMS BELA JALKOT | |
| 29 | Bakht Rahman | MA | CT | Jamdad Khan | 15 | 2/3/1983 | Kohistan | 09.03.2016 | 09.03.2016 | GMS Kuz Kamila | |
| 30 | Amir Zada | BA | CT | Afsar Khan | 15 | 4/3/1985 | Kohistan | 15.03.2016 | 15.03.2016 | GMS Pari | |
| 31 | Ezat Malook | MA | CT | Farooz Khan | 15 | 4/10/1989 | Kohistan | 10.03.2016 | 10.03.2016 | GMS Marmoki Sar | |
| 32 | Sir Aman | MBA | CT | Khan Zada | 15 | 1/3/1986 | Kohistan | 15.03.2016 | 15.03.2016 | GMS Karang | |
| 33 | Muhammad Afzal | BBA Hon | CT | Ezhar ur haq | 15 | 6/2/1992 | Kohistan | 01.04.2017 | 01.04.2017 | GMS Gullab Abad | |
| 34 | Alam Zeb | MSc/MA | M.Ed/B.Ed/CT | Magar Shah | 15 | 5/7/1989 | Kohistan | 31.03.2017 | 31.03.2017 | GHS Jalkot | |
| 35 | Muhammad Nabi | BSc MA | CT/BEd | Naqal Shah | 15 | 19.08.1989 | Kohistan | 31.03.2017 | 31.03.2017 | GMS Marmokiser | |
| 36 | Inayat Ur Rahman | BA | CT | Siral Shah | 15 | | Kohistan | 31.03.2017 | 31.03.2017 | GMS Summar Nala | Removed from Service |
| 37 | Zia Ur Rehman | BA | CT | Aqleem Khan | 15 | 01.01.1993 | Kohistan | 31.03.2017 | 31.03.2017 | GHS Jalkot | |
| 38 | Javed Iqbal | MA Isl | CT | Hedayat ul Lah | 15 | 10/5/1993 | Kohistan | 31.03.2017 | 31/03/2017 | GMS Dargah Harban | |
| 39 | Shafur Rehman | BA | CT | Furqan | 15 | 11/7/1985 | Kohistan | 01.04.2017 | 01.04.2017 | MK Gabriel | |
| 40 | Ser Shah | BA | CT | Subar Khan | 15 | 1/1/1982 | Kohistan | 04.04.2017 | 04/04/2017 | GMS Goshali Jalkot | On Disable Quota |
| 41 | Rashid Ahmad | MA | CT | Muhammad Zaid | 15 | 3/2/1975 | Kohistan | 04.08.2017 | 04.08.2017 | GMS Dogha Seo | |
| 42 | Fazal Rabi | BA | CT | Nomi Haq | 15 | 20-11-1969 | Kohistan | 04.08.2017 | un trained | GMS Dogha Seo | |

CERTIFICATE.

1. Certified that the seniority is final, undisputed and non judicious.
2. Certified that all SCT/CT teachers are working in district Kohistan are included in this seniority list.

District Education Officer
(Male) Kohistan
District Education Officer (M)
Kohistan

Assst. Dist. Edu. Officer
Estt. (m) Kohistan



**DIRECTORATE OF ELEMENTARY & SECONDARY
EDUCATION KHYBER PAKHTUNKHWA PESHAWAR**

NOTIFICATION

1. WHEREAS, Mr. Mushtaq Ahmad SCT GHS Jalkot District Kohistan Upper was initially appointed as CT vide order No. 2199-2228 dated 29-05-2004.
2. AND WHEREAS, The DEO (M) Kohistan upper forwarded a letter along with working papers vide No. 8122 dated 01-12-2021, for the promotion of Mr. Noor Ali SCT & Mr. Ajam Khan SCT to SST while Mr. Mushtaq Ahmad SCT and Raja Sher Khan SCT were not included in the working papers.
3. AND WHEREAS, the DPC recommended the above two mentioned teachers for promotion in the meeting held on 01-09-2021 and this office issued their promotion notification.
4. AND WHEREAS, Mr. Mushtaq Ahmad lodged an appeal to this Directorate against the seniority notified by the DEO (M) Upper Kohistan.
5. AND WHEREAS, the DEO (M) Upper Kohistan was asked for submission of detail report vide letter No. 3554 dated 30-08-2021, and he submitted reply of the same vide letter NO. 2122 dated 01-12-2021 regarding the seniority.
6. AND WHEREAS, the Worthy Secretary E&SE conducted an enquiry upon the appeal of Mr. Mushtaq Ahmad SCT GHS Jalkot Kohistan Upper.
7. AND WHEREAS, the Section Officer (PE) has forwarded the enquiry report vide letter No. SO (PE)/E&SED/5-1/Mis:-Gen/2022 dated 10-08-2022 and sought comments from this office which were submitted to Admin Department vide letter No. 1598 dated 07-09-2022.
8. AND WHEREAS, the Admin Department directed this office to implement the inquiry recommendations i.e revision of seniority list and withdrawal of promotion order of Mr. Noor Ali and Ajam Khan being junior in the seniority list of the SCT.
9. AND WHEREAS, in compliance of the inquiry recommendations, the DEO (M) Kohistan Upper has submitted updated Seniority list, Working papers vide letter No. 2562 dated 19-09-2022 to this Directorate.
10. AND WHEREAS, the Departmental Promotion Committee considered Mr. Mushtaq Ahmad SCT and Raja Sher Khan SCT for promotion to the post of SST (G) BPS-16 being senior in its meeting held on 19-09-2022 under the Chairmanship of Worthy Director.
- NOW THEREFORE: in compliance of the inquiry recommendations, the Director of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar being the competent authority, is pleased to withdraw the promotion notification issued on 01-09-2021 to the extent of Mr. Noor Ali SCT at Sr. # 05 and Mr. Ajam Khan SCT at Sr. # 07 and Mr. Mushtaq Ahmad SCT & Raja Sher Khan SCT promoted to SST (G) with immediate effect.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa

Dated Peshawar the 02/11/2022

Endst; No. 5781-84 /F.No.K-1/SST (M) Promotion Kohistan

Copy of the above is forwarded to the:-

1. Section Officer (PE) E&SED Khyber Pakhtunkhwa Peshawar.
2. District Education Officer Kohistan Upper.
3. District Accounts Officer Kohistan Upper.
4. Mr. Mushtaq Ahmad SCT GHS Jalkot District Kohistan Upper.
5. Mr. Raja Sher Khan SCT GHS Jalkot District Kohistan Upper
6. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
7. Master File.

Assistant Director (Estab-MI)
Elementary & Secondary Education
Khyber Pakhtunkhwa

P. 24

بخدمت جناب سیکریٹری ایلیمنٹری اینڈ سیکنڈری ایجوکیشن خیبر پختونخواہ پشاور

بمعرفت

Amid 1

جناب ڈائریکٹر صاحب ایلیمنٹری اینڈ سیکنڈری ایجوکیشن خیبر پختونخواہ پشاور

عنوان: SST اور SDEO مردانہ سیو کوہستان اپریل میں بحالی کی درخواست

جناب عالی!

عرض گزارش ذیل ہیں۔

۱۔ ڈیپارٹمنٹل پروموشن کمیٹی کی منظوری اور سفارشات پر SCT سے SST پر بندہ کی ترقی بحکم ڈائریکٹر ایلیمنٹری اینڈ سیکنڈری ایجوکیشن پشاور مورخہ 25/01/2022 کو نوٹیفیکیشن نمبر 74-8768 کے تحت ہوئی تھی (جو کہ نمبر 1 پرف ہے)۔ مگر بد قسمتی سے دوبارہ بحکم اسٹنٹ ڈائریکٹر مورخہ 02/11/2022 کو نوٹیفیکیشن نمبر 84-5781 کے تحت بندہ کو ڈیوٹی ٹرانسفر کیا گیا ہے۔ (جو کہ نمبر 2 پرف ہے)۔

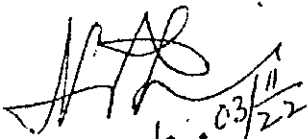
۲۔ بندہ کو DEO مردانہ کوہستان نے SDEO آفس مردانہ سیو کوہستان کے DDO پر آرڈر کیا تھا (جو کہ نمبر 3 پرف ہے)۔ اور بعد ازاں مورخہ 28/10/2022 کو سیکریٹری ایجوکیشن نے انڈسٹنٹ نمبر SO(MC)E&SED/4-16/2022/PT/TC/MC کے تحت بندہ کو SDEO مردانہ سیو کوہستان پر بنایا تھا۔ (جو کہ نمبر 4 پرف ہے)۔

مگر بد قسمتی سے SST سے ڈیوٹی کے ساتھ DEO مردانہ کوہستان نے مجھے SDEO سے بھی ہٹا کر GCMHS داسو کوہستان میں SCT پرائیڈ جسٹ کیا ہے۔ (جو کہ نمبر 5 پرف ہے)

لہذا درخواست پیش خدمت ہے کہ بندہ کی تنزیلی نظر ثانی فرما کر مجھے SST پر بحال کریں اور SCT بھی تو BPS-16 ہے لہذا فی الحال مجھے مذکورہ SDEO کی پوسٹ پر بحال رکھا جائے۔

عین نوازش ہوگی

العارض


نور علی
SCT
03/11/22

106
10-11-2022

سابقہ SDEO مردانہ سیو کوہستان اپریل

موبائل: 0345-5344330

مورخہ: 03/11/2022

وکالت نامہ

بعدالت جناب KPK سروس ٹریبیونل پشاور

گورنمنٹ آف KPK بذریعہ سیکرٹری ایجوکیشن وغیرہ

بنام

نور علی

سروس اپیل

اپیلانٹ

باعث تحریر آنکھ!

منجانب:

عبدالصبور خان ایڈووکیٹ ہائی کورٹ

اندریں مقدمہ عنوان بالا اپنی طرف سے برائے بیرونی وجوہات ہی بمقام سروس ٹریبیونل پشاور

کو بدیں شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختیار خاص روبرو عدالت حاضر ہوتا رہوں گا اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دیکر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہو اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی اور جگہ پکھری کے مقررہ اوقات سے پہلے یا بروز تعطیل بیرونی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام پکھری کے آگے یا پیچھے سماعت ہونے پر مظہر کو کوئی نقصان پہنچے تو صاحب موصوف ذمہ دار نہ ہوں گے اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی، اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے کا، ہر قسم کا بیان دینے اور سپردگالی و راضی نامہ و دستبرداری و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم اتناعی یا فیصلہ ڈگری و اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا نیگی علیحدہ فیس کرنے کا مجاز ہوگا۔ بصورت ضرورت بدوران مقدمہ یا اپیل و نگرانی کسی دوسرے وکیل یا بیرسٹر کو بجائے خود دیا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو، پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیرونی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ مجھے کل ساختہ پر داختمثل ذات خود منظور و قبول ہوگا۔ لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے۔ مضمون وکالت نامہ سن لیا اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

مورخہ 28.02.2023

نور علی سینئر CT ٹیچر، EX-SDEO سیولج کوہستان اپر..... اپیلانٹ

Attested & Accepted
Abdul Saboor Khan
Advocate High Court

وکالت نامہ

بعدالت جناب KPK سروس ٹریبیونل پشاور

نور علی بنام گورنمنٹ آف KPK بذریعہ سیکرٹری ایجوکیشن وغیرہ

سروس اپیل
اپیلانٹ
باعث تحریر آنکہ!
مجانب:

عبدالصبور خان ایڈووکیٹ ہائی کورٹ

اندریں مقدمہ عنوان بالا اپنی طرف سے برائے پیروی و جواب دہی بمقام سروس ٹریبیونل پشاور

کو بدیں شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختیار خاص رڈیز و عدالت حاضر ہوتا رہوں گا اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دیکر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہوا اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی اور جگہ کچہری کے مقررہ اوقات سے پہلے یا بروز تعطیل پیروی کرنے کے مجاز نہ ہو۔ نکلے اگر مقدمہ مقام کچہری کے آگے یا پیچھے سماعت ہونے پر مظہر کو کوئی نقصان پہنچے تو صاحب موصوف ذمہ دار نہ ہوں گے اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی، اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے کا، ہر قسم کا بیان دینے اور سپرد ثالثی و راضی نامہ و دستبرداری و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا فیصلہ ڈگری و اجراءے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ فیس کرنے کا مجاز ہوگا۔ بصورت ضرورت بدوران مقدمہ یا اپیل و نگرانی کسی دوسرے وکیل یا بیرسٹر کو بجائے خود یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو، پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ مجھے کل ساختہ پرداختہ مثل ذات خود منظور و قبول ہوگا۔ لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے۔ مضمون وکالت نامہ سن لیا اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

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