

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
AT CAMP COURT SWAT

Execution Petition No. 73/2023

Date of institution 14.02.2023

Gul Badshah S/O Dilawar, R/O Village Qazi Abad, Dir Lower.

VERSUS

Sub-Divisional Education Officer (Primary) Dir Lower at Timergara.

ORDER

06.04.2023

Petitioner in person present. Mr. Muhammad Usman, ADEO alongwith Mr. Fazal Shah Mohmand, Additional Advocate General for the respondents present and produced copy of Notification bearing Endorsement No. 842-48 dated 12.08.2022, wherein it has been held that the appellant is not entitled to be reinstated in service and the order dated 26.05.2012 of the EDO/DEO (F) Dir Lower was maintained with immediate effect.

This Tribunal in its judgment dated 27.10.2021 passed in Service Appeal No. 456/2013 held that the departmental appeal of the appellant shall be deemed to be pending before the concerned appellate Authority and copy of the departmental of the appellant was sent to the concerned Authority with the direction to decide the same strictly in accordance with law/rules within a period of 90 days from receipt of copy of the judgment.

In view of Notification bearing Endorsement No. 842-48 dated 12.08.2022, there is no need for further proceedings in the instant execution petition and the same stands filed. The appellant shall, however be at liberty to seek legal remedy against the Notification dated 12.08.2022 passed by Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar, if he so desires. File be consigned to the record room.

ANNOUNCED

06.04.2023



(Salah-Ud-Din)
Member (Judicial)
Camp Court SWAT



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

NOTIFICATION

1. **Whereas**, on the direction of the then chairman District Development Authority Committee (DDAC) District Dir Lower, an inspection team visited GGPS Qazi Abad District Dir Lower, wherein, the school Chowkidar namely Mr. Gul Badshah was reported as willful absent from his official duty while his duty was being performed by another private person namely Mr. Haleem since long, whereupon, the authority concerned took serious notice & as a result thereof, the chowkidar concerned was removed from service vide office order dated 26/05/2012 after following the due process of law & rules in vogue.
2. **And whereas**, feeling aggrieved the Chowkidar concerned invoked the constitutional jurisdiction under the Article-212 of the Islamic Republic of Pakistan, 1973 through filing Service Appeal No. 456/2013 before the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar, whereby the order dated 26/05/2012 was impugned before the Court which was decided vide Judgement dated 27/10/2021.
3. **And whereas**, vide operative/para-08 of the judgement ibid, the Honorable Court held that *"the Departmental Appeal of the appellant shall be deemed to be pending before the concerned appellate Authority with the direction to decide the same strictly in accordance with law/rules within a period of 90 days from the receipt of copy of this judgement"*.
4. **And whereas**, in compliance of the judgment ibid, the case of the appellant was referred to the Departmental Appellate Committee Meeting held in the committee room of Directorate E&SE on 09-05-2022 at 10:00 AM under the Chairmanship of Worthy Director E&SE. The committee was apprised by the DEO (F) concerned regarding the pro & contra evidence of the case. It was told to the committee that during pendency of the instant court case, DEO (F) Dir Lower has conducted an inquiry in the matter, wherein, the inquiry committee has found that the appellant has never performed his duty rather he had hired the services of one, Mr. Haleem who used to perform the said duty since long. This fact was further endorsed by the PSHT concerned of the school through an affidavit dated 23-10-2014. Hence, after threadbare discussion, the committee has unanimously decided that the appeal of the appellant may be regretted as he is not entitled to be reinstated in service on the grounds of his illegal & unlawful act of impersonation.

Now therefore, in pursuance of the judgment dated 27-10-2021 of the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar, after having gone through the whole case record & consulting with the recommendation of Departmental Appellate Committee meeting, discussed herein above, I, Hafiz Dr. Muhammad Ibrahim Director E&SE being appellate authority in instant case, is of the considered view that the appellant namely Mr. Gul Badshah, Chowkidar GGPS Qazi Abad District Dir Lower is not entitled to be reinstated in service & the order dated 26-05-2012 of the EDO/DEO (F) Dir Lower is hereby maintained with immediate effect in the interest of public service.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.

Endst: No: 248-48

Dated Peshawar the: 12/2/2022

Copy forwarded for information & n/action to the:-

1. Learned Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. Learned AAG Khyber Pakhtunkhwa Service Tribunal Peshawar
3. PA to Additional Secretary (G) E&SE Department Khyber Pakhtunkhwa.
4. District Education Officer DEO (F) Dir Lower.
5. Deputy Director (Legal) E&SE Department Khyber Pakhtunkhwa.
6. Mr. Gul Badshah, Chowkidar GGPS Qazi Abad District Dir Lower.
7. PA to the Director E&SE KPK Peshawar
8. Office copy

DEPUTY DIRECTOR (F & A)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.