

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 4528/2021

Date of Institution ... 02.04.2021
Date of Decision ... 21.03.2023

Mr. Ghani Gul, Ex-PST (BPS-12), GPS Sohbat Dawaizai, Tehsil Pandiali,
District Mohmand.

... (Appellant)

VERSUS

The Secretary (E&SE) Department, Pakhtunkhwa, Peshawar and two
others.

... (Respondents)

Kamran Khan,
Advocate

... For appellant.

Asif Masood Ali Shah,
Deputy District Attorney

... For respondents.

Mrs. Rozina Rehman ...

Member (J)

Mr. Muhammad Akbar Khan ...

Member (E)

JUDGMENT

SCANNED
KPST
Peshawar

ROZINA REHMAN, MEMBER (J): The appellant has invoked the
jurisdiction of this Tribunal through above titled appeal with the prayer
as copied below:

**“On acceptance of this appeal the impugned order dated
31.05.2012 may very kindly be set aside and the appellant
may be reinstated into service with all back benefits.”**

2. Brief facts of the case are that appellant was appointed as PST
vide order dated 16.06.1989. He performed his duties quite
efficiently and with zeal and zest. During service, his salary was
stopped without any justifiable reasons. Being aggrieved, he
preferred a number of applications and followed by a writ petition
which was disposed of with direction to the appellant to seek his

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remedy from proper forum as the impugned dismissal order dated 31.05.2012 was produced for the first time before the august Peshawar High Court, Peshawar. Feeling aggrieved, he filed departmental appeal which was not responded to, hence, the present service appeal.

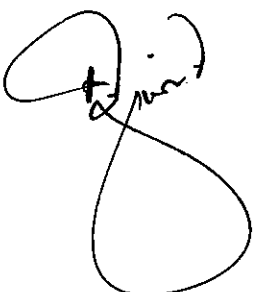
3. The respondents were summoned and they were directed time and again to submit comments but to no avail, therefore, their right to submit reply was struck off.

4. We have heard Kamran Khan Advocate, learned counsel for the appellant and Asif Masood Ali Shah learned Deputy District Attorney for respondents and have gone through the record and the proceedings of the case in minute particulars.

5. Kamran Khan Advocate, learned counsel for the appellant argued inter-alia that impugned order dated 31.05.2012 is against law, facts and norms of natural justice, hence not tenable. He contended that the appellant was not treated in accordance with law and rules and as such the respondents violated Articles-4 & 25 of the Constitution of Islamic Republic of Pakistan, 1973. It was argued that no proper charge sheet alongwith statement of allegation was served upon appellant before issuance of the impugned order. He submitted that neither show cause notice was issued nor chance of personal hearing was afforded to the appellant and that he was punished without conducting any regular inquiry. He, therefore, requested for acceptance of the instant service appeal.

6. Conversely, DDA argued that the impugned order was passed on 31.05.2012 whereas, departmental appeal was filed on 04.12.2020 which was badly time barred. Therefore, appeal was requested to be dismissed.

7. After hearing the learned counsel for the parties and going through the record of the case with their assistance and after perusing the precedent cases cited before us, we are of the opinion that appellant Ghani Gul was appointed as PTC on 16.09.1989. He was found willfully absent from duty during monitory visit of the AEO alongwith Assistant Agency Education (M&E) on 06.03.2012. He was proceeded against departmentally on the charge of willful absence from duty. Charge sheet was served upon him vide AEO No.6033-36 on 15.04.2012 through registered post at his home address and he was directed to submit reply but he failed to put any defense and did not appear before the authority. An inquiry committee was also constituted and it was on 31.05.2012 when he was dismissed from service. He filed writ Petition No.1611-P/2017 on 04.04.2017 and his grievance was that despite performing his duties, the respondents had illegally withheld his salaries. The respondents were put to notice and they submitted their comments by contending that they had proceeded against the appellant departmentally for his willful absence from duty which culminated in his termination vide Notification dated 31.05.2012. His writ petition was disposed of with direction to seek appropriate remedy under the law. Then he filed departmental appeal on 04.12.2020 which is badly time barred.



8. It is well-entrenched legal proposition that when an appeal before departmental authority is time barred, the appeal before Service Tribunal would be incompetent. In this regard reference can be made to cases titled Anwarul Haq v. Federation of Pakistan reported in 1995 SCMR 1505, Chairman, PIAC v. Nasim Malik reported in PLD 1990 SC 951 and State Bank of Pakistan v. Khyber Zaman & others reported in 2004 SCMR 1426.

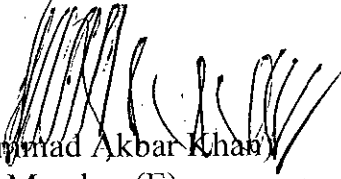
9. Having considered the matter from all angles in the light of material available on file, we do not find any merit in the instant service appeal which is hereby dismissed. Parties are left to bear their own costs.

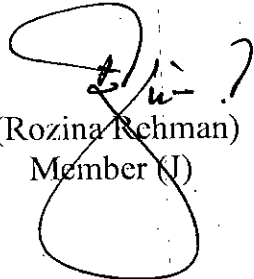
File be consigned to the record room.

ANNOUNCED.

21.03.2023

SCANNED
KPST
Peshawar


(Muhammad Akbar Khan)
Member (E)


(Rozina Rehman)
Member (J)


ORDER
21.03.2023

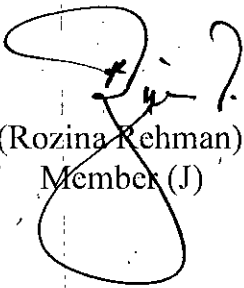
Appellant present through counsel.

Asif Masood Ali Shah learned Deputy District Attorney
for respondents present.

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

ANNOUNCED
21.03.2023


(Muhammad Akbar Khan)
Member (E)


(Rozina Rehman)
Member (J)

22.11.2022

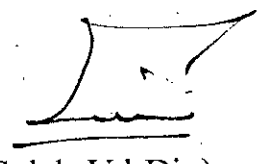
Mr. Izazullah, junior of learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 09.01.2023 before the D.B.

SCANNED
KPST
Peshawar



(Mian Muhammad)
Member (E)



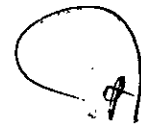
(Salah-Ud-Din)
Member (J)

09.01.2023

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

SCANNED
KPST
Peshawar

Learned Member Executive (Miss Fareeha Paul) left the court at 12.00 Noon in order to attend a meeting in the Law Department, Government of Khyber Pakhtunkhwa, therefore, this case is adjourned to 21.03.2023 for arguments before the D.B.



(ROZINA REHMAN)
Member (J)

12.07.2021

Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.

Chairman

Stipulated period passed reply not submitted.

24.01.2022

Appellant in person present. Mr. Kabirullah Khattak, Addl. AG for respondents present.

Reply/comments on behalf of respondents are still awaited. Learned Additional Advocate General sought time for submission of reply/comments. Last opportunity is granted to respondent to furnish reply/comments on or before next date, failing which their right to submit reply/comments shall be deemed as struck off by virtue of this order. To come up for arguments before the D.B on 24.05.2022.

(Atiq-Ur-Rehman Wazir)

24th May, 2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Respondents have not submitted reply/comments. By virtue of previous order, right of respondents to submit reply has been struck off. To come up for arguments on 08.08.2022 before the D.B.

(Fareeha Paul)
Member (E)

(Kalim Arshad Khan)
Chairman

8-8-22 Due to the public holiday the case is adjourned to 22-11-22

72
Reader

28.05.2021

Counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days of the receipt of notices positively. If the written reply/ comments are not submitted within the stipulated time, the office is directed to submit the file with a report of non-compliance. File to come up for arguments on 27.09.2021.

Appellant Deposited Security Process Fee

[Handwritten signature]
11/6/21

[Handwritten signature]

Chairman

27.9.21

DB is on TOWB case to come up
For the same on Dated. 24-1-22



[Handwritten signature]
Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 4528 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1.	2	3
1-	02/04/2021	<p>The appeal of Mr. Ghani Gul presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	26/05/21	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>28/05/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. _____/2021

Mr. GHANI GUL V/S EDUCATION DEPARTMENT

INDEX

S/NO	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal	1 - 3
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3	Service Book	B	5-18
4	Judgment dt:22-02-2018	C	19-24
5	Impugned Order dt: 31-05-2012	D	25
6	Departmental appeal	E	26
13	Wakalat Nama	27

Dated: 02-04-2021

APPELLANT

Through:

NOOR MOHAMMAD KHATTAK
ADVOCATE

FLATE NO. 04, 2ND FLOOR,
JUMA KHAN PLAZA, NEAR FATA SECRETARIAT,
WARSAK ROAD, PESHAWAR

0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 4528 /2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 4531

Date 02/04/2021

Mr. Ghani Gul, Ex-PST (BPS-12),
GPS Sohbat Dawaizai, Tehsil Pandiali, District Mohmand.

.....**APPELLANT**

VERSUS

- 1- The Secretary (E&S) Education Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&S) Education Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer, District Mohmand.

.....**RESPONDENTS**

APPEAL UNDER SECTION- 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 31-05-2012 COMMUNICATED TO THE APPELLANT ON 22-02-2018 WHEREBY MAJOR PENALTY OF DISMISSAL FROM SERVICE HAS BEEN IMPOSED ON THE APPELLANT AND AGAINST THE INACTION OF THE RESPONDENTS BY NOT DECIDING THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this appeal the impugned order dated 31.05.2012 may very kindly be set aside and the appellant may be re-instated into service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:-

- 1- That appellant was appointed in the respondents department as PST vide order dated 16-06-1989. Copy of the appointment order dated is attached as annexure**A.**
- 2- That after appointment the appellant started performing his duties quite efficiently and with zeal and zest and the service book of the appellant was prepared accordingly. Copy of the service book is attached as annexure**B.**

Filed day
02/04/2021
Registrar

- 3- That during the performance of his services the salary of the appellant was stopped without any cogent and justifiable reasons. That the appellant feeling aggrieved from the inaction of the respondents by not paying the monthly salary preferred a number of applications and followed by a writ petition No.1611-P/2017. That the writ petition was disposed of with the direction to the appellant to seek his remedy from proper forum as the impugned dismissal order dated 31-05-2012 was for the first time produced before the august Peshawar High Court, Peshawar. Copies of the judgment dated 22-02-2018 and impugned order dated 31-05-2012 are attached as annexure **C & D.**
- 4- That appellant feeling aggrieved from the impugned order dated 31-05-2012 preferred departmental appeal before the respondents. Copy of the the departmental appeal is attached as annexure**E.**
- 5- That appellant feeling aggrieved and having no other remedy filed the instant service appeal on the following grounds amongst the others.

GROUND:

- A- That the impugned orders dated 31-05-2012 is against the law, facts, norms of natural justice and material on the record hence not tenable and liable to be set aside.
- B- That appellant has not been treated by the respondent department in accordance with law and rules on the subject noted above and as such the respondent violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the respondents acted in arbitrary and mala fide manner while issuing the impugned dismissal order dated 31-05-2012.
- D- That no charge sheet and statement of allegation has been issued to the appellant before issuance of the impugned order dated 31-05-2012.
- E- That no show cause notice has been served on the appellant before issuing the impugned order dated 31-05-2012.
- F- That no chance of Personal Hearing / Defense been provided to the appellant before issuance of the impugned order dated 31-05-2012.
- G- That no regular inquiry has been conducted against the appellant which is as per Supreme Court judgments is necessary in punitive actions against the civil servant.

H- That appellant has been discriminated on the subject noted above and as such the impugned order dated 31-05-2012 is not tenable in the eye of law.

I- That appellant has been dismissed from service with retrospective effect and the same is void in the eye of law hence not tenable and liable to be set aside.

J- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

APPELLANT

Ghani Gul

GHANI GUL

THROUGH:

N
NOOR MOHAMMAD KHATTAK

&

Kamran
KAMRAN KHAN

Haider Ali
**HAIDER ALI
ADVOCATES**

Annxure A (4)

AGENCY EDUCATION OFFICER, MOHMAND AGENCY, GHALLANAI.

PROV. CALL NO. 16/9/89 1989.

APPOINTMENT

Mr/Ms Ghulam Gul son of Sayed Gul
Killage Mohmand Agency
is hereby appointed as PTC PPS in D.P.S. No. 7
This is against vacant post
with effect from the date of his joining over the

CONDITION/TERMS.

The appointment is made purely on temporary basis and is liable to termination at any time without any notice and assigning any reasons.

28- Health and age certificate should be produced from the Agency Surgeon Ghallanai.

30- Original certificate should be submitted taking over charge.

32- Charge report should be submitted to the office in duplicate.

34- The copy of the above should be submitted to the concerned office.

Handwritten: 2212-Exam/01-16/9/89

Copy of the above is forwarded for information and W/Action to:-

- 1. Candidate concerned;
- 2. A.A.E.O. Male/Female concerned;
- 3. P a y S t a f f :

Agency Education Officer,
Mohmand Agency, Ghallanai.

ATTACHED

5

(For use in Police Department only).

Heirs,

- 1.
- 2.
- 3.

Passed The S.S.C Annual Examination
 Session 1982 under the Roll No. 36083
 Marks obtained 439 out of 850.

Verification Roll No.

dated

9/4/1987
Mohand Agency received back

(2) Passed P.T.C Training Examination (Condence La
 from R.D.E Peshawar under P.No. 1994 in session
 1994 and marks attachment 267 out of 500, result
 declared on 29-5-1994.

9/4/1987
A. E. O.
Mohand Agency

Qualification	Date	Qualification
English		First Arts
Pushto		B.L. or B.A.
Urdu		Pleadship examination
Plan-drawing		Training School Final examination,
Finger Print		Other qualifications—
Drill Instructing		
Court Duties		
Reserve Duties		

APPROVED

Note.

The entries in this page should be renewed or re-attested at least every five years and the date should be dated.

6

1. Name: Sham Gul

2. Race: Afghan

3. Residence: P.O. Sher Shar Dist. Mardan Teh. Takhbat


4. Father's name and residence: Farid Gul


5. Date of birth by Christian era as nearly as can be ascertained: 11-2-1966


6. Exact height by measurement: 4-8-1966


7. Personal marks for identification:

8. Left hand thumb and Finger impression of (Non-Gazetted) officer:

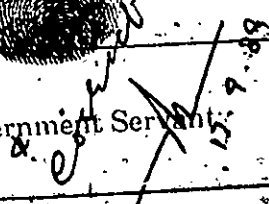
Little Finger: 

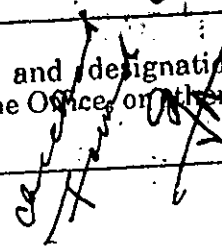
Ring Finger: 

Middle Finger: 

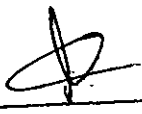
Fore Finger: 

Thumb: 

9. Signature of Government Servant: 

10. Signature and designation of the Head of the Office or other Attesting Officer: 

Sham Gul
11-2-1966
Mehar Agency



Name of post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 37(1) C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
PIC							
MPS Ashraf			(PAC No 7/250-31-1370)				
11				Rs. 250/- pm		17-9-89	Ghani Gul
CIPS Kalim 1678, M. Agency				Rs. 750/- pm		1-12-90	Ghani Gul
			Revised BPS No 7/1095-60-1995				
11				Rs. 1095/- pm		1-6-91	Ghani Gul
11				Rs. 1095/- pm		1-12-91	Ghani Gul
11				Rs. 1095/- pm		1-12-92	Ghani Gul
11				Rs. 1095/- pm		1-12-93	Ghani Gul
			Revised of BPS No 7/1480-81-2895				
11				Rs. 1480/- pm		1-6-94	Ghani Gul
11				Rs. 1561/- pm		1-12-94	Ghani Gul
11				Rs. 1642/- pm		1-12-95	Ghani Gul
CIPS Adingar No. 2				Rs. 1723/- pm		1-12-96	Ghani Gul

9 Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting Officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to recorded punish or censure, or a praise of Government Se
				Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government	Period Government to which debitable		
<i>[Signature]</i> Agency Edu. Officer Muhmand Ag. C. O.	30/11/90	fixed	<i>[Signature]</i>				
<i>[Signature]</i> Muhmand Ag. C. O.	31/5/91	fixed & Remission of pay	<i>[Signature]</i>				
<i>[Signature]</i>	30/11/91	fixed	<i>[Signature]</i>				
<i>[Signature]</i>	30/11/92	fixed	<i>[Signature]</i>				
<i>[Signature]</i>	30/11/93	fixed	<i>[Signature]</i>				
<i>[Signature]</i>	31/5/94	Remission of pay	<i>[Signature]</i>				
<i>[Signature]</i>	29/5/94	Allowed pay on passing PTC exam	<i>[Signature]</i>				
<i>[Signature]</i>	30/11/95	Annual grant	<i>[Signature]</i>				
<i>[Signature]</i>	30/11/96	Annual grant	<i>[Signature]</i>				
<i>[Signature]</i>	30/11/97	Annual grant	<i>[Signature]</i>				

Appointed against vacant PTC post at GMS Ashraf vide the AEO Muhammad Shamsud Din No 22 Dated 16-9-1989.

Service verified w.e.f 16-9-89 to 30-11-1987 from the pay Bill and other record of this office

[Signature]
Agency Edu. Officer
Muhmand Ag. C. O.

[Signature]
Agency Edu. Officer
Muhmand Ag. C. O.

9

4 6

1	2	3	4	5	6	7	8
Name of Post	Whether substantive or appointing and whether permanent or temporary	If Official, state (i) Substantive or (ii) whether service counts for pension under Art. 371	Pay in Post	Additional Pay for officiating	Other emoluments falling under the term "Pay"	Date of Appointment	Signature of Government
PTC Post Caps. Mr. Jagan No 1							
"			Rp 1804/- pm.			1 97 12	Shankar
"			Rp 1885/- pm.			1 98 12	Shankar
"			Rp 1966/- pm.			1 99 12	Shankar
"			Rp 2047/- pm.			1 15 12	Shankar
"			Rp 2198/- pm.			1 12 12	Shankar
"			(Rp No 7 (220-120-5820))				Shankar
"			Rp 3180/- pm.			1 12 12	Shankar
"			Rp 3300/- pm.			1 12 12	Shankar
"			Rp 3420/- pm.			1 12 12	Shankar
"			Rp 3540/- pm.			1 12 12	Shankar
"						1 07 12	Shankar
						1 05 12	Shankar
						1 05 12	Shankar
						1 12 12	Shankar

RECEIVED

9 Signature and name of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting Officer	13 Leave		Signature of the head of the office or other attesting officer	Reference to recorded punishment or praise of Government Service
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
				Period	Government to which debitable		
<i>[Signature]</i> Agency Education Officer Mohmand Agency	30/11/98	Annual Grant	<i>[Signature]</i> Mohmand Agency				<p style="text-align: center;">(10)</p> <p>Service verified w.e.f 1-12-97 to 30-11-2003 on the record of this office.</p> <p style="text-align: right;">Agency Edy. Officer Mohmand Agency</p>
<i>[Signature]</i> Agency Education Officer Mohmand Agency	30/11/99	Annual Grant	<i>[Signature]</i> Mohmand Agency				
<i>[Signature]</i> Agency Education Officer Mohmand Agency	30/11/2000	Annual Grant	<i>[Signature]</i> Mohmand Agency				
<i>[Signature]</i> Agency Education Officer Mohmand Agency	30/11/2001	Annual Grant	<i>[Signature]</i> Mohmand Agency				
<i>[Signature]</i> Agency Education Officer Mohmand Agency	30/11/2002	Pay Revision	<i>[Signature]</i> Mohmand Agency				
<i>[Signature]</i> Agency Education Officer Mohmand Agency	30/11/2003	Annual Grant	<i>[Signature]</i> Mohmand Agency				
<i>[Signature]</i> Agency Education Officer Mohmand Agency	30/11/2004	Annual Grant	<i>[Signature]</i> Mohmand Agency				<p>Service verified w.e.f 1/12/2003 to 30/11/2005 on record.</p> <p style="text-align: right;">Agency Education Officer Mohmand Agency Ghallanai</p>
<i>[Signature]</i> Agency Education Officer Mohmand Agency	30/11/2005	Pay Revision	<i>[Signature]</i> Mohmand Agency				
<i>[Signature]</i> Agency Education Officer Mohmand Agency Ghallanai	30/11/2005	Pay Revision	<i>[Signature]</i> Agency Education Officer Mohmand Agency Ghallanai				

11

1	2	3	4	5	6	7	8	
Name of Post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Sec	
DTC post	Off/Temp							
SPS Alingal No I								
do				Rs 4375/-	P.M	01/12/2006	G. K. S. S.	
do				Pay revised (Rs 2940-160-7740)		01/07/2007	G. K. S. S.	
do				Rs 5020/-	P.M	01/07/2007	G. K. S. S.	
do				Rs 5180/-	P.M	01/12/2007	G. K. S. S.	
do				Pay revised @ Rs 3530-190-9230			G. K. S. S.	
do				Rs 6190/-	P.M	01/07/2008	G. K. S. S.	
do				Rs 6380	P.M	01/12/2008	G. K. S. S.	
do				Rs 6570/A		11/01/09	G. K. S. S.	
Revised starting instructions period <u>750-31-1370</u>								
				Rs 750/A		17/09	G. K. S. S.	
				Rs 750/A		12/39	G. K. S. S.	
ATTACHED								
				Rs 781/A		12/30	G. K. S. S.	

9 Name and Designation of head of the office or attesting officer at attestation of columns 1 to 8	10 Date of termination or appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer.	13 Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Nature and dura- tion of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
				Period	Government to which debitable		
A.R.O. M. Agency N	30/11/2006	A/Int.	A.R.O. M. Agency N				(12)
A.R.O. M. Agency N	30/06/2007	Day Revised	A.R.O. M. Agency N				
A.R.O. M. Agency N	30/11/2007	A/Int.	A.R.O. M. Agency N				
A.R.O. M. Agency N	30/06/2008	Day Revised	A.R.O. M. Agency N				
A.R.O. M. Agency N	30/11/2008	A/Int.	A.R.O. M. Agency N				
A.R.O. M. Agency N	30/11/09	N	A.R.O. M. Agency N				
A.R.O. M. Agency N	30/11/09	Revised entry was withdrawn	A.R.O. M. Agency N				
A.R.O. M. Agency N	30/11/09	No Int.	A.R.O. M. Agency N				
A.R.O. M. Agency N	30/11/90	No Int.	A.R.O. M. Agency N				
A.R.O. M. Agency N	31/05/91	No Int.	A.R.O. M. Agency N				

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
			BOS 761035-60-1995				<i>[Signature]</i>
		R.	1375/A	I		12/91	<i>[Signature]</i>
		R.	1335/A	I		12/92	<i>[Signature]</i>
		R.	1395/A	I		12/93	<i>[Signature]</i>
		R.	1455/A	I		12/93	<i>[Signature]</i>
			BOS 761480-81-2695				<i>[Signature]</i>
		R.	1966/A	I		6/94	<i>[Signature]</i>
		R.	2047/A	I		12/94	<i>[Signature]</i>
		R.	2128/A	I		12/95	<i>[Signature]</i>
		R.	2209/A	I		12/96	<i>[Signature]</i>
		R.	2290/A	I		12/97	<i>[Signature]</i>
		R.	2371/A	I		12/98	<i>[Signature]</i>
		R.	2452/A	I		12/99	<i>[Signature]</i>
		R.	2533/A	I		12/00	<i>[Signature]</i>

[Handwritten signature]

9 Name and Designation of head of the office other attesting officer in attestation of columns 1 to 8	10 Date of termination or appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant	
				Nature and dura- tion of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
					Period			Government to which debitable
A.S.O. M. Agency	30/11/91	3	A.S.O. M. Agency				14	
A.S.O. M. Agency	30/11/92	2	A.S.O. M. Agency					
A.S.O. M. Agency	30/11/93	4	A.S.O. M. Agency					
A.S.O. M. Agency	30/5/94	PO Rus	A.S.O. M. Agency					
A.S.O. M. Agency	30/11/94	0	A.S.O. M. Agency					
A.S.O. M. Agency	30/11/95	4	A.S.O. M. Agency					
A.S.O. M. Agency	30/11/96	21	A.S.O. M. Agency					
A.S.O. M. Agency	30/11/97	21	A.S.O. M. Agency					
A.S.O. M. Agency	30/11/98	0	A.S.O. M. Agency					
A.S.O. M. Agency	30/11/99	2	A.S.O. M. Agency					
A.S.O. M. Agency	30/11/2000	1	A.S.O. M. Agency					
A.S.O. M. Agency	30/11/2001	4	A.S.O. M. Agency					

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
		R	3514/M			12/01	[Signature]
			BDS 76222-12c-582c				[Signature]
		R	3900/M			12/01	[Signature]
		R	4020/M			12/02	[Signature]
		R	4140/M			12/03	[Signature]
		R	4260/M			12/01	[Signature]
			BDS 76255-14c-566c				[Signature]
		R	4935/M			12/05	[Signature]
		R	5075/M			12/05	[Signature]
		R	5215/M			12/06	[Signature]
			BDS 76894c-16c-774c				[Signature]
		R	5980/M			12/07	[Signature]
		R	6140/M			12/07	[Signature]

~~ATTACHED~~

9	10	11	12	13		14	15	
				Leave				
Signature and Designation of the head of the office or other attesting officer. In attestation of column 9 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
					Period	Government to which debitable		
A.S.O. M. Agence N	30/11/02	PTJ N	A.S.O. M. Agence N					(16)
A.S.O. M. Agence N	30/11/02	1	A.S.O. M. Agence N					
A.S.O. M. Agence N	30/11/03	1	A.S.O. M. Agence N					
A.S.O. M. Agence N	30/11/04	1	A.S.O. M. Agence N					
A.S.O. M. Agence N	30/6/05	PTJ N	A.S.O. M. Agence N					
A.S.O. M. Agence N	30/1/05	1	A.S.O. M. Agence N					
A.S.O. M. Agence N	30/11/06	1	A.S.O. M. Agence N					
A.S.O. M. Agence N	30/6/07	PTJ N	A.S.O. M. Agence N					
A.S.O. M. Agence N	30/11/07	1	A.S.O. M. Agence N					
A.S.O. M. Agence N	30/6/08	PTJ N	A.S.O. M. Agence N					

(16)

9	10	11	12	13		14		
				Leave				
Name and Designation of head of the office or attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
					Period	Government to which debitable		
...				
...				
...				

18

27
 Drawing 11628 as order
 of pay + 20% or A/c
 of Allowance due to
 untrained period
 w/e 4/09 to 31/12/09

(Signature)
 21/11/09
 AEO
 Mohmands

2
 Dated 25/01/12 as order
 of
 general pay to B
 w/e 2/12/07 to 31/12/11

Allowed BPS No. 18
 vide this office
 No. 9952-55 dated 9-08-20

(Signature)
 28/5

LNF Advance amounting
 to Rs 97200/- sanctioned
 vide AEO No. 11398-88
 dated 26/8/2010

(Signature)
 AEO
 Mohmands.

30/6/2011

(Signature)
 AEO
 Mohmands.

(Signature)
 Agency Education Officer
 Mohmand Agency at Chailan

(Signature)
 AEO
 Mohmands.

Appr bill passed
 for Rs 97200/- dated 30/8/10

30/8/2010

(Signature)
 30/8

(Signature)

Annxure C

19

IN THE PESHAWAR HIGH COURT, PESHAWAR



W.P. No. 1611 /2017

Ghani Gul S/o Farid Gul,
R/o Sher Garh, Takht Bhai Mardan **Petitioner**

VERSUS

1. Director Education FATA, FATA Secretariat Warsak Road, Peshawar
2. Agency Education Officer, Mohmand Agency
3. Secretary Education to Govt. of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar
4. Accounts Officer Ghallani, Mohmand Agency
..... **Respondents**

PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973 FOR A DECLARATION/ ORDER TO THE EFFECT THAT THE IMPUGNED IN-ACTION /REFUSAL OF THE RESPONDENTS TO RELEASE THE SALARIES OF THE PETITIONER BE DECLARED AS ILLEGAL, UNLAWFUL AND INEFFECTIVE UPON THE RIGHTS OF THE PETITIONER AND CONSEQUENTLY THEY MAY BE DIRECTED

FILED TODAY
Deputy Registrar
13 APR 2017

Maj
ATTESTED
EXAMINER
Peshawar High Court

**TO RELEASE THE SALARIES OF THE
PETITIONER.**

Respectfully Sheweth:-

1. That petitioner was initially appointed as P.T.C Teacher in BPS-7 at M.P.S Ashraf Ghallani Mohmand Agency was back in year 16.09.1989. (Copy of the appointment order is attached as annexure "A").
2. That petitioner has 27 years of service in his credit and throughout his service, he served the education department with his fully ability and sincerity.
3. That the petitioner performed his duty with full devotion and dedication and no complaint what so has been ever made from the parent department. (Copy of the extracts from service book is attached as annexure "B").
4. That petitioner has withdrawn his last salary from respondents department on 31.05.2012. (Copy of pay roll register issued by respondent No.4 is attached as annexure "C").

FILED TODAY
Deputy Registrar
13 APR 2017

Key
ATTESTED
EXAMINER
Peshawar High Court

IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P. No. _____/2017

Ghani Gul **Petitioner**

VERSUS

Director Education FATA,
FATA Secretariat & others..... **Respondents**

ADDRESSES OF PARTIES

PETITIONER:

Ghani Gul S/o Farid Gul,
R/o Sher Garh, Takht Bhai Mardan

RESPONDENTS:

1. Director Education FATA, FATA Secretariat Warsak Road, Peshawar
2. Agency Education Officer, Mohmand Agency
3. Secretary Education to Govt. of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar
4. Accounts Officer Ghallani, Mohmand Agency

Petitioner

Through

Muhammad Ijaz Khan Sabi
Advocate Supreme Court

Dated 04.04.2017

FILED TODAY
Deputy Registrar
13 APR 2017

15 MAR 2021
Peshawar High Court
Authorized Under Article 177 of
The Constitution of Pakistan Order 1985

22

**JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT**

Writ Petition No.1611-P/2017

JUDGMENT



Date of hearing.....22-02-2018.....

Petitioner: (Ghani Gul) by Mr.Muhammad Ijaz Khan Sabi,
Advocate.

Respondents:(Director Education FATA, FATA
Secretariat, Peshawar and others) by Syed
Qaiser Ali Shah, AAG.

YAHYA AFRIDI, C.J.- Ghani Gul, petitioner, seeks
the constitutional jurisdiction of this Court praying
that:-

"It is, therefore, prayed that by accepting this petition, the impugned in-action of the respondents to release the outstanding salaries of the petitioner be declared as illegal, unlawful and ineffective upon the rights of the petitioner and consequently they may be directed to release the outstanding salaries of the petitioner forthwith. Or

Any other relief deems fit and appropriate in the circumstance of the case may also be passed in favour of the petitioner."

2. In essence, the grievance of the petitioner is that despite performing his duties the respondents have illegally withheld his salaries.

A


ATTESTED
EXAMINER
Peshawar High Court

3. The respondents were put to notice. They have in their comments denied the assertion made by petitioner; in fact, it is contended that they have proceeded against the petitioner departmentally for his willful absence from duty which culminated in his termination vide notification dated 31.05.2012.

4. When the worthy counsel for the petitioner was confronted with this situation, he contended that the petitioner was neither informed about the said proceedings nor was he served with the Show Cause Notice by the respondent-Department.

5. This Court, in its constitutional jurisdiction cannot enter into such controversial disputed *question of fact*.

6. As the petitioner claims complete ignorance regarding the proceedings initiated by the respondents leading to his termination from service, it would not be appropriate to render him remediless. The reply of the respondents before this Court may be deemed as knowledge of the present petitioner regarding the proceedings initiated against him by the respondents-department culminating in


ATTESTED
EXAMINER
Peshawar High Court

his termination order. Accordingly, he may seek his appropriate remedy under the law.

This writ petition is disposed of, accordingly.

Dt.22-02-2018.

[Handwritten signature]
JUDGE

[Handwritten signature]
CERTIFIED TO BE TRUE COPY.
EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 87 of
The Constitution of Pakistan, 1973
15 MAR 2021

29902
Date of Presentation of Application 15/3/2021
No of Pages 6p
Copying fee
Total 24/-
Date of Preparation of Copy 15/3/2021
Date of Delivery of Copy 15/3/2021
Received By Zeeshan

[Handwritten signature]
F.Aan/*
(DB) Hon'ble Mr. Justice Yahya Afridi, Chief Justice.
Hon'ble Mr. Justice Muhammad Ayub Khan, Judge.



FATA

OFFICE OF THE AGENCY EDUCATION OFFICER
MOHMAND AGENCY AT GHALLANAI
P.NO.0924290180 FAX:0924290180
Email:- education.mohmand@yahoo.com

Annexure D

25

NOTIFICATION

1. WHEREAS Mr. Ghani Gul PST GPS Sohbat Dawaizai Tehsil Pandiali Mohmand Agency was found willfully absent from duty during monitoring visit of the AEO along with Assistant Agency Education (M&E) to your School on dated 06/03/2012.
2. AND WHEREAS the accused was proceeded against under Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules 2011, for the charge of "willful absence from duty" as mentioned in the show cause notice served upon him under registered post at his home/School address vide AEO No: 5088-91 dated 02.4.2012
3. AND WHEREAS Mr. Ghani Gul PST GPS Sohbat Dawaizai Tehsil Pandiali did not report to his duty within stipulated period of time and turned his ears deaf.
4. AND WHEREAS Charge sheet was served upon Mr. Ghani Gul PST GPS Sohbat Dawaizai Tehsil Pandiali Mohmand Agency vide AEO No: 6033-36 on dated 15/04/2012 through registered post at his home/school address therein the accused was directed to submit reply in his defense through personal contact with the office
5. AND WHEREAS the accused failed to put any defense in written and did not appear to be heard in person within fifteen days.
6. AND WHEREAS the competent authority, the Agency Education officer Mohmand Agency, comprised an enquiry Committee for impartial enquiry against the accused teacher. The enquiry committee comprising Mr. Sardar Hussain Principal GHS Ekka Ghund and Mr. Ismail Physical Supervisor AEO Office Ghallani and Abdul Sattar AAEO AEO Office recommended to impose Major Penalty against the accused teacher under the Khyber Pukhtunkhwa Civil Servant E&D Rules 2011.
7. AND WHEREAS the competent authority, the Agency Education officer Mohmand Agency, after having considered the charges, evidence on record and facts of the case, is of the view that the charge of willful and unauthorized absence against the accused official has been proved.
8. NOW THEREFORE, In exercise of the Powers conferred under Rules-4 (b) IV of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, the competent Authority, Agency Education officer Mohmand Agency is pleased to impose major penalty of " **DISMISAL FROM SERVICE** " upon Mr. Ghani Gul PST GPS Sohbat Dawaizai Tehsil Pandiali Mohmand Agency with retrospective effect on account of his willful absence from duty.

(SAID MUHAMMAD)

Agency Education Officer,
Mohmand Agency at Ghalanai

Endst: No.6155-88 Dated 31/05/2012

Copy forwarded to the:

1. Director Education FATA, FATA Secretariat Peshawar
2. Political Agent Mohmand Agency at Ghalanai
3. Agency Accounts officer Mohmand Agency at Ghalanai
4. PS to Additional Chief Secretary FATA for perusal of the Additional Chief Secretary FATA
5. PS to Secretary SSD FATA for perusal of the Secretary SSD FATA
6. AAO concerned for entry in her service book
7. Accountant local office for stoppage of his pay forth with.
8. Pay clerk local office for entry in his service book.
9. Official concerned

Agency Education Officer
Mohmand Agency at Ghalanai

کتاب ضابطہ دستور پاکستان (E&S) جس پر مکتوب عنوان لکھا ہے

عنوان: محمد اسحاق بیگ نے ملک سے تعلق سے 31/5/2012 کو مکتوب ارسال کیا

ضابطہ عدلیٰ

عدالت کے آرڈر کے تحت اس مکتوب کے تحت عدلیہ میں بحیثیت سپرنٹنڈنٹ پولیس کے طور پر 16/6/1989 کو تعینات ہوا۔ یہ مکتوب اس مکتوب کے تحت عدلیہ میں بحیثیت سپرنٹنڈنٹ پولیس کے طور پر 16/6/1989 کو تعینات ہوا۔ یہ مکتوب اس مکتوب کے تحت عدلیہ میں بحیثیت سپرنٹنڈنٹ پولیس کے طور پر 16/6/1989 کو تعینات ہوا۔

یہ مکتوب اس مکتوب کے تحت عدلیہ میں بحیثیت سپرنٹنڈنٹ پولیس کے طور پر 16/6/1989 کو تعینات ہوا۔ یہ مکتوب اس مکتوب کے تحت عدلیہ میں بحیثیت سپرنٹنڈنٹ پولیس کے طور پر 16/6/1989 کو تعینات ہوا۔ یہ مکتوب اس مکتوب کے تحت عدلیہ میں بحیثیت سپرنٹنڈنٹ پولیس کے طور پر 16/6/1989 کو تعینات ہوا۔

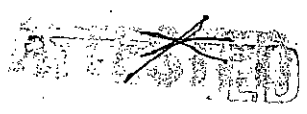
یہ مکتوب اس مکتوب کے تحت عدلیہ میں بحیثیت سپرنٹنڈنٹ پولیس کے طور پر 16/6/1989 کو تعینات ہوا۔ یہ مکتوب اس مکتوب کے تحت عدلیہ میں بحیثیت سپرنٹنڈنٹ پولیس کے طور پر 16/6/1989 کو تعینات ہوا۔ یہ مکتوب اس مکتوب کے تحت عدلیہ میں بحیثیت سپرنٹنڈنٹ پولیس کے طور پر 16/6/1989 کو تعینات ہوا۔

لہذا استدعا ہے کہ اس مکتوب کے تحت عدلیہ میں بحیثیت سپرنٹنڈنٹ پولیس کے طور پر 16/6/1989 کو تعینات ہوا۔ یہ مکتوب اس مکتوب کے تحت عدلیہ میں بحیثیت سپرنٹنڈنٹ پولیس کے طور پر 16/6/1989 کو تعینات ہوا۔

یہ مکتوب اس مکتوب کے تحت عدلیہ میں بحیثیت سپرنٹنڈنٹ پولیس کے طور پر 16/6/1989 کو تعینات ہوا۔ یہ مکتوب اس مکتوب کے تحت عدلیہ میں بحیثیت سپرنٹنڈنٹ پولیس کے طور پر 16/6/1989 کو تعینات ہوا۔ یہ مکتوب اس مکتوب کے تحت عدلیہ میں بحیثیت سپرنٹنڈنٹ پولیس کے طور پر 16/6/1989 کو تعینات ہوا۔

محمد اسحاق بیگ
P.S.A

پ.س.ا - محمد اسحاق بیگ



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

_____ OF 2021

GHANI GUL(APPELLANT)
(PLAINTIFF)
(PETITIONER)**VERSUS**EDU. DEPT.(RESPONDENT)
(DEFENDANT)I/We GHANI GUL

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, 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 cost. 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.

Dated. ____/____/2020

**CLIENT(S)****ACCEPTED****NOOR MOHAMMAD KHATTAK****15401-0705985-5****BC-08-0853****&****KAMRAN KHAN****AFRASIAB KHAN WAZIR****HAIDER ALI**
ADVOCATES

OFFICE:

Flat No.4, Upper Floor,

Juma khan plaza near (FATA) Secretariat

Warsak road Peshawar.

Mobile No. **0345-9383141**