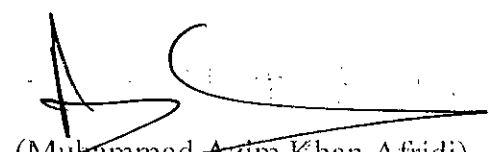
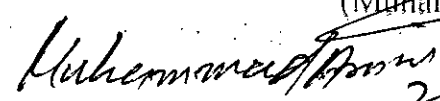


Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	25.04.2017	<p style="text-align: center;">3</p> <p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR</u></p> <p style="text-align: center;">Appeal No. 692/2015</p> <p style="text-align: center;">Muhammad Nageen Versus the Secretary Government of Khyber Pakhtunkhwa, E&SE, Peshawar and 2 others.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-</u></p> <p>Counsel for the appellant and Mr. Ziaullah, Government Pleader alongwith Hameedur Rahman, A.D for respondents present.</p> <p>2. Mr. Muhammad Nageen, Ex-SST (General) GHSS, Kalkot, District Upper hereinafter referred to as the appellant has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against impugned order dated 03.03.2015 vide which he was removed from service on the allegations of willful absence and where-against his departmental appeal dated 11.03.2015 was not responded constraining him to prefer the instant service appeal on 19.06.2015.</p> <p>3. We have heard arguments of learned counsel for the appellant & learned Government Pleader for respondents and examined the record.</p>

Handwritten signature and date:
 25.04.17.

4. Perusal of record would suggest that no regular enquiry was conducted and that the show cause notice as well as the impugned order were based on fact finding enquiry. Since no regular enquiry was conducted as such the impugned order of removal of the appellant from service on the basis of fact finding enquiry is not tenable in the eyes of law. As such we are constrained to accept the present appeal, set aside the impugned order dated 03.03.2015 and reinstate the appellant in service by placing the respondents at liberty to conduct denovo enquiry if need be, within a period of 2 months from the date of receipt of this judgment. In case the respondents fail to conduct and conclude the enquiry within the specified period then it shall be deemed that the appellant has been reinstated in service and in such eventuality the period of absence of the appellant from service shall then be treated as leave without pay. Parties are left to bear their own costs. File be consigned to the record.


 (Muhammad Azim Khan Afridi)
 Chairman


 (Muhammad Amin Khan)
 Member

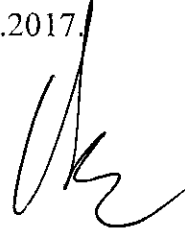
25.04.17.

ANNOUNCED
 25.04.2017

3.11.2016

Counsel for the appellant and Mr. Ziaullah, GP alongwith Hameedur Rahman, AD for the respondents present. Counsel for the appellant seeks adjournment. Adjourned for final hearing before the D.B on 19.01.2017.

Member



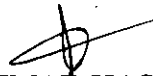
Chairman



18.01.2017

Counsel for appellant and Mr. Muhammad Zada, ADO alongwith Mr. Muhammad Jan, GP for respondents present. Learned counsel for appellant requested for adjournment. Adjourned. To come up for arguments on 15.03.2017 before D.B.

(AHMAD HASSAN)
MEMBER



(ASHFAQUE TAJ)
MEMBER



15.03.2017

Appellant in person and AAG for respondents present. Appellant requested for adjournment. To come up for arguments on 25.04.2017 before D.B.

(ASHFAQUE TAJ)
MEMBER



(MUHAMMAD AMIR NAZIR)
MEMBER



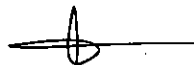
23.02.2016

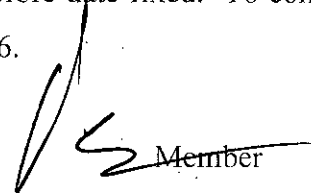
Counsel for the appellant and Mr. Pir Muhammad, ADEO alongwith Mr. Ziaullah, GP for respondents present. Rejoinder submitted on behalf of the appellant which is placed on file. Arguments could not be heard due to non-availability of D.B. therefore, the case is adjourned to 31.5.2016 for arguments.


Chairman

31.05.2016

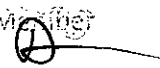
Counsel for the appellant and Ziaullah, GP for respondents present. Arguments partly heard. It was observed that the statements alongwith fact finding inquiry is not available before the Tribunal. Hence, responded-department is directed to produce before the Tribunal all the relevant record on or before date fixed. To come up for remaining arguments and on 9.8.2016.

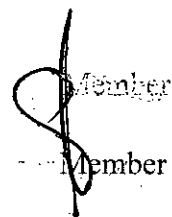

Member


Member

09.08.2016

Appellant in person and Mr. Hameed ur Rehman, AD (Lit) alongwith Mr. Ziaullah, GP for respondents present. Record submitted. Arguments could not be heard due to general strike of the bar. To come up for arguments on 3-11-16.


Member


Member

30.07.2015

Appellant with counsel present. Learned counsel for the appellant argued that the appellant was serving as SST (BPS-16) when subjected to inquiry for going abroad for performance of Hajj without sanctioning of leave and appointing another teacher in his place and removed from service vide impugned order dated 3.3.2015 regarding which he preferred departmental appeal on 11.3.2015 which was not responded and hence the instant service appeal on 19.6.2015.

That the appellant has applied for leave for performance of Hajj in the prescribed manners and due to compelling circumstances and flight schedule he was to leave earlier and that such substitute for duty was provided by the committed duly constituted under the rules and not by the appellant.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 28.10.2015 before S.B.


Chairman

28.10.2015

Appellant with counsel, M/S Khurshid Khan, SO, Hameed-ur-Rehman, AD (lit.) and Pir Muhammad, ADO alongwith Addl: A.G for respondents present. Written reply by respondents No. 1 and 2 submitted. The learned Addl: A.G relies on the same on behalf of respondent No. 3. The appeal is assigned to D.B for rejoinder and final hearing for 23.02.2016.


Chairman




Appellant
Security & Process Fee



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 692/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	19.06.2015	<p>The appeal of Mr. Muhammad Nageen presented today by Mr. Muhammad Asif Yousafzai Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	22-6-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>26-6-15</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3	26.06.2015	<p>Agent of counsel for the appellant present. Counsel for the appellant is not in attendance due to strike of the Bar. Adjourned to 30.7.2015 for preliminary hearing before S.B.</p> <p style="text-align: right;"> Chairman</p>

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 692 /2015


Muhammad Nageen V/S Education Department


INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal	-----	01-05
2.	Copy of Appointment Order	A	06-07
3.	Copy of Appointment Order	B	08
4.	Copy of Promotion Order	C	09-12
6.	Copy of Leave Application	D	13
7.	Copy of Inquiry Report	E	14-18
8.	Copy of Show Cause Notice	F	19
9.	Copy of Reply to Show-cause Notice	G	20
10.	Copy of Removal order	H	21
11.	Copy of Appeal	I	22-24
12.	Copy of Reply to Show Cause notice	J	25
13.	Vakalat Nama	-----	26

APPELLANT

THROUGH:


(M.ASIF YOUSAFZAI)
ADVOCATE HIGH COURT
PESHAWAR.

&

(TAIMUR ALI KHAN)
ADVOCATES, PESHAWAR

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

Appeal No. 692 /2015

Muhammad Nageen
Ex-SST (General),
GHSS, Kalkot, District Dir Upper.

A.W.F. Province
Service Tribunal
Diary No. 729
Dated 19-6-2015

APPELLANT

VERSUS

1. The Secretary, Government of Khyber Pakhtunkhwa,
Education E&SE Department, Civil Secretariat, Peshawar.
2. The Director, Education Department, Khyber
Pakhtunkhwa, Peshawar.
3. The District Education Officer E&SE, District Upper Dir.

RESPONDENTS

.....

APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974
AGAINST THE ORDER DATED 03.03.2015
WHEREBY THE APPELLANT HAS BEEN REMOVED
FROM SERVICE and AGAINST NOT TAKING ANY
ACTION ON THE DEPARTMENTAL APPEAL OF
THE APPELLANT WITHIN STATUTORY PERIOD
OF 90 DAYS.

.....

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE
ORDER DATED 03.03.2015 MAY BE SET ASIDE
AND THE APPELLANT MAY BE REINSTATED WITH
ALL BACK AND CONSEQUENTIAL BENEFITS. ANY
OTHER REMEDY WHICH THIS AUGUST TRIBUNAL
DEEMS FIT AND APPROPRIATE THAT MAY ALSO
BE AWARDED IN FAVOUR OF APPELLANT.

.....

Filed to-day
[Signature]
Registrar
19/6/15

RESPECTFULLY SHEWETH:**FACTS:**

1. That the appellant joined the Education Department in the year 1985 as PTC Teacher and with the passage of time, the appellant was promoted as CT, SCT and SST (BPS-16). Copy of Appointment & Promotion Orders are attached as Annexure-A. B & C.
2. Thus, the appellant has more than 29 years with good record throughout and there are no complaints against the appellant.
3. That, the appellant applied for Hajj in Government Quota, but the appellant was not selected in Government Quota. Then he applied through Private Firm. On 19.09.2014, the appellant was informed by the Private Firm that his flight for Hajj has been scheduled on 22.09.2014, therefore, appellant submitted his application for granting Hajj leave with effect from 20.9.2014 to 10.11.2014 for performing Hajj on 20.09.2014 that was forwarded by Head Master, GHS, Barikot, District Dir (Upper) to DEO on the same day. Copy of Leave Application is attached as Annexure-D.
4. That during the leave for performing Hajj, a fact finding / preliminary enquiry was conducted by the Director E&SE KP, Peshawar against the appellant along-with others on the false and fake complaint of the locality.
5. That the enquiry committee visited on 01.10.2014 and conducted enquiry in the absence of appellant, while the appellant was on leave for Hajj. Copy of Inquiry report is attached as Annexure-E.
6. That the appellant received show cause notice on 6.11.2014 in which the appellant was charged for :
 - i) That there were frequent public resentments/ complaints against you regarding irregularity/ absence from duty on your part.
 - ii) That as per enquiry report received from the enquiry committee you were found absent form duty/school during the course of visit of inquiry committee to GHS Barikot Dir Upper on 02.10.2014.

- iii) The enquiry committee was told/informed in writing that you have hired a proxy teacher namely Said Badshah on payment @ Rs.10,000/- PM who used to mark attendance in teacher's attendance register on your behalf.
- iv) That you proceeded to perform Hajj 2014 as per Hajj Schedule w.e.from 22nd September, 2014 to 31st October, 2014 without prior Hajj leave sanction from the competent authority, thus you absented yourself willfully.
- v) That thus you mislead the high-ups and drawn/received your pay and allowances from GHS Barikot Dir Upper illegally.

However, the appellant replied to show cause notice well in time on 10.11.2014 and denied all the allegations categorically leveled against him in the Show Cause Notice. Copies of Show-cause notice and reply are attached as Annexure-F & G.

- 7- That the competent authority (Director Education) while adopting a slipshod manner, imposed the major penalty of Removal from service on the appellant vide Notification dated 03.03.2015. Copy of Order is attached as Annexure-H.
- 8- That the appellant submitted his Departmental Appeal against the impugned order dated. 3.3.2015 on 11.3.2015. The appellant waited for statutory period of 90 days but no reply has been received by the appellant till date. Copy of Appeal is attached as Annexure-I.
- 9- That the appellant comes to this Honourable Tribunal on the following grounds amongst the others:

GROUND:

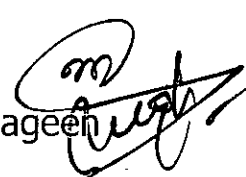
- A) That the order dated 3.3.2015 is against the law, rules, norms of justice and actual material on the available record, therefore, not tenable.
- B) That the appellant has not been treated according to law and rules and has been discriminated by the respondents illegally and unlawfully for no fault on his part.

- C) That the reply to Show Cause Notice submitted by Khan Bahadar, SST(G) Incharge of GHS Barikot, Upper Dir, clearly shows that the appellant never remained absent from duty and the appellant has been performing regularly. Copy of the Reply to Show Cause Notice submitted by Mr. Khan Bahadar is attached as Annexure-J.
- D) That the whole action has been taken on the basis of fact-finding enquiry which was conducted in the absence of appellant while he was on Hajj leave and as such the appellant has been condemned unheard.
- E) That from the perusal of fact-finding enquiry it would be revealed that the false game was planted against the appellant on the basis of political intervention of political figures and the competent authority acted blindly to fulfill the whims of the political figures.
- F) That even the person namely Syed Badshah not presented himself before the enquiry committee which is enough for creating doubt nor consulted the attendance register since of 2013 and 2014 and the said register was duly countersigned by the Incharge Head-Master and other officials on 26.10.2013, 7.5.2014, 3.5.2014, 21.8.2014 and 27.9.2014 which verified the presence of the appellant in the school.
- G) That the penalty of removal from service is also the violation of the Judgment of the Superior Courts wherein it is held that for awarding major penalty proper charge sheet, statement of allegations and regular enquiry is must and mandatory whereas the same are missing in the case of appellant.
- H) That even the competent authority not conducted personal hearing in proper manner and directed the appellant to submit his request and assertions in writing and do not bother to hear the appellant in person in presence of Deptt; representatives along with record, which is against the violation of law and rules.
- I) That the appellant has been penalized in harsh manner for the fault on his part and without considering his previous more than 29 years spotless service.

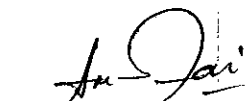
- J) That as far as the Hajj leave is concerned, the appellant well in time applied for the Hajj leave through the Head-Master of the school which was duly forwarded and recommended by the authority. However, due to shortage of time the appellant could not wait till the sanctioning of the same because the appellant applied for Hajj in a private capacity and the concerned Hajj Tour Operator informed on 19.9.2014 about the Hajj flight scheduled for 22.9.2014. Moreover, the PTC committee has already verified that they hired Mr. Syed Badshah on payment of Rs.10,000/- per month for teaching to the student and the said verification was duly signed by Dr. Bahadar Said, Chairman of the PTC Committee, Khan Bahadar, Secretary, Mr. Abdur Rashid and Zarin Khan, Members. Thus, the allegations of deputing some one else in appellant's place by the appellant also become false and baseless allegations.
- K) That the appellant has not been treated according to law and rules and has been penalized in a slipshod manner which is not recognized way in the law.
- L) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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

APPELLANT
Muhammad Nageen



THROUGH:



(M.ASIF YOUSAFZAI)
ADVOCATE HIGH COURT
PESHAWAR.

&



(TAIMUR ALI KHAN)
ADVOCATES, PESHAWAR

6 A

OFFICE ORDER.

As approved by the Chairman Distt: Council Dir at Temergara, the following untrained PTC candidates are hereby appointed as P.T.C. teachers against the vacant posts in the Schools as noted against their names in Dir Sub Division with effect from the date of taking over charge in the School subject to the following conditions:-

S.No.	Name of Candidate.	Father's Name.	XXXXXX School where posted.	Remarks.
1.	Mohd Akram, Mat.	Bahdar Khen.	G.P.S. Atrango.	Against Vacant Post.
2.	Inayatullah.	Nawshad.	GPS. Atrangol:	-do-
3.	Mohd Gulab	Mohd Wahid	GPS. Mens.	-do-
4.	Mohd Naeem.	Abdul Matin.	GPS. Lelband.	-do-
5.	Jan Said.	Pirdos Khan.	GPS. Kharaw.	-do-
6.	Mohd Nagin.	Wezir Zada.	GPS. Kas Shingara.	-do-
7.	Sher Alam.	Kachkool Khan.	MPS. Mohd Amin Keli.	-do-
8.	Latiful Islam.	Abdusalam.	MPS. Sheed Keli Ganshal.	-do-
9.	Bakht Alam.	Kabel Khan.	PS. Sharmai.	-do-
10.	Mohd Saeed.	Qazi Mohd.	PS. Janya	-do-
11.	Sadat Jan.	Mohd Amin.	PS. Soripaw.	-do-
12.	Nizamud Din.	Nowroz Khan.	PS. Sheringal.	-do-
13.	Bahadar Khan.	Jan Mohd.	PS. Rajatkoot.	-do-
14.	Mohibullah.	Mohd Jan.	GPS. Sundrai.	-do-
15.	Mohd Ishag	Hakeem Khan.	MPS. Janirai.	-do-
16.	Paroosh Khan.	Mohd. Jan.	MPS. Sorkemar.	-do-
17.	Wali Rahman	Mohd Azeem.	G.M.S. Thall.	-do-
18.	Khawaja Mohd.	Mohd Anwar	P.S. Baghroo.	-do-
19.	Sher Zamen.	Rahmanud Din.	PS. Nergah.	-do-
20.	Mohd Tahoor.	Ziarat Ghulam.	PS. Ganshal Bala.	-do-
21.	Amir Mohd.	Nawroz Khan.	M.P.S. Pashrak.	-do-
22.	Mohibullah.	Rahmatud Din.	PS. Dalband.	-do-
23.	Mohd Afzel.	Mohd Akber.	PS. Jabalook.	-do-
24.	Rafiullah.	Abdullah,	PS. Dalband.	-do-
25.	Abdur Rahim.	Amir Zada.	PS. Siasan.	-do-
26.	Mohd Ayoub	Amn Guls	M.P.S. Tawsoo.	-do-
27.	Delaram Khan.	Baz Mohd.	PS. Ganshal Bala.	-do-
28.	Sheh Hussain.	Amir Badshah.	PS. Siasan.	-do-
29.	Sultanat Khan.	Gul Amin.	G.P.S.	-do-
30.	Gul Khan.	Sultan Mohd.	MPS. Chamkoot.	-do-
31.	Mohd Amin.	Gul Rahim.	MPS. Narkoon.	-do-
32.	Habibur Rehman	Sultan Ali.	GMS. Kalkoot.	-do-
33.	Mohd Nagin.	Mohd Rahim.	MPS. Shoor Bala.	-do-
34.	Bakht Alam.	Rahmatullah.	MPS. Noorkoon.	-do-
35.	Fazli Hedi.	Wezifullah.	MPS. Komrat.	-do-
36.	Abdul Wahid.	Umar Khan.	MPS. Chandya Gal.	-do-
37.	Mohd Sheh.	Ghulam Dastagir.	MP.S. Kalkoot.	-do-

Contd: On next Page No. 2.

ATTESTED

APPROVED

7

Dir Sub Division Continued page No. 2.

38. Mohd Munair, Mat.	S/O Iqbal Zarin.	MPS. Bela Chand.	Against Vacant Post.
39. Mohd Malik, Mat.	Fazli Malik.	GPS. Dubando.	-do-
40. Fazli Alam.	Shahbaz Khan.	PS. Shahikot.	-do-
41. Ajmal Khan.	Pahlawan.	PS. Barawal No. 3.	-do-
42. Rahman Zada.	Abdullah.	MPS. Meraspatol.	-do-
43. Ahmad Jan.	Faiz Mohd.	PS. Dezo Manzai.	-do-
44. Shah Room.	Shah Wali.	PS. Shaltalo.	-do- Tr Soc
45. Feteah Alam.	Fazli Hadi.	PS. Dunsrai.	-do- Tr Soc
46. Abdul Haq.	Mohd Junaid Bh.	GPS. Achar.	-do- Edu
47. Fazli Wahid.	Fazli Mabood.	MPS. Patrak.	-do- Tr Soc
48. Saeedullah.	Kashmir Khan.	(Kati pasto)	
49. Miftahud Din.	Faqir Mohd.	PS. Hayagai, Sonai.	-do- Peon
		-do-	-do- Tr Soc

TERMS AND CONDITIONS:

1. The candidates shall get pay in the D.P.S.No.7.
2. E.F. the date of taking over charge in the Schools.
3. They are required to produce Health and Age Certificate from the Civil Surgeon Dir to the the S.D.E.O. (M) Dir.
4. Their appointment shall stand terminated if they fail to take over charge with in 15 days after the issue of the orders.
5. They may not be handed over charge if their age exceed 28 years or below 18 years.
6. Their appointment being temporary are liable to termination at any time without notice.
7. Their original Certificates should checked before handing over charge to them.

Bunera Khan
 (BUNERA KHAN)
 Distt: Education Officer, (M)
 Dir at Temergare.

OFFICE OF THE DISTT EDUCATION OFFICER MALE DIR AT TEMERGARA
 Endst: NO. 6482-6557 / E-8, Dated Temergare the 15/5/1985.

Copy of the above is forwarded to:-
 1. Council Dir for information please.
 2. S.F.E.O. (M) Dir for information and necessary action.
 3. All the Candidate concerned for compliance.

Bunera Khan
 DISTT: EDUCATION OFFICER
 (M) DIR AT TEMERGARA.

ATTESTED

50 copies

[Signature]

OFFICE OF THE DIRECTOR OF EDUCATION(S) MALAKAND DIV: AT GUL KADA (SWAT)

B

8

APPOINTMENT/ADJUSTMENT.

Mr. Mohammad Nageen, FA, PLC Govt: Primary School Kas Barikot Distt: Dir is hereby temporarily appointed/adjusted against vacant CT Post in Govt: High School Barikot in B.P.S No.9 @ Rs.830/-P. Month Fixed plus usual allowances as admissible to him under the rules with effect from his taking over charge in the interest of public service.

- NOTE:-
1. No T.A/D.A is allowed.
 2. Charge report should be submitted to all concerned.
 3. The Headmaster should check his original documents before handing over charge to him.

(HABIBUR RAHMAN)
DIRECTOR OF EDUCATION(S)
MALAKAND DIVISION
AT GUL KADA (SWAT)


Endst: No. 27803-8 /A-I/CT Dir

dated: 3/9 /1989.

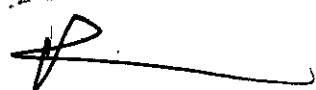
Copy forwarded to:-

- 1.- The Hon: Advisor to Chief Minister for education NWFP, Peshawar w/r to his recommendation on original application.
- 2.- The Director of Education(S) NWFP, Peshawar.
- 3.- The Distt: Education officer (M) Dir.
- 4.- The SDEO (M) Dir.
- 5-6; The supdt: and P.o Local Directorate.

FOI/


DEPUTY DIRECTOR
DIRECTOR OF EDUCATION(S)
MALAKAND DIVISION
AT GUL KADA (SWAT)

ATTACHED





**OFFICE OF THE DISTRICT EDUCATION OFFICER
MALE DISTRICT DIR UPPER OFFICE ORDER .**

Consequent upon their promotion from SCT/CT /SPHT/ SPST/ PST/ SDM/ DM/ SAT/ STT/S.Qari/ to SST General BPS-16 vide Director Elementary and secondary Education Khyber Pakhtunkhwa Peshawar Notification No.3456-60/F-No.2/Promotion SST B-16 dated 28.10.2014, they are further adjusted in the schools noted against each names on "schools Based "with immediate effect in the best interest of public service subject to the following terms and conditions.

1-PROMOTION OF SCTs/CTs TO SST GENERAL.

S.#	S.L. No	Name of Teacher	Present School	School where adjusted	Remarks
01	01	Saiful Islam	GHSS Sharingal	GHSS Sharingal	AVP
02	02	Nasib Rahman	GHS S.S Khel	GHS Nagril	AVP
03	04	Umar Halim	GHS Bin Bala	GMS Shahikot	AVP
04	05	Habibur Rahman	GCMHS Dir	GCMHS Dir	AVP
05	06	Said Muhammad Shah	GHS Chukyatan	GHSS Gandigar	AVP
06	07	Sayed Iqbal Hussain	GHSS Wari	GHS Shinkari	AVP
07	08	Khalil ur Rahman	GHS Sawni	GHS Sawni	AVP
08	09	Muhammad Naeem Khan	GHS Chukyatan	GHS Chukyatan	AVP
09	10	Abdur Rahman	GHS Miana Doag	GHS Miana Doag	AVP
10	11	Akhun Zada	GHSS Sharingal	GHSS Sharingal	AVP
11	12	Nazir Ahmad	GHS Jelar	GMS Molvi	AVP
12	17	Hanifullah	GHS Gamseer	GMS Dam Jabbar	AVP
13	18	Sardar Ibrahim	GHSS Wari	GHS Akhgram	AVP
14	19	Nawsher Khan	GHS Hayagay (Sh)	GHS Hayagay (Sh)	AVP
15	20	Zainul Abideen	GHS Dornai	GMS Sperko	AVP
16	21	Rahman Ali Shah	GHSS Gandigar	GHSS Gandigar	AVP
17	24	Muhammad Din	GCMHS Dir	GCMHS Dir	AVP
18	26	Muhammad Nawaz	GHS Shingara	GMS Changal	AVP
19	28	Nisarullah	GHSS Wari	GHS Kakad	AVP
20	29	Ahmad Gul	GHS Gamseer	GMS Tarpatar	AVP
21	30	Muzafar Shah	GHSS Barawal	GHSS Barawal	AVP
22	31	Mukaram Khan	GHS Jalgram	GHS Bandi(P)	AVP
23	33	Jehan Said	GHS Panakot	GHS Panakot	AVP
24	34	Nisarullah	GHS Sawni	GHS Sawni	AVP
25	35	Gul Muhammad	GHS Sawni	GMS Sharmai	AVP

APPROVED

26	36	Umar Rahman	GHSS Wari	GHSS Akhgram	AVP
27	37	Bakht Zaman	GCMHS Dir	GCMHS Dir	AVP
28	38	Mohammad Nagin	GHS Barikot	GHS Thall	AVP
29	39	Bashir Ahmad	GHS Katan Bala	GHS Samkoot	AVP
30	41	Badshah Rawan	GHS Bibyaware	GHS Bibyaware	AVP
31	47	Sher Zaman	GCMHS Dir	GCMHS Dir	AVP
32	48	Muhammad Iqbal	GHSS Kalkot	GHSS Kalkot	AVP
33	49	Badshah Zamin	GHS Gamseer	GMS Almas	AVP
34	50	Gul Zada	GHS Rehankot	GHS Qulandi	AVP
35	51	Anwar Sharif	GHS Rehankot	GMS Sonai	AVP
36	52	Abdul Jalal	GHS Thall	GHS Thall	AVP
37	53	Imtiaz Ahmad	GHS Darora	GHS Darora	AVP
38	56	Zahir Shah	GHS Nehag	GMS Galkore	AVP
39	59	Ayazullah Khan	GHS Nohag	GMS Karpal	AVP
40	61	Muhammad Riaz Khan	GHS Miana Doag	GMS Doag (B)	AVP
41	63	Sherin Jan	GHS Hayagay Sharqi	GHS Hayagai Sharqi	AVP
42	64	Muhamamd Zeb	GHS Panakot	GHS Qulandi	AVP
43	65	Muhammad Tahir	GHSS Barawal	GHSS Barawal	AVP
44	66	Kifayatullah	GHS Osorai	GHS Nehag	AVP
45	67	Akbar Khan	GHSS Sharingal	GHS Ganshal	AVP

2-Promtion of PSHT/SPST/PST to SST General.

S.#	S.L. No	Name of Teacher	Present School	School where adjusted	Remarks
01	15	Naseeb Zada	GPS Bando (P)Wari	GHS Birari	AVP
02	33	Noor Zamin	GPS Kass	GHS Karkabanj	AVP
03	54	Jehan Feroz Khan	GPS Zari	GHS Bandi(P)	AVP
04	62	Rafiq Ahmad	GPS Akhun Banda	GMS Badalai	AVP
05	147	Sardaraz Khan	GPS Sahib Abad	GMS Pataw	AVP
06	156	Fazal Azim	GPS Dakay Khowar	GMS Nasrat	AVP
07	159	Khadimur Rasool	GPS Balkore	GMS Balkore	AVP
08	184	Muhammad Ullah	GPS Beshomai	GHS Nagril	AVP
09	193	Said Hazrat	GPS Ondisa	GHS Karkabanj	AVP
10	212	Bacha zada	GPS Berarai	GHS Berarai	AVP
11	220	Muhammad Parvez	GPS Shaga	GMS Shamorgar	AVP
12	223	Arif Khan	GPS Malook Banda	GHS Daskore (B)	AVP
13	224	Khaista Bar Khan	GPS Daskore (B) No.01	GMS Maskari	AVP
14	255	Fazal Karim	GPS Hido	GMS Shaltalo	AVP
15	259	Liaq Said	GPS Chupatrara	GMS Dir Khan	AVP

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16	302	Sayed Mujahid Jan	GPS Jun Banda	GMS Hattan	AVP
17	308	Ikramullah	GPS Shaw Dir	GHS Rehankot	AVP
18	320	Gul Zamin Khan	GPS Boyar	GHS Beyar	AVP
19	324	Fazli Rahman	GPS Nasrat	GMS Kass Shingara	AVP
20	325	FazaliHadi	GPS Shaikand	GHS Nehag	AVP
21	329	Shah Hassan Khan	GPS Jokand	GHS Patrak	AVP
22	336	Gul Amin Khan	GPS Naway Kalay	GMS Seratai	AVP

3-Promtion of SDM/DM to SST General.

S.#	S.L. No	Name of Teacher	Present School	School where adjusted	Remarks
1	3	Shah Rawan	GHS Shinkari	GMS Sheratkal	AVP
2	4	Mohammad Hanif	GHS Hayagy Sharqi	GMS Hayagay Gharbi	AVP
3	6	Mohammad Bashir	GHS Osorai	GMS Matar	AVP
4	9	Samiullah	GHS Badarkani	GHS Miana Doag	AVP
5	7	Muhammad Hussain	GHS Jatgram	GMS Sundal	AVP

4-Promtion of SAT/AT to SST General.

S.#	S.L. No	Name of Teacher	Present School	School where adjusted	Remarks
1	12	Dilawar Jan	GHS Janbatti	GHS Janbatti	AVP
2	15	Zaheeruddin	GHS Usherai	GHS Usherai	AVP
3	21	Din Mohammad	GHS Bela	GHS Bela	AVP
4	22	Ataur Rahman	GHSS Gandigar	GHS Samkoot	AVP

5-Promtion of STT/TT to SST General.

S.#	S.L. No	Name of Teacher	Present School	School where adjusted	Remarks
1	5	Haroon Khan	GHS Darora	GHS Drora	AVP
2	9	Abdul Malik	GHS Samkoot	GMS Aligasar	AVP
3	11	Mohammad Rahim Khan	GHS Nihag	GHS Bandi Baln	AVP
4	13	Abdul Qayum Khan	GHS Thall	GHSS Kalkot	AVP

6-Promtion of SQari/Qari to SST General.

S.#	S.L. No	Name of Teacher	Present School	School where adjusted	Remarks
1	17	Mohammad Ayaz	GHS Darora	GMS Malanga	AVP

Total SSTs (General)=82

Terms and conditions:

- 01- They would be on probation for a period of one year extendable for an other one year .
- 02- They will be governed by such rules and regulations as may be issued from time to time by the government .
- 03- Their service can be terminated at any time ,in case their performance is found unsatisfactory during the probationary period .In case of Misconduct ,they shall be preceded under the rules framed from time to time .
- 04- Charge Report should be submitted to all concerned .
- 05- Their inter -se-seniority in lower post will remain intact .
- 06- No TA /DA is allowing for joining his duty .
- 07- They give an undertaking to be recorded in their service book to the effect that if any overpayment is made to him in light this order will be recovered and if he is wrongly promoted he will be reversed .
- 08- Their posting will be made on school based ,they will have to service at the place of posting ,and their service is not transferrable to any other station .
- 09- Before handing over charge once again their documents may be checked if they have not the required relevant qualification as per rules ,they may not be handed over charge of the post .

(JEHAN MOHAMMAD)
DISTRICT EDUCATION OFFICER
MALE DIR UPPER .

No: 1048-52/F.CT/SST/DEO/ADO(S)

Dated:31/10/2014.

Copy forwarded to the :-

- 01- Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar .
- 02- District Accounts Officer Dir Upper .
- 03- Principals /Head Masters concerned .
- 04- Accountant Male Middle Schools Local Office .
- 05- Teachers concerned .


DISTRICT EDUCATION OFFICER
MALE DIR UPPER .

ATTESTED


بوسا اوت پور سارہ کورائننگ کالج می سکول بریکوٹ

درخواست برائے جی سی فریضہ جی
10/11/14 تا 20/11/14
2014

منجانب:

مؤدبانہ گزارش بھنورا انور می۔۔۔ کہ فروری ایشیا ایڈ
فریضہ جی اراٹھس کیلئے ایض مقدس حجاز خارج
اور در فریضہ بالا سکول میں اپنی فریضہ منضی انجام
دیئے سے عدم موجود رہیں گے۔

لکھنؤ۔۔۔ استیلا۔۔۔ تم آپ صاحبہ فریضہ جی
فروری کو 20/11/14 تا 10/11/14 تک جی سی اراٹھس
فریضہ جی کا حکم صادر فرما کر سکول
خارج ہیں
عین نوازش ہوگی

صفحہ 99
20/11/14

الغرض

ایک تا 11 فروری 2014ء کو سکول بریکوٹ کو متعلقہ وقت پر مطلع فرمایا

No 123 Dated 22.01.2014

Forwarded to D-E-O for m/a
please.

ATTESTED
[Signature]

HEAD MASTER
G.H.S. Barikot
Distt, Dir (u)



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

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14

FACT -FINDING/PRELIMINARY INQUIRY REPORT

IN THE PUBLIC RESENTMENT/COMPLAINT AGAINST MR. MUHAMMAD NAGEEN SCT, GHS BARIKOT, DISTRICT DIR UPPER AND OTHERS REPORTEDLY ABSENT FROM DUTY AND INVOLVED IN HIRING PROXY TEACHER ON MONTHLY PAYMENT BASIS.

I. Preamble.

The tenants and public representatives of the concerned locality showed their resentments and lodged complaint against the following teachers of District Dir Upper regarding their constant absence from duty and deployment of proxy teachers on their behalf in lieu of monthly payment:-

1. Mr. Muhammad Nageen SCT, GHS Barikot Dir Upper.
2. Mst. Naheed, PST, GGPS Barikot Dir Upper.
3. Mst. Dil Raz, PST, GGPS Kalkot Dir Upper.
4. Mst. Shaheen, PST, GGPS Doon Serai Dir Upper.

Consequent upon the aforesaid complaint, the Director E&SE Khyber Pakhtunkhwa, Peshawar ordered for an enquiry in the matter to Mr. Muhammad Arif, Deputy Director (Estab) Directorate E&SE, Peshawar, to probe into the said complaint immediately and submit fact-finding report with recommendations and fix responsibility on the defaulters concerned.

II. Proceedings.

In compliance with instructions/orders of the worthy Director E&SE Khyber Pakhtunkhwa, Peshawar, the enquiry committee visited District Dir Upper on 01.10.2010 in order to investigate into the matter and find out the factual position.

III. Investigations.

Starting the investigations against the accused teachers the enquiry committee visited their respective schools one by one with a view to verify their attendance in the concerned school and to digout the ground realities:-

(a) Investigation against Mr. Muhammad Nageen SCT, GHS Barikot Dir Upper.

- i. At the very outset of investigation, the committee members visited GHS Barikot Dir Upper on 2/10/2014 in order to investigate into the complaint/charges of absenteeism and hiring private person for duty against Mr. Muhammad Nageen

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- SCT. On arrival in the school the committee has observed that Mr. Khan Muhammad SST (B-17) has been posted in GHS Barikot as Incharge Head Master. On the day of visit of the committee the Incharge Head Master was in a meeting in the office of the District Education Officer (M) Dir Upper.
- ii. During the course of visit of GHS Barikot Dir Upper, the committee first checked teacher's attendance register followed by their physical verification from their CNICs.
 - iii. The visiting enquiry committee was told that Mr. Muhammad Nageen SCT has gone to perform Hajj and he was on Hajj leave w.e.f. 22/09/2014 to 31/10/2014. The committee was also informed that the said teacher was not performing his duty since long. It was reported that he has hired a private person namely Said Badshah on payment of Rs.10000/- per month who used to attend the school in place of Mr. Muhammad Nageen SCT as evident from the statement obtained from the Incharge and other staff members of the said school. The very fact/allegation was also got verified from the students of the concerned school by the committee.
 - iv. Thereafter, the proxy teacher Mr. Said Badshah was also contacted by Mr. Muhammad Arif, Deputy Director (Inquiry Officer) on telephone number (0944-714455) who confessed that he has been performing duty at GHS Barikot Dir Upper in place of Mr. Muhammad Nageen SCT for Rs.10000/- per month. The proxy teacher also informed the committee that he used to mark his attendance in place of Mr. Muhammad Nageen SCT in the teachers' attendance register. The statement of staff members in this respect is attached (Annexure-A).

(b) Investigation against Mst. Naheed, PST, GGPS Barikot Dir Upper.

- i. The committee members visited GGPS Barikot Dir Upper on 2/10/2014 to investigate the complaint against Mst. Naheed PST GGPS Barikot. It was found that the following (05) teachers have been performing their duties at GGPS Barikot Dir Upper.

Sr.No.	Name	Designation	CNIC No.	Remarks
1.	Zakia Wakeel	HT/PST	15701-1128786-0	Present
2.	Shams Bazgha	PST	15701-1128788-0	Present
3.	Zahida Begum	PST	-	C/Leave
4.	Naseeb Sardara	PST	15701-1145982-4	Present
5.	Shahida Begum	PST	15703-0426819-6	Present
6.	Sultan Aii	Chowkidar	15701-2114254-7	Present

- ii. Mst. Naheed PST was not found on the strength of said school. According to the statement of the locals she was basically a CT teacher at GGMS Barikot but she did not perform duty, due to which a show cause notice was served upon her. They also stated that now a days she is performing her duties at GGMS Wari Dir Upper.
- iii. During the visit of the committee to the concerned school it was found that the school was completely damaged by the flood 2010 and the school was reconstructed by the Government but the Land Owner Mr. Abdus Salam S/O Ahmad Shah CNIC No.15303-9139009-5 of Barikot Tehsil Kalkot Kohistan District Dir Upper kept the school locked till his or his nominee appointment as Class-IV in the said school by the Government

ATTESTED

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being land donor, otherwise the school will remain closed according to statement of the land owner (Annexure-B)

- iv. The teaching learning process is being carried in a shelter less space under open sky surrounded by bushes. A video recording of the spot/visit is also available for future reference and record.
- v. It is worth mentioning that the wife of Land Owner Mst. Shams Bazgha PST is also performing her duties in the same school. Statement of the Chowkidar is also attached (Annexure-C)

(c) Investigation against Mst. Dil Raz, PST, GGPS Kalkot Dir Upper.

- i. The committee members also visited GGPS Kalkot Dir Upper on 2/10/2014 in order to enquire into the complaint against Mst. Dil Raz PST GGPS Kalkot and find out factual position.
- ii. Teacher's attendance register was checked and certain queries were raised by the committee. A questionnaire as per (Annexure-D) was prepared and served upon Head Teacher Mst. Naseem Begum on the spot communicated through telephonic conversation by a village elder Mr. Salam.
- iii. In response to the aforesaid Questionnaire, the Head teacher informed that Mst. Dil Raz Begum PST after assuming charge did not perform her duties. She was continuously absent from duty since long. The DEO concerned also visited the school and marked her "Absent" during the visit to school. The concerned Head Teacher also informed that the whereabouts of Mst. Dil Raz PST GGPS Kalkot were not known but it was learnt that she might have been terminated but there was no proof of termination concluded by Mst. Naseem Begum Head Teacher.

(d) Investigation against Mst. Shaheen, PST, GGPS Doon Serai Dir Upper.

- i. The committee members visited GGPS Doon Serai Dir Upper on 2/10/2014 in order to investigate into absentee report against Mst. Shaheen PST GGPS Doon Serai Dir Upper and unearth the the factual position.
- ii. According to teachers' attendance register, the following (02) teachers were performing their duty in the said school.

Sr.No.	Name	Designation	CNIC No.	Remarks
1.	Zohra Bibi	HT/PST	-	Absent
2.	Rohi Bano	PST	15703-9283166-2	Present

- iii. According to the locals and husband of Mst. Rohi Bano PST of the said school, Mst. Zohra Bibi HT/PST did not perform her duties. They further informed that by the end of the month Mst. Zohra Bibi HT/PST used to attend the school and marked her attendance in the teachers' attendance register for the whole month. Written statement of the locals and husband of Mst. Rohi Bano PST is attached for ready reference as per (Annexure E)
- iv. As per statement of Mst. Rohi Bano PST, Mst. Shaheen PST was not on the payroll/strength of GGPS Doon Serai Dir Upper.
- v. As per report of the locals Mst. Shaheen PST was on the payroll/strength of GGPS Bada Barikot but she was not performing her duties as she belonged to Dargai

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District Malakand and a proxy teacher Mst. Rabia D/O Abdur Raqeeb was performing duty in the said school since March 2014. It is also worth mentioning that Mst. Shaheen PST GGPS Bada Barikot was stated to be the Sister-in-Law of Mr. Muhammad Nageen SCT GHS Barikot Dir Upper (accused at sub para (a) above)

IV. Findings/Conclusion.

Keeping in view above investigation, statements of all concerned and visual record into consideration the enquiry committee reached to the conclusion that:-

1. The complaint/charges of absenteeism and hiring proxy teachers by the above mentioned accused teachers have been proved substantially as transpires from the statements of all concerned referred/quoted in preceding paras and they are liable to be booked under the relevant rules.
2. However, inefficiency and negligence on the part of DEO (Male/Female) Dir Upper cannot be ruled out in terms of poor administrative control and ineffective check & balance on teacher's attendance and absenteeism working under their competency/jurisdiction.
3. Had there a proper/regular mechanism for monitoring teacher's attendance and absenteeism the complaint/incident of teacher's absenteeism and hiring proxy teachers would have not happened.
4. This reveals that the DEO (M&F) concerned or the concerned responsible officers did not bother to carryout visit/inspection of the above mentioned schools since long resulting which the accused teachers used to remain absent from their duty at their own sweet will and also hire proxy teachers on payment under the very nose of DEOs concerned and the concerned DEOs (M&F) are playing the role of silent observer.
5. The DEOs (M&F) Dir Upper in general and the concerned ADEOs (Inspection) Male/Female in particular are responsible for this bad governance.

IV. Recommendations.

It is recommended that:-

1. The concerned competent authority is required to take appropriate punitive action under E&D Rules-2011 against the following accused teachers on charge of willful absent from duty and hiring proxy teacher on payment:-

1. Mr. Muhammad Nageen SCT, GHS Barikot Dir Upper.
2. Mst. Naheed, PST, GGPS Barikot Dir Upper.
3. Mst. Dil Raz, PST, GGPS Kalkot Dir Upper.
4. Mst. Shaheen, PST, GGPS Doon Serai Dir Upper.

2. The officer who recommended Hajj leave application in respect of Mr. Muhammad Nageen SCT GHS Barikot Dir Upper (accused at S.No.1 above) despite of the fact that he was not fair/regular in his duty and hired proxy teacher should also be dealt with under the relevant rules.

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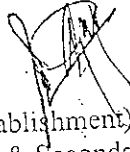
3. Besides, action should also be taken against the concerned ADEOs (Inspection) Male/Female responsible for not reporting absentee report in time against the above accused teachers due to their inefficiency and negligence.

4. TA bills and revised tour program in respect of DEOs (M&F) Dir Upper may not be honored till the action taken against the aforesaid accused teachers and ADEOs (Inspection) by the DEO concerned.

5. Similarly, the DEOs concerned may also be directed not to entertain TA bills etc. in respect of the concerned ADEOs (Inspection) until and unless they provide exact information, whereabouts, original place of duty and the school from where the above-said accused teachers are receiving their monthly pay etc. presently.

6. The DEOs (M&F) concerned may be directed to furnish the requisite information to the Directorate E&SE/Enquiry Committee on war basis as asked for at S.No. 5 above.

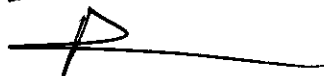
(Muhammad Arif)
Chairman/
Deputy Director(Establishment)
Directorate of Elem. & Secondary Edu.
Khyber Pakhtunkhwa Peshawar.



(Fazli Rafi Shah)
Member/
Secondary School Teacher(Sc)
GHS Pabbi, District Nowshera



ATTESTED



SHOW CAUSE NOTICE

I, Muhammad Rafiq Khattak Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar, as competent authority under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve, you Muhammad Nageen SCT (BS-16) GHS Barikot Dir Upper as follows:-

- i) That there were frequent public resentments/complaints against you regarding irregularity/absence from duty on your part.
- ii) That as per enquiry report received from the enquiry committee you were found absent from duty/school during the course of visit of inquiry committee to GHS Barikot Dir Upper on 02/10/2014.
- iii) The enquiry committee was told/informed in writing that you have hired a proxy teacher namely Said Badshah on payment @ Rs. 10,000/- PM who used to mark attendance in teacher's attendance register on your behalf.
- iv) That you proceeded to perform Hajj 2014 as per Hajj schedule w.e.f 22nd Sep.2014 to 31st Oct.2014 without prior Hajj leave sanction from the competent authority, thus you absented yourself willfully.
- v) That thus you mislead the high-ups and drawn /received your pay & allowances from GHS Barikot Dir Upper illegally.

2. I am satisfied that you are guilty of misconduct and inefficiency as specified in rule 3 of the said rules.
3. As a result therefore in exercise of the powers conferred by the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, I, as the competent authority, hereby dispense with the conduct of a formal enquiry and serve you with the instant show cause notice with the direction to submit your defense in writing within 7 (seven) days of the receipt of this notice and I have tentatively decided, as to why one of the penalty specified in rule-4 of the said rules should not be imposed upon you and also intimate whether you desire to be heard in person.
4. In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defense to offer and an ex-parte decision will be taken against you.

Competent Authority

(Muhammad Rafiq Khattak)
Director

Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.

Muhammad Nageen SCT (BS-16)
GHS Barikot Dir Upper

ATTESTED

To,

The Director,
E&SE Khyber Pakhtunkhwa Peshawar.

Subject:- **REPLY TO SHOW CAUSE NOTICE.**

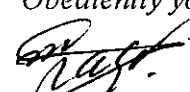
Respectfully Shewith.

In response to your show cause notice issued to me, received on 6-11-2014. Para wise reply is as under:-

- i- That all the public complaints against me are based on mallifidi . I never remained absent from duty only for a single day through out my service.
 - ii- On the visit of the inquiry Officers to GHS Barikot on 2-10-2014, I was proceeded for Hajj 2014 and the Incharge of the school recorded "ON HAJJ LEAVE" in my signature column.
 - iii- I never hired any person for performing of duty in my place, and no one signed the attendance on my behalf. All the signatures in the attendance register have been recorded by my self.
 - iv- I applied for Hajj 2014, but was not selected in Govt. quota, so applied in private capacity. The concerned Hajj Tour Operator informed me on 19-9-2014 that my flight has scheduled on 22-9-2014, so I was not in the position to sanction my leave from the competent authority will in time. I applied for Hajj Leave w.e.f. 20-9-2014 to 10-11-2014 through the head Master GHS Barikot, who sent my application to the DEO(M) Upper Dir vide No. 123 dated 20-9-2014 which received in the office of DEO(M) Upper Dir vide Dairy No. 454 dated 23-9-2014 (Copy attached)
 - v- I never mis-lead any one of my high ups in any way and did not received any pay illegally.
- 2- In the light of the above facts, it is requested that the show cause notice issued to me may very kindly be withdrawn.
 - 3- I will also desire to heard in person.

Dated 10-11-2014.

Obediently your's


Mohammad Nagin SCT,
GHS Barikot Upper Dir.

ATTESTED

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DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA,
PESHAWAR.

NOTIFICATION.

WHEREAS, Muhammad Nagin SCT (BS-16) Govt. High School Barikot District Dir Upper proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

2. AND WHEREAS, the competent authority has constituted an enquiry committee to conduct formal enquiry against the accused SCT for the charges leveled against him.

3. AND WHEREAS, the Enquiry committee after having examined the charges evidence on the record and submitted the report and recommended.

4. AND WHEREAS, the competent authority to serve a show cause upon Muhammad Nagin SCT GHS Barikot District Dir Upper vide No. 1974 dated 17-10-2014.

5. AND WHEREAS, the competent authority to giving the opportunity of personal hearing vide No. 2755 dated 11-12-2014.

6. AND WHEREAS, the competent authority having considered the charges, evidence on the record as per report of the Enquiry officer and giving the opportunity of personal hearing to the accused teacher, is of the view that the charges leveled against him in the show cause notice have proved.

7. NOW THEREFORE, in exercise of powers conferred by the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the major penalty of **Removal from service** is hereby imposed upon Muhammad Nagin SCT (BPS-16) GHS; Barikot District Dir Upper with immediate effect.

871-77
(DIRECTOR)
Endst: No. _____/F.No A-12/DD (Establishment) E&SE KP.
Dated Peshawar the 03/3/2015

Copy of the above is forwarded to the:-

1. District Education Officer (M) Dir Upper for necessary action.
2. District Accounts Officer Dir Upper.
3. Principal Govt. High School Barikot District Dir Upper.
4. Teacher concerned.
5. PS to Secretary to Govt. of Khyber Pakhtunkhwa, E&SE Department.
6. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
7. Master File.

ATTESTED

Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa

To

The Secretary,
Government of Khyber Pakhtunkhwa,
Education, (E&SE), Civil Secretariat, Peshawar.

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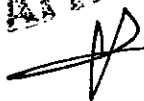
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12/3/15

Subject: **Appeal Against the Order No.871-77/F.No.A-1/DD (Estt:), E&SE KPK; dated 03.03.2015, whereby the appellant has been removed from service.**

Respected Sir,

1. That the appellant joined the Education Department in the year 1985 as PTC Teacher and with the passage of time, the appellant was promoted as CT, SCT and SST (BPS-16). Thus, the appellant has more than 29 years with good record throughout.
2. That, while having service as SCT (BPS-16) at GHS, Barikot, Dir Upper, the appellant went for Hajj and was on leave with effect from 20.9.2014 to 10.11.2014 and during those days a fact finding enquiry was conducted in the absence of the appellant on the basis of false and fabricated allegations which resulted in show cause notice issued to the appellant on 6.11.2014 which contained the following allegations:
 - i) That there were frequent public resentments/ complaints against your regarding irregularity/absence from duty on your part.
 - ii) That as per enquiry report received from, the enquiry committee you were found absent from duty/school during the course of visit of inquiry committee to GHS Barikot Dir Upper on 2.10.2014.
 - iii) The enquiry committee was told/informed in writing that you have hired a proxy teacher namely Said Badshah on payment @ Rs.10,000/- Per Month who used to mark attendance in teacher's attendance register on your behalf.
 - iv) That you proceeded to perform Hajj 2014 as per Hajj schedule w.e.from 22nd September, 2014 to 31st October, 2014 without prior Hajj leave sanction from the competent authority, thus you absented yourself willfully.

ATTESTED



v) That thus you mislead the high-ups and drawn/received your pay and allowances from GHS Barikot dir Upper illegally.

However, the appellant submitted his reply to the show cause notice well in time on 10.11.2014 and denied all the allegations categorically leveled against him in the show cause notice.

3. That the competent authority (Director Education) while adopting a slipshod manner, imposed the penalty of removal from service on the appellant on 3.3.2015 which is not tenable and liable to be set aside on the following grounds amongst the others:-

GROUND:

- A) That the order dated 3.3.2015 is against the law, rules, norms of justice and actual material on the available record, therefore, not tenable.
- B) That the whole action has been taken on the basis of fact-finding enquiry which was conducted in the absence of appellant while he was on Hajj leave and as such the appellant has been condemned unheard.
- C) That from the perusal of fact-finding enquiry it would be revealed that the false game was planted against the appellant on the basis of political intervention of political figures and the competent authority acted blindly to fulfill the whims of the political figures.
- D) That even the person namely Syed Badshah not presented himself before the enquiry committee which is enough for creating doubt nor consulted the attendance register since of 2013 and 2014 and the said register was duly countersigned by the Incharge Head-Master and other officials on 26.10.2013, 7.5.2014, 3.5.2014, 21.8.2014 and 27.9.2014 which verified the presence of the appellant in the school.

ATTESTED

That the penalty of removal from service is also the violation of the Judgment of the Superior Courts wherein it is held that for awarding major penalty proper charge sheet, statement of allegations and regular enquiry is must and mandatory whereas the same are missing in the case of appellant.

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- F) That even the competent authority not conducted personal hearing in proper manner and directed the appellant to submit his request and assertions in writing and did not bother to hear the appellant in person which is against the violation of law and rules.
- G) That the appellant has been penalized in harsh manner for no fault on his part and without considering his previous more than 29 years spotless service.
- H) That as far as the Hajj leave is concerned, the appellant well in time applied for the Hajj leave through the Head-Master of the school which was duly forwarded and recommended by the authority. However, due to shortage of time the appellant could not wait till the sanctioning of the same because the appellant applied for Hajj in a private capacity and the concerned Hajj Tour Operator informed on 19.9.2014 about the Hajj flight scheduled for 22.9.2014. Moreover, the PTC committee has already verified that they hired Mr. Syed Badshah on payment of Rs.10,000/- per month for teaching to the students and the said verification was duly signed by Dr. Bahadar Said, Chairman of the PTC Committee, Khan Bahadar, Secretary, Mr. Abdur Rashid and Zarin Khan, Members. Thus, the allegations of deputing some one-else in appellant's place by the appellant also becomes false and baseless allegation.
- I) That the appellant has not been treated according to law and rules and has been penalized in a slipshod manner which is not recognized way in the law.

It, therefore, most humbly prayed that the order dated 3.3.2015 may be set aside and the appellant may be reinstated in service with all back and consequential benefits.

Yours Obediently

11/03/2015

(Muhammad Nageen)
SST (General), GHSS,
College, District Dir Upper.
Bar

ATTESTED
★

تقدیر نامہ

یہ پیپر پریکٹس ہائی اسکول بریکوٹ تقدیر کرتے ہیں اور یہ اپنے وسائل سے نہیں سید بادشاہ سنگھ بریکوٹ کو مبلغ 10,000 روپے مایوار عرصہ ہائی اسکول بریکوٹ میں بچوں کے بہتر مستقبل کے لیے کھریں کھریں بڑھانے کے لیے اگر وہ کونٹر سکول حصار میں اساتذہ کی خدمات کو مذکورہ استاد کسی مدرسہ سرکاری اساتذہ کی جگہ ڈیوٹی سرانجام نہیں دیا ہے۔ مزید تقدیر کئی کئی سالوں تک نہیں آئی باقاعدہ طور پر سکول میں رہنا ڈیوٹی سرانجام دیا ہے اور جب بھی یہ سکول میں پیشہ پیشہ کرتے ہیں تو اس کو عہدہ دیا ہے۔ مزید اگر وہ سکول کی کئی کئی سکول کے عہدہ اساتذہ کی کارکردگی کا جائزہ لیں اور سکول کے ہونے کے باوجود اساتذہ ایماننداری جانفغانی سے

خدمات سرانجام دیتے ہیں۔ فقط
 حوض: 10/14

- ①۔ مہرین بیٹی سیکریٹری ڈائریکٹر بہادر
- ②۔ سیکریٹری بی بی سید کبریٰ خان بہادر
- ③۔ مہرین بیٹی سیکریٹری
- ④۔ مہرین بیٹی خان

HEAD MASTER
 G.H.S. Barikot
 Distt, Dir (u)

ATTESTED
[Signature]

VAKALAT NAMA

26

NO. _____/20

IN THE COURT OF Service Tribunal Peshawar

Ms Nageen

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Education Dept

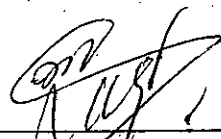
(Respondent)
(Defendant)

I/We Muhammad Nageen (Appellant)

Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

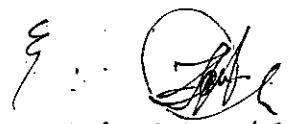
Dated _____/20


(CLIENT)

ACCEPTED



M. ASIF YOUSAFZAI
Advocate


TAIMUR ALI KHAN
Advocate

M. ASIF YOUSAFZAI
Advocate High Court,
Peshawar.

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building,
Khyber Bazar Peshawar.
Ph.091-2211391-
0333-9103240

1
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. 692 /2015

Muhammad Nageen
Ex-SST (General),
GHSS, Kalkot, District Dir Upper.

A.W.P. Province
Service Tribunal
Diary No. 729
Dated 19-6-2015

APPELLANT

VERSUS

1. The Secretary, Government of Khyber Pakhtunkhwa, Education E&SE Department, Civil Secretariat, Peshawar.
2. The Director, Education Department, Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer E&SE, District Upper Dir.

RESPONDENTS

.....

APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974
AGAINST THE ORDER DATED 03.03.2015
WHEREBY THE APPELLANT HAS BEEN REMOVED
FROM SERVICE and AGAINST NOT TAKING ANY
ACTION ON THE DEPARTMENTAL APPEAL OF
THE APPELLANT WITHIN STATUTORY PERIOD
OF 90 DAYS.

.....

Filed to-day
19/6/15
Registrar
19/6/15

31.05.2016

Counsel for the appellant and Ziaullah, GP for respondents present. Arguments partly heard. It was observed that the statements alongwith fact finding inquiry is not available before the Tribunal. Hence, responded-department is directed to produce before the Tribunal all the relevant record on or before date fixed. To come up for remaining arguments and on 9.8.2016.

**BEFORE THE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL
PESHAWAR.**

Service Appeal No: 692/2015

Muhammad Nageen Ex-SST(G) GHSS Kalkot, District Dir (Upper)
.....Appellant.

VERSUS

Secretary E&SE Department, Khyber Pakhtunkhwa & others.Respondent

PARAWISE COMMENTS ON&FOR BEHALF OF RESPONDENTS.

Respectfully Sheweth :-

Respondent submitted as under:-

PRELIMINARY OBJECTIONs.

- 1 That he appellant has got no cause of action / locus standi.
- 2 That the instant Service Appeal is badly time barred.
- 3 That the appellant has concealed material facts from this Honorable Tribunal in the instant service appeal.
- 4 That the instant service appeal is based on malafide intentions.
- 5 That the appellant has not come to this Honorable Tribunal with clean hands.
- 6 That the appellant is not entitled for the relief he has sought from this Honorable Tribunal .
- 7 That the instant Service Appeal is against the prevailing law & rules.
- 8 That the appellant is estopped by his own conduct.
- 9 That the appellant has been treated as per law rules & set procedure.
- 10 That the appeal is not maintainable in its present form.
- 11 That the appeal is bad for mis joinder & non joinder of the necessary parties.
- 12 That the instant Service Appeal is barred by law
- 13 That the appellant is not competent to file the instant appeal against the Respondents.
- 14 That the Notification dated 03-3-2015 is legally competent.

FACTS

- 1 That Para-1 needs no comments being pertains to the service record of the appellant.
- 2 That Para-2 is also needs no comments being relates to the service length of the appellant.
- 3 That Para-3 is incorrect & denied. The appellant has been served a Show Cause Notice dated 06-4-2014, contained with the following statement of allegations that :-
 - i). There were frequents resentment / complaints against the appellant regarding his willful irregularity and absence from his official duty while posted at GHS Bari Kot District Dir(Upper).
 - ii) That as per enquiry report received from the enquiry officer / committee, the appellant has been found absent from his official duty during the course of visit by the said enquiry Committee to GHS Bari Kot
 - iii) That the enquiry committee was told/ informed in writing that the appellant has hired a proxy teacher namely Said Badshah on monthly payment of Rs.10,000/- per month who used to marked attendance in teacher's attendance Register on behalf of the appellant.
 - iv) That as per record the appellant has been proceeded to perform Hajj 2014 as per Hajj schedule wef 22-9-2014 to 31-10-2014 without formal approval of Hajj leave from the competent authority and the appellant has thus been found guilty of his willful absence from his official duty against SET/SST post at GHS Barikot District Dir (Lower) .
 - v) That the appellant has misled the competent authority and has drawn his pay & allowances against the said post illegally and without any justification.
 - vi) That the appellant has been found guilty of mis conduct and inefficiency. And as a result whereof, a formal enquiry was conducted against the appellant by the Respondent No: 2 who submit their enquiry report wherein the appellant has been found guilty vide Para-III of the said enquiry report (copies of the Show Cause Notice & enquiry report are attached as Annexures A & B).
- 4 That Para-4 is incorrect & denied. The factual position however remains that no Hajj leave has been granted to the appellant, and the appellant has left his duty station without formal approval of Hajj leave from the competent authority. Hence he has been proceeded against the E&D rules 2011 and he was thus removed from service vide Notification dated 3-3-2015 issued by the Respondent No: 2 against the appellant after observing all codal formalities.

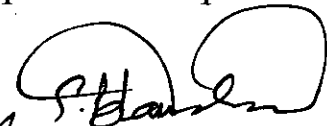
- 5 That Para-5 is also incorrect & misleading. The appellant had hired a proxy teacher namely Said Badshah on RS. 10,000/- per month as evident from the enquiry report. Hence the plea of the appellant is baseless & without any solid foundation.
- 6 That Para-6 is correct to the extent that a Show Cause Notice dated 17-0-2014 has been served upon the appellant by the Respondent No: 2 as mentioned in the foregoing paras. The appellant has submitted reply to the Show Cause Notice in an unsatisfactory form. Hence he has been given a chance of his personal hearing vide memo: No: 2755 dated 11-12-2014 wherein too. The appellant could not clarified his position with regard to the statement of allegation mentioned in the Show Cause Notice of the Respondent No: 2. Hence he has been removed from service vide Notification dated 3-3-2015 against the SST post in the light of the prevailing facts & circumstances of the case. (copy of th said Notification is attached as annexure-C).
- 7 That Para-7 is correct to the extent that the appellant has been removed from service vide Notification dated 03-03-2015 issued by the Respondent No 2.
- 8 That Para-8 is incorrect & denied. Hence needs no comments.
- 9 That Para-9 needs no comments. However the Respondents further submit on the following grounds inter alia : -

GROUNDS

- A Incorrect & denied. The Notification dated 3-3-2015 is within legal sphere and is a result of enquiry report. Hence the said Notification is liable to be maintained in favour of the Respondents.
- B Incorrect & denied. The appellant has been treated as per law, rules & set procedure prior to the issuance of the Notification dated 3-3-2015. Hence no question of discrimination arises.
- C Incorrect & denied. The appellant has been found guilty by the enquiry committee. Hence proceeded against the E&D rules, 2011 and was thus removed from service against SST post by the Respondent No: 2.
- D Incorrect & denied. Detailed reply of this ground has been given in the foregoing paras. Hence no further comments.
- E Incorrect & denied. The respondent Department has acted as per law. rules & policy, wherein the appellant has been found guilty of misconduct & in efficiency. Hence he has been removed from service vide Notification dated 3-3-2015 issued by the Respondent No: 2.
- F Incorrect & denied. The said proxy teacher has admitted that he has been hired by the appellant on monthly wage of Rs. 10,000/- PM by the appellant for the purpose of teaching at GHSS Kalkot District Dir (Upper) in place of the appellant.

- G Incorrect & denied. The appellant has been treated as per law, rules & set criteria prior to the issuance of the above mentioned Notification dated 3-3-2015 issued by the Respondent No: 2 vide which the appellant has been removed from service against the SST (G) post.
- H Incorrect & denied. The statement of the appellant is baseless & without any solid foundation. Because the appellant has been afforded a chance of his personal hearing vide office memo: No: 2755 dated 11-12-2014 prior of the issuance of the impugned Notification dated 3-3-2015 by the Respondent No: 2 against the appellant.
- I Incorrect & denied. The appellant has been treated as per law, rules & policy prior to the issuance of the impugned Notification dated 3-3-2015 by the Respondent No: 2 with the submission that the Respondents seek leave of this Honorable Tribunal to advance Additional grounds & record at the time of arguments on main appeal on the date fixed.
- J Incorrect & denied. Detailed reply of this Paras has been given in Para-4, 5 & 6. Hence needs no further comments.
- K Incorrect. As replied in ground-A.
- L As replied in ground-A. However the Respondents seek leave of this Honorable Bench to submit additional grounds & case law at the time of arguments on the date fixed.

In view of the above made submissions, it is requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant service appeal with cost in favor of the Respondent Department.



Director
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondents No: 2, 3 &4)



Secretary
E&SE Department Khyber
Pakhtunkhwa, Peshawar.



ANNEXURE (B) (B)
DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

FACT FINDING/PRELIMINARY INQUIRY REPORT

IN THE PUBLIC RESENTMENT/COMPLAINT AGAINST MR.
MUHAMMAD NAGEEN SCT, GHS BARIKOT, DISTRICT DIR UPPER AND
OTHERS REPORTEDLY ABSENT FROM DUTY AND INVOLVED IN
HIRING PROXY TEACHER ON MONTHLY PAYMENT BASIS.

I. Preamble.

The tenants and public representatives of the concerned locality showed their resentments and lodged complaint against the following teachers of District Dir Upper regarding their constant absence from duty and deployment of proxy teachers on their behalf in lieu of monthly payment:-

1. Mr. Muhammad Nageen SCT, GHS Barikot Dir Upper.
2. Mst. Naheed, PST, GGPS Barikot Dir Upper.
3. Mst. Dil Raz, PST, GGPS Kalkot Dir Upper.
4. Mst. Shaheen, PST, GGPS Doon Serai Dir Upper.

Consequent upon the aforesaid complaint, the Director E&SE Khyber Pakhtunkhwa, Peshawar ordered for an enquiry in the matter to Mr. Muhammad Arif, Deputy Director (Estab) Directorate E&SE, Peshawar, to probe into the said complaint immediately and submit fact-finding report with recommendations and fix responsibility on the defaulters concerned.

II. Proceedings.

In compliance with instructions/orders of the worthy Director E&SE Khyber Pakhtunkhwa, Peshawar, the enquiry committee visited District Dir Upper on 01.10.2010 in order to investigate into the matter and find out the factual position.

III. Investigations.

Starting the investigations against the accused teachers the enquiry committee visited their respective schools one by one with a view to verify their attendance in the concerned school and to digout the ground realities:-

(a) Investigation against Mr. Muhammad Nageen SCT, GHS Barikot Dir Upper.

- i. At the very outset of investigation, the committee members visited GHS Barikot Dir Upper on 2/10/2014 in order to investigate into the complaint/charges of absenteeism and hiring private person for duty against Mr. Muhammad Nageen

(B)

15 11

- SCT. On arrival in the school the committee has observed that Mr. Khan Muhammad SST (B-17) has been posted in GHS Barikot as Incharge Head Master. On the day of visit of the committee the Incharge Head Master was in a meeting in the office of the District Education Officer (M) Dir Upper.
- ii. During the course of visit of GHS Barikot Dir Upper, the committee first checked teacher's attendance register followed by their physical verification from their CNICs.
 - iii. The visiting enquiry committee was told that Mr. Muhammad Nageen SCT has gone to perform Hajj and he was on Hajj leave w.e.f. 22/09/2014 to 31/10/2014. The committee was also informed that the said teacher was not performing his duty since long. It was reported that he has hired a private person namely Said Badshah on payment of Rs.10000/- per month who used to attend the school in place of Mr. Muhammad Nageen SCT as evident from the statement obtained from the Incharge and other staff members of the said school. The very fact/allegation was also got verified from the students of the concerned school by the committee.
 - iv. Thereafter, the proxy teacher Mr. Said Badshah was also contacted by Mr. Muhammad Arif, Deputy Director (Inquiry Officer) on telephone number (0944-714455) who confessed that he has been performing duty at GHS Barikot Dir Upper in place of Mr. Muhammad Nageen SCT for Rs.10000/- per month. The proxy teacher also informed the committee that he used to mark his attendance in place of Mr. Muhammad Nageen SCT in the teachers' attendance register. The statement of staff members in this respect is attached (Annexure-A).

(b) Investigation against Mst. Naheed, PST, GGPS Barikot Dir Upper.

- i. The committee members visited GGPS Barikot Dir Upper on 2/10/2014 to investigate the complaint against Mst. Naheed PST GGPS Barikot. It was found that the following (05) teachers have been performing their duties at GGPS Barikot Dir Upper.

Sr.No.	Name	Designation	CNIC No.	Remarks
1.	Zakia Wakeel	HT/PST	15701-1128786-0	Present
2.	Shams Bazgha	PST	15701-1128788-0	Present
3.	Zahida Begum	PST	-	C/Leave
4.	Naseeb Sardara	PST	15701-1145982-4	Present
5.	Shahida Begum	PST	15703-0426819-6	Present
6.	Sultan Ali	Chowkidar	15701-2114254-7	Present

- ii. Mst. Naheed PST was not found on the strength of said school. According to the statement of the locals she was basically a CT teacher at GGMS Barikot but she did not perform duty, due to which a show cause notice was served upon her. They also stated that now a days she is performing her duties at GGMS Wari Dir Upper.
- iii. During the visit of the committee to the concerned school it was found that the school was completely damaged by the flood 2010 and the school was reconstructed by the Government but the Land Owner Mr. Abdus Salam S/O Ahmad Shah CNIC No.15303-9139009-5 of Barikot Tehsil Kalkot Kohistan District Dir Upper kept the school locked till his or his nominee appointment as Class-IV in the said school by the Government

being land donor, otherwise the school will remain closed according to statement of the land owner (Annexure-B)

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- iv. The teaching learning process is being carried in a shelter less space under open sky surrounded by bushes. A video recording of the spot/visit is also available for future reference and record.
- v. It is worth mentioning that the wife of Land Owner Mst. Shams Bazgha PST is also performing her duties in the same school. Statement of the Chowkidar is also attached (Annexure-C)

(c) Investigation against Mst. Dil Raz, PST, GGPS Kalkot Dir Upper.

- i. The committee members also visited GGPS Kalkot Dir Upper on 2/10/2014 in order to enquire into the complaint against Mst. Dil Raz PST GGPS Kalkot and find out factual position.
- ii. Teacher's attendance register was checked and certain queries were raised by the committee. A questionnaire as per (Annexure-D) was prepared and served upon Head Teacher Mst. Naseem Begum on the spot communicated through telephonic conversation by a village elder Mr. Salam.
- iii. In response to the aforesaid Questionnaire, the Head teacher informed that Mst. Dil Raz Begum PST after assuming charge did not perform her duties. She was continuously absent from duty since long. The DEO concerned also visited the school and marked her "Absent" during the visit to school. The concerned Head Teacher also informed that the whereabouts of Mst. Dil Raz PST GGPS Kalkot were not known but it was learnt that she might have been terminated but there was no proof of termination concluded by Mst. Naseem Begum Head Teacher.

(d) Investigation against Mst. Shaheen, PST, GGPS Doon Serai Dir Upper.

- i. The committee members visited GGPS Doon Serai Dir Upper on 2/10/2014 in order to investigate into absentee report against Mst. Shaheen PST GGPS Doon Serai Dir Upper and unearth the factual position.
- ii. According to teachers' attendance register, the following (02) teachers were performing their duty in the said school.

Sr.No.	Name	Designation	CNIC No.	Remarks
1.	Zohra Bibi	HT/PST	-	Absent
2.	Rohi Bano	PST	15703-9283166-2	Present

- iii. According to the locals and husband of Mst. Rohi Bano PST of the said school, Mst. Zohra Bibi HT/PST did not perform her duties. They further informed that by the end of the month Mst. Zohra Bibi HT/PST used to attend the school and marked her attendance in the teachers' attendance register for the whole month. Written statement of the locals and husband of Mst. Rohi Bano PST is attached for ready reference as per (Annexure E)
- iv. As per statement of Mst. Rohi Bano PST, Mst. Shaheen PST was not on the payroll/strength of GGPS Doon Serai Dir Upper.
- v. As per report of the locals Mst. Shaheen PST was on the payroll/strength of GGPS Bada Barikot but she was not performing her duties as she belonged to Dargai

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District Malakand and a proxy teacher Mst. Rabia D/O Abdur Raqeeb was performing duty in the said school since March 2014. It is also worth mentioning that Mst. Shaheen PST GGPS Bada Barikot was stated to be the Sister-in-Law of Mr. Muhammad Nageen SCT GHS Barikot Dir Upper (accused at sub para (a) above)

IV. Findings/Conclusion.

Keeping in view above investigation, statements of all concerned and visual record into consideration the enquiry committee reached to the conclusion that:-

1. The complaint/charges of absenteeism and hiring proxy teachers by the above mentioned accused teachers have been proved substantially as transpires from the statements of all concerned referred/quoted in preceding paras and they are liable to be booked under the relevant rules.
2. However, inefficiency and negligence on the part of DEO (Male/Female) Dir Upper cannot be ruled out in terms of poor administrative control and ineffective check & balance on teacher's attendance and absenteeism working under their competency/jurisdiction.
3. Had there a proper/regular mechanism for monitoring teacher's attendance and absenteeism the complaint/incident of teacher's absenteeism and hiring proxy teachers would have not happened.
4. This reveals that the DEO (M&F) concerned or the concerned responsible officers did not bother to carryout visit/inspection of the above mentioned schools since long resulting which the accused teachers used to remain absent from their duty at their own sweet will and also hire proxy teachers on payment under the very nose of DEOs concerned and the concerned DEOs (M&F) are playing the role of silent observer.
5. The DEOs (M&F) Dir Upper in general and the concerned ADEOs (Inspection) Male/Female in particular are responsible for this bad governance.

IV. Recommendations.

It is recommended that:-

1. The concerned competent authority is required to take appropriate punitive action under F&D Rules-2011 against the following accused teachers on charge of willful absent from duty and hiring proxy teacher on payment:-
 1. Mr. Muhammad Nageen SCT, GHS Barikot Dir Upper.
 2. Mst. Naheed, PST, GGPS Barikot Dir Upper.
 3. Mst. Dil Raz, PST, GGPS Kalkot Dir Upper.
 4. Mst. Shaheen, PST, GGPS Doon Serai Dir Upper.
2. The officer who recommended Hajj leave application in respect of Mr. Muhammad Nageen SCT GHS Barikot Dir Upper (accused at S.No.1 above) despite of the fact that he was not fair/regular in his duty and hired proxy teacher should also be dealt with under the relevant rules.

3. Besides, action should also be taken against the concerned ADEOs (Inspection) Male/Female responsible for not reporting absentee report in time against the above accused teachers due to their inefficiency and negligence.

4. TA bills and revised tour program in respect of DEOs (M&F) Dir Upper may not be honored till the action taken against the aforesaid accused teachers and ADEOs (Inspection) by the DEO concerned.

5. Similarly, the DEOs concerned may also be directed not to entertain TA bills etc: in respect of the concerned ADEOs (Inspection) until and unless they provide exact information, whereabouts, original place of duty and the school from where the above-said accused teachers are receiving their monthly pay etc: presently.

6. The DEOs (M&F) concerned may be directed to furnish the requisite information to the Directorate E&SE/Enquiry Committee on war basis as asked for at S.No. 5 above.

(Muhammad Arif)
Chairman/
Deputy Director:(Establishment)
Directorate of Elem. & Secondary Edu.
Khyber Pakhtunkhwa Peshawar.

(Fazli Raji Shah)
Member/
Secondary School Teacher(Sc)
GHS Pabbi, District Nowshera

18 8



ANNEXURE - (A)

11/7
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SHOW CAUSE NOTICE

I, Muhammad Rafiq Khattak Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar, as competent authority under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve, you Muhammad Nageen SCT (BS-16) GHS Barikot Dir Upper as follows:-

- i) That there were frequent public resentments/complaints against you regarding irregularity/absence from duty on your part.
- ii) That as per enquiry report received from the enquiry committee you were found absent from duty/school during the course of visit of inquiry committee to GHS Barikot Dir Upper on 02/10/2014.
- iii) The enquiry committee was told/informed in writing that you have hired a proxy teacher namely Said Badshah on payment @ Rs. 10,000/- PM who used to mark attendance in teacher's attendance register on your behalf.
- iv) That you proceeded to perform Hajj 2014 as per Hajj schedule w.e.f 22nd Sep.2014 to 31st Oct.2014 without prior Hajj leave sanction from the competent authority, thus you absented yourself willfully.
- v) That thus you mislead the high-ups and drawn /received your pay & allowances from GHS Barikot Dir Upper illegally.

2. I am satisfied that you are guilty of misconduct and inefficiency as specified in rule 3 of the said rules.

3. As a result therefore in exercise of the powers conferred by the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, I as the competent authority, hereby dispense with the conduct of a formal enquiry and serve you with the instant show cause notice with the direction to submit your defense in writing within 7 (seven) days of the receipt of this notice and I have tentatively decided, as to why one of the penalty specified in rule-4 of the said rules should not be imposed upon you and also intimate whether you desire to be heard in person.

4. In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defense to offer and an ex-parte decision will be taken against you.

Competent Authority

(Muhammad Rafiq Khattak)

Director

Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.

Muhammad Nageen SCT (BS-16)
GHOS Barikot Dir Upper

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To,

The Director,
E&SE Khyber Pakhtunkhwa Peshawar.

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Subject:- REPLY TO SHOW CAUSE NOTICE.

Respectfully Shewith.

In response to your show cause notice issued to me, received on 6-11-2014. Para wise reply is as under:-

- i- That all the public complaints against me are based on mallifidi. I never remained absent from duty only for a single day through out my service.
 - ii- On the visit of the inquiry Officers to GHS Barikot on 2-10-2014, I was proceeded for Hajj 2014 and the Incharge of the school recorded "ON HAJJ LEAVE" in my signature column.
 - iii- I never hired any person for performing of duty in my place, and no one signed the attendance on my behalf. All the signatures in the attendance register have been recorded by my self.
 - iv- I applied for Hajj 2014, but was not selected in Govt. quota, so applied in private capacity. The concerned Hajj Tour Operator informed me on 19-9-2014 that my flight has scheduled on 22-9-2014, so I was not in the position to sanction my leave from the competent authority will in time. I applied for Hajj Leave w.e.f. 20-9-2014 to 10-11-2014 through the head Master GHS Barikot, who sent my application to the DEO(M) Upper Dir vide No. 123 dated 20-9-2014 which received in the office of DEO(M) Upper Dir vide Dairy No. 454 dated 23-9-2014 (Copy attached)
 - v- I never mis-lead any one of my high ups in any way and did not received any pay illegally.
- 2- In the light of the above facts, it is requested that the show cause notice issued to me may very kindly be withdrawn.
 - 3- I will also desire to heard in person.

Dated 10-11-2014.

Obediently your's

Mohammad Nagin SCT,
GHS Barikot Upper Dir.

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DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA,
PESHAWAR.

(21)

NOTIFICATION.

WHEREAS, Muhammad Nagin SCT (BS-16) Govt. High School Barikot District Dir Upper proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

2. AND WHEREAS, the competent authority has constituted an enquiry committee to conduct formal enquiry against the accused SCT for the charges leveled against him.

3. AND WHEREAS, the Enquiry committee after having examined the charges evidence on the record and submitted the report and recommended.

4. AND WHEREAS, the competent authority to serve a show cause upon Muhammad Nagin SCT GHS Barikot District Dir Upper vide No. 1974 dated 17-10-2014.

5. AND WHEREAS, the competent authority to giving the opportunity of personal hearing vide No. 2755 dated 11-12-2014.

6. AND WHEREAS, the competent authority having considered the charges, evidence on the record as per report of the Enquiry officer and giving the opportunity of personal hearing to the accused teacher, is of the view that the charges leveled against him in the show cause notice have proved.

7. NOW THEREFORE, in exercise of powers conferred by the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the major penalty of **Removal from service** is hereby imposed upon Muhammad Nagin SCT (BPS-16) GHS; Barikot District Dir Upper with immediate effect.

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(DIRECTOR)

Endst: No. _____ / F.No A-12/DD (Establishment) E&SE KP.

Dated Peshawar the 03/3/2015

Copy of the above is forwarded to the:-

1. District Education Officer (M) Dir Upper for necessary action.
2. District Accounts Officer Dir Upper.
3. Principal Govt. High School Barikot District Dir Upper.
4. Teacher concerned.
5. PS to Secretary to Govt. of Khyber Pakhtunkhwa, E&SE Department.
6. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
7. Master File.

Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa

23-2-16

BEFORE THE KHYBER PAKHTUNKHWA,

SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 692/2015

Muhammad Nageen

VS

Education Deptt:

.....

REJOINDER ON BEHALF OF APPELLANT

.....

RESPECTFULLY SHEWETH:

Preliminary Objection:

(1-14) All objections raised by the respondents are incorrect and Baseless. Rather the respondents are estopped to raise any Objection due to their own conduct.

FACTS

1. No comments endorsed by respondents, which means they have admitted Para-1 of Appeal as correct.
2. No comments endorsed by respondents, which means they have admitted Para-2 of Appeal as correct.
3. Incorrect. Not replied as per contents of this Para of Appeal. While Para-3 of appeal is correct. Moreover, appellant replied to show cause notice and denied all the allegations which mention by respondents in Para-3 of his reply. Copy of reply to show cause notice is already attached with appeal.
4. Incorrect. While Para-4 of the appeal is correct. Moreover, the whole action has been taken on the basis of fact finding inquiry which was conducted in the absence of appellant while he was on hajj leave and as such the appellant has been condemned unheard.
5. Incorrect. While Para-5 of the appeal is correct.
6. Incorrect. While Para-6 of the appeal is correct. Moreover, there was no chance given to appellant for personal hearing. The appellant has been condemned unheard.
7. Half portion of Para-7 of appeal was admitted correct by the appellant and remaining Para-7 of appeal is not specifically denied by the

Put up to the court
with the
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made

respondents which mean they have been admitted Para-7 of appeal as correct.

8. Incorrect. While Para-8 of the appeal is correct.
9. No comments endorsed by respondents, which means they have admitted Para-9 of Appeal as correct.

GROUND

- A) Incorrect. While Para-A of the appeal is correct. Moreover, the impugned order has been passed against the law, norms of justice.
- B) Incorrect. While contents of Para-B of the appeal are correct.
- C) Incorrect. While contents of Para-C of the appeal are correct.
- D) Incorrect. While contents of Para-D of the appeal are correct.
- E) Incorrect. While contents of Para-E of the appeal are correct.
- F) Incorrect. Not replied as per contents of this Para of Appeal. While contents of Para-F of the appeal are correct.
- G) Incorrect. The Appellant has not been dealt in accordance with law. Moreover, Para-G of Appeal is correct.
- H) Incorrect. While contents of Para-H of the appeal are correct. Moreover, there was no chance given to appellant for personal hearing. The appellant has been condemned unheard.
- I) Incorrect. While contents of Para-I of the appeal are correct.
- J) Incorrect. The contents of the Para-J of the Appeal are correct.
- K) Incorrect. While the contents of Para-k of Appeal are correct.
- L) Legal.

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

APPELLANT

Muhammad Nageen

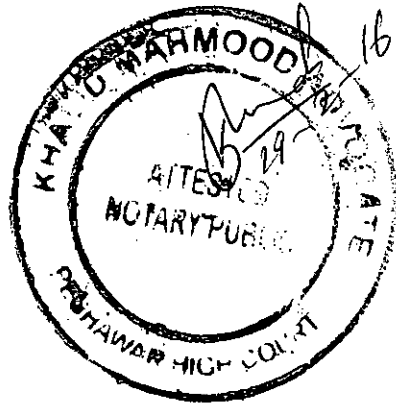
Through:



(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of appeal & rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from Hon'able tribunal.



DEPONENT



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

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FACT-FINDING/PRELIMINARY INQUIRY REPORT

IN THE PUBLIC RESENTMENT/COMPLAINT AGAINST MR. MUHAMMAD NAGEEN SCT, GHS BARIKOT, DISTRICT DIR UPPER AND OTHERS REPORTEDLY ABSENT FROM DUTY AND INVOLVED IN HIRING PROXY TEACHER ON MONTHLY PAYMENT BASIS.

I. Preamble.

The tenants and public representatives of the concerned locality showed their resentments and lodged complaint against the following teachers of District Dir Upper regarding their constant absence from duty and deployment of proxy teachers on their behalf in lieu of monthly payment:-

1. Mr. Muhammad Nageen SCT, GHS Barikot Dir Upper.
2. Mst. Naheed, PST, GGPS Barikot Dir Upper.
3. Mst. Dil Raz, PST, GGPS Kalkot Dir Upper.
4. Mst. Shaheen, PST, GGPS Doon Serai Dir Upper.

Consequent upon the aforesaid complaint, the Director E&SE Khyber Pakhtunkhwa, Peshawar ordered for an enquiry in the matter to Mr. Muhammad Arif, Deputy Director (Estab) Directorate E&SE, Peshawar, to probe into the said complaint immediately and submit fact-finding report with recommendations and fix responsibility on the defaulters concerned.

II. Proceedings.

In compliance with instructions/orders of the worthy Director E&SE Khyber Pakhtunkhwa, Peshawar, the enquiry committee visited District Dir Upper on 01.10.2010 in order to investigate into the matter and find out the factual position.

III. Investigations.

Starting the investigations against the accused teachers the enquiry committee visited their respective schools one by one with a view to verify their attendance in the concerned school and to digout the ground realities:-

(a) Investigation against Mr. Muhammad Nageen SCT, GHS Barikot Dir Upper.

- i. At the very outset of investigation, the committee members visited GHS Barikot Dir Upper on 2/10/2014 in order to investigate into the complaint/charges of absenteeism and hiring private person for duty against Mr. Muhammad Nageen

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SCT. On arrival in the school the committee has observed that Mr. Khan Muhammad SST (B-17) has been posted in GHS Barikot as Incharge Head Master. On the day of visit of the committee the Incharge Head Master was in a meeting in the office of the District Education Officer (M) Dir Upper.

- ii. During the course of visit of GHS Barikot Dir Upper, the committee first checked teacher's attendance register followed by their physical verification from their CNICs.
- iii. The visiting enquiry committee was told that Mr. Muhammad Nageen SCT has gone to perform Hajj and he was on Hajj leave w.c.f. 22/09/2014 to 31/10/2014. The committee was also informed that the said teacher was not performing his duty since long. It was reported that he has hired a private person namely Said Badshah on payment of Rs.10000/- per month who used to attend the school in place of Mr. Muhammad Nageen SCT as evident from the statement obtained from the Incharge and other staff members of the said school. The very fact/allegation was also got verified from the students of the concerned school by the committee.
- iv. Thereafter, the proxy teacher Mr. Said Badshah was also contacted by Mr. Muhammad Arif, Deputy Director (Inquiry Officer) on telephone number (0944-714455) who confessed that he has been performing duty at GHS Barikot Dir Upper in place of Mr. Muhammad Nageen SCT for Rs.10000/- per month. The proxy teacher also informed the committee that he used to mark his attendance in place of Mr. Muhammad Nageen SCT in the teachers' attendance register. The statement of staff members in this respect is attached (Annexure-A).

(b) Investigation against Mst. Naheed, PST, GGPS Barikot Dir Upper.

- i. The committee members visited GGPS Barikot Dir Upper on 2/10/2014 to investigate the complaint against Mst. Naheed PST GGPS Barikot. It was found that the following (05) teachers have been performing their duties at GGPS Barikot Dir Upper.

Sr.No.	Name	Designation	CNIC No.	Remarks
1.	Zakia Wakeel	HT/PST	15701-1128786-0	Present
2.	Shams Bazgha	PST	15701-1128788-0	Present
3.	Zahida Begum	PST	-	C/Leave
4.	Naseeb Sardara	PST	15701-1145982-4	Present
5.	Shahida Begum	PST	15703-0426819-6	Present
6.	Sultan Ali	Chowkidar	15701-2114254-7	Present

- ii. Mst. Naheed PST was not found on the strength of said school. According to the statement of the locals she was basically a CT teacher at GGMS Barikot but she did not perform duty, due to which a show cause notice was served upon her. They also stated that now a days she is performing her duties at GGMS Wari Dir Upper.
- iii. During the visit of the committee to the concerned school it was found that the school was completely damaged by the flood 2010 and the school was reconstructed by the Government but the Land Owner Mr. Abdus Salam S/O Ahmad Shah CNIC No.15303-9139009-5 of Barikot Tehsil Kalkot Kohistan District Dir Upper kept the school locked till his or his nominee appointment as Class-IV in the said school by the Government

being land donor, otherwise the school will remain closed according to statement of the land owner (Annexure-B)

- iv. The teaching learning process is being carried in a shelter less space under open sky surrounded by bushes. A video recording of the spot/visit is also available for future reference and record.
- v. It is worth mentioning that the wife of Land Owner Mst. Shams Bazgha PST is also performing her duties in the same school. Statement of the Chowkidar is also attached (Annexure-C)

(c) Investigation against Mst. Dil Raz, PST, GGPS Kalkot Dir Upper:

- i. The committee members also visited GGPS Kalkot Dir Upper on 2/10/2014 in order to enquire into the complaint against Mst. Dil Raz PST GGPS Kalkot and find out factual position.
- ii. Teacher's attendance register was checked and certain queries were raised by the committee. A questionnaire as per (Annexure-D) was prepared and served upon Head Teacher Mst. Nascem Begum on the spot communicated through telephonic conversation by a village elder Mr. Salim.
- iii. In response to the aforesaid Questionnaire, the Head teacher informed that Mst. Dil Raz Begum PST after assuming charge did not perform her duties. She was continuously absent from duty since long. The DEO concerned also visited the school and marked her "Absent" during the visit to school. The concerned Head Teacher also informed that the whereabouts of Mst. Dil Raz PST GGPS Kalkot were not known but it was learnt that she might have been terminated but there was no proof of termination concluded by Mst. Nascem Begum Head Teacher.

(d) Investigation against Mst. Shaheen, PST, GGPS Doon Serai Dir Upper.

- i. The committee members visited GGPS Doon Serai Dir Upper on 2/10/2014 in order to investigate into absentee report against Mst. Shaheen PST GGPS Doon Serai Dir Upper and unearth the the factual position.
- ii. According to teachers' attendance register, the following (02) teachers were performing their duty in the said school.

Sr.No.	Name	Designation	CNIC No.	Remarks
1.	Zohra Bibi	HT/PST	-	Absent
2.	Rohi Bano	PST	15703-9283166-2	Present

- iii. According to the locals and husband of Mst. Rohi Bano PST of the said school, Mst. Zohra Bibi HT/PST did not perform her duties. They further informed that by the end of the month Mst. Zohra Bibi HT/PST used to attend the school and marked her attendance in the teachers' attendance register for the whole month. Written statement of the locals and husband of Mst. Rohi Bano PST is attached for ready reference as per (Annexure E)
- iv. As per statement of Mst. Rohi Bano PST, Mst. Shaheen PST was not on the payroll/strength of GGPS Doon Serai Dir Upper.
- v. As per report of the locals Mst. Shaheen PST was on the payroll/strength of GGPS Bada Barikot but she was not performing her duties as she belonged to Dargai

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District Malakand and a proxy teacher Mst. Rabia D/O Abdur Raqeeb was performing duty in the said school since March 2014. It is also worth mentioning that Mst. Shaheen PST GGPS Bada Barikot was stated to be the Sister-in-Law of Mr. Muhammad Nageen SCT GHS Barikot Dir Upper (accused at sub para (a) above)

IV. Findings/Conclusion.

Keeping in view above investigation, statements of all concerned and visual record into consideration the enquiry committee reached to the conclusion that:-

1. The complaint/charges of absenteeism and hiring proxy teachers by the above mentioned accused teachers have been proved substantially as transpires from the statements of all concerned referred/quoted in preceding paras and they are liable to be booked under the relevant rules.
2. However, inefficiency and negligence on the part of DEO (Male/Female) Dir Upper cannot be ruled out in terms of poor administrative control and ineffective check & balance on teacher's attendance and absenteeism working under their competency/jurisdiction.
3. Had there a proper/regular mechanism for monitoring teacher's attendance and absenteeism the complaint/incident of teacher's absenteeism and hiring proxy teachers would have not happened.
4. This reveals that the DEO (M&F) concerned or the concerned responsible officers did not bother to carryout visit/inspection of the above mentioned schools since long resulting which the accused teachers used to remain absent from their duty at their own sweet will and also hire proxy teachers on payment under the very nose of DEOs concerned and the concerned DEOs (M&F) are playing the role of silent observer.
5. The DEOs (M&F) Dir Upper in general and the concerned ADEOs (Inspection) Male/Female in particular are responsible for this bad governance.

IV. Recommendations.

It is recommended that:-

1. The concerned competent authority is required to take appropriate punitive action under E&D Rules-2011 against the following accused teachers on charge of willful absent from duty and hiring proxy teacher on payment:-
 1. Mr. Muhammad Nageen SCT, GHS Barikot Dir Upper.
 2. Mst. Naheed, PST, GGPS Barikot Dir Upper.
 3. Mst. Dil Raz, PST, GGPS Kalkot Dir Upper.
 4. Mst. Shaheen, PST, GGPS Doon Serai Dir Upper.
2. The officer who recommended Hajj leave application in respect of Mr. Muhammad Nageen SCT GHS Barikot Dir Upper (accused at S.No.1 above) despite of the fact that he was not fair/regular in his duty and hired proxy teacher should also be dealt with under the relevant rules.

3. Besides, action should also be taken against the concerned ADEOs (Inspection) Male/Female responsible for not reporting absentee report in time against the above accused teachers due to their inefficiency and negligence.

4. TA bills and revised tour program in respect of DEOs (M&F) Dir Upper may not be honored till the action taken against the aforesaid accused teachers and ADEOs (Inspection) by the DEO concerned.

5. Similarly, the DEOs concerned may also be directed not to entertain TA bills etc: in respect of the concerned ADEOs (Inspection) until and unless they provide exact information, whereabouts, original place of duty and the school from where the above-said accused teachers are receiving their monthly pay etc: presently.

6. The DEOs (M&F) concerned may be directed to furnish the requisite information to the Directorate B&SE/Enquiry Committee on war basis as asked for at S.No. 5 above.

(Muhammad Arif)
Chairman/
Deputy Director (Establishment)
Directorate of Elem. & Secondary Edu.
Khyber Pakhtunkhwa Peshawar.

(Fazli Raj Shah)
Member/
Secondary School Teacher (Sc)
GHS Pabbi, District Nowshera

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DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

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SHOW CAUSE NOTICE

I, Muhammad Rafiq Khattak Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar, as competent authority under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve, you Muhammad Nageen SCT (BS-16) GHS Barikot Dir Upper as follows:-

- i) That there were frequent public resentments/complaints against you regarding irregularity/absence from duty on your part.
- ii) That as per enquiry report received from the enquiry committee you were found absent from duty/school during the course of visit of inquiry committee to GHS Barikot Dir Upper on 02/10/2014.
- iii) The enquiry committee was told/informed in writing that you have hired a proxy teacher namely Said Badshah on payment @ Rs. 10,000/- PM who used to mark attendance in teacher's attendance register on your behalf.
- iv) That you proceeded to perform Hajj 2014 as per Hajj schedule w.e.f 22nd Sep.2014 to 31st Oct.2014 without prior Hajj leave sanction from the competent authority, thus you absented yourself willfully.
- v) That thus you mislead the high-ups and drawn /received your pay & allowances from GHS Barikot Dir Upper illegally.

2. I am satisfied that you are guilty of misconduct and inefficiency as specified in rule 3 of the said rules.
3. As a result therefore in exercise of the powers conferred by the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, I as the competent authority, hereby dispense with the conduct of a formal enquiry and serve you with the instant show cause notice with the direction to submit your defense in writing within 7 (seven) days of the receipt of this notice and I have tentatively decided, as to why one of the penalty specified in rule-4 of the said rules should not be imposed upon you and also intimate whether you desire to be heard in person.
4. In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defense to offer and an ex-parte decision will be taken against you.

Competent Authority

(Muhammad Rafiq Khattak)
Director
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.

Muhammad Nageen SCT (BS-16)
GHS Barikot Dir Upper

To,

The Director,
E&SE Khyber Pakhtunkhwa Peshawar.

Subject:- REPLY TO SHOW CAUSE NOTICE.


Respectfully Shewith.

In response to your show cause notice issued to me, received on 6-11-2014. Para wise reply is as under:-

- i- That all the public complaints against me are based on mallifidi. I never remained absent from duty only for a single day through out my service.
 - ii- On the visit of the inquiry Officers to GHS Barikot on 2-10-2014, I was proceeded for Hajj 2014 and the Incharge of the school recorded "ON HAJJ LEAVE" in my signature column.
 - iii- I never hired any person for performing of duty in my place, and no one signed the attendance on my behalf. All the signatures in the attendance register have been recorded by my self.
 - iv- I applied for Hajj 2014, but was not selected in Govt: quota, so applied in private capacity. The concerned Hajj Tour Operator informed me on 19-9-2014 that my flight has scheduled on 22-9-2014, so I was not in the position to sanction my leave from the competent authority will in time. I applied for Hajj Leave w.e.f. 20-9-2014 to 10-11-2014 through the head Master GHS Barikot, who sent my application to the DEO(M) Upper Dir vide No. 123 dated 20-9-2014 which received in the office of DEO(M) Upper Dir vide Dairy No. 454 dated 23-9-2014 (Copy attached)
 - v- I never mis-lead any one of my high ups in any way and did not received any pay illegally.
- 2- In the light of the above facts, it is requested that the show cause notice issued to me may very kindly be withdrawn.
 - 3- I will also desire to heard in person.

Dated 10-11-2014.

Obediently your's


Mohammad Nagin SCT,
GHS Barikot Upper Dir.

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DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA,
PESHAWAR.

NOTIFICATION.

WHEREAS, Muhammad Nagin SCT (BS-16) Govt. High School Barikot District Dir Upper proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

2. AND WHEREAS, the competent authority has constituted an enquiry committee to conduct formal enquiry against the accused SCT for the charges leveled against him.

3. AND WHEREAS, the Enquiry committee after having examined the charges evidence on the record and submitted the report and recommended.

4. AND WHEREAS, the competent authority to serve a show cause upon Muhammad Nagin SCT GHS Barikot District Dir Upper vide No. 1974 dated 17-10-2014.

5. AND WHEREAS, the competent authority to giving the opportunity of personal hearing vide No. 2755 dated 11-12-2014.

6. AND WHEREAS, the competent authority having considered the charges, evidence on the record as per report of the Enquiry officer and giving the opportunity of personal hearing to the accused teacher, is of the view that the charges leveled against him in the show cause notice have proved.

7. NOW THEREFORE, in exercise of powers conferred by the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the major penalty of **Removal from service** is hereby imposed upon Muhammad Nagin SCT (BPS-16) GHS; Barikot District Dir Upper with immediate effect.

(DIRECTOR)

Endst: No. 871-77 /F.No A-12/DD (Establishment) E&SE KP.

Dated Peshawar the 03/3/2015

Copy of the above is forwarded to the:-

1. District Education Officer (M) Dir Upper for necessary action.
2. District Accounts Officer Dir Upper.
3. Principal Govt. High School Barikot District Dir Upper.
4. Teacher concerned.
5. PS to Secretary to Govt. of Khyber Pakhtunkhwa, E&SE Department.
6. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
7. Master File.

03/3/15
Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 984 /ST

Dated 26 / 4 / 2017

To


The Director E&SE,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: -

JUDGMENT

I am directed to forward herewith a certified copy of Judgement dated 25.4.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.