

Sr. No.	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1.	2	3
	07.06.2016	<p style="text-align: center;"><u>BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR CAMP COURT, SWAT.</u></p> <p style="text-align: center;">Appeal No. 357/2015</p> <p style="text-align: center;">Latif Ahmad, Versus Government of Khyber Pakhtunkhwa through Secretary, E&SE, Peshawar etc.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-</u></p> <p style="text-align: center;">Appellant with counsel and Mr. Muhammad Zubair, GP for respondents present.</p> <p>2. Latif Ahmad, Ex-SET GHS Lilownia, Shangla hereinafter referred to as the appellant has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.</p> <p>3. Brief facts giving rise to the present appeal are that the appellant was appointed as C.T in the Education Department in the year 1984 and afterwards appointed as SST in the year 2003. That while serving as SST, he was subjected to enquiry on the allegations of absence from duty and vide impugned order dated 01.09.2005 reverted to the post of C.T where-against he preferred departmental appeal which was not responded constraining the appellant to submit several other applications for his adjustment as well as his reinstatement to the post of SET but vide order dated</p>

AS
07.06.16

23.05.2014 his prayer was finally declined constraining him to prefer the instant service appeal.

4. Learned counsel for the appellant argued that the appellant was appointed against the post of SET by initial appointment and as such impugned order of reversion to the post of C.T was defective. That period for reversion to the post of C.T was not specified by the competent authority as required under the provisions of Rule-29 of Fundamental Rules. That the appellant made efforts for his reinstatement to the post of SET but in vain hence the instant service appeal.

5. Learned Government Pleader argued that the appellant was obliged to prefer service appeal within time. That though period for reversion was not specified but the said omission would not annul the impugned orders and that the appeal is therefore liable to be dismissed.

6. We have heard arguments of learned counsel for the appellant and learned Government Pleader for respondents and perused the record.

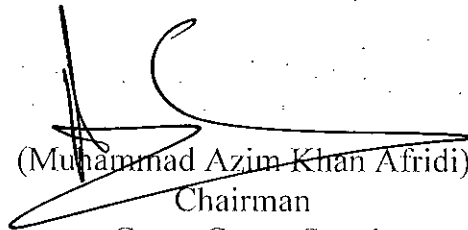
7. It is not disputed that impugned order of reversion was passed in the year, 2005 without specifying therein the period of reversion as mandated by F.R-29. It was also not disputed that appellant was appointed as S.S.T through the process of initial appointment. Without specifying the said period of reversion the impugned order of reversion is

07.06.16

defective warranting interference by this Tribunal without setting aside the same in totality. We, in the circumstances of the case deem it more appropriate to maintain impugned order but specify a period of three years as a period of reversion of the appellant to the post of C.T where-after appellant shall be entitled to reinstatement to his original post of SET. Since the appellant has spent the period w.e.f. 01.09.2005 till date without performing any duty as such the same is treated as leave of the kind due where-after he shall be entitled to all benefits as serving S.S.T on duty. The appeal is disposed in the above terms. Parties are left to bear their own costs. File be consigned to record room.



(Abdul Latif)
Member




(Muhammad Azim Khan Afridi)
Chairman
Camp Court, Swat.

07.06.16

ANNOUNCED
07.06.2016


8.12.2015

Appellant in person and Mr. Bakhat Rawan, ADO alongwith Mr. Amir Qadir, GP for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 4.4.2016 at Camp Court Swat.


Chairman
Camp Court Swat

04.04.2016

Appellant in person and Mr. Anwarul Haq, GP for the respondents present. Due to non-availability of D.B arguments could not be heard. To come up for final hearing before D.B on 07.06.2016 at Camp Court, Swat.


Chairman
Camp court, Swat.

30.04.2015

Appellant Deposited
Security & Process Fee

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as SET (BPS-16) when he applied for leave on 01.04.2005 which was not sanctioned and vide impugned order dated 01.09.2005 appellant was reverted to the post of C.T (BPS-14). That the appellant was not allowed even to performed as CT and after different applications and enquires his departmental appeal was finally rejected vide order dated 23.05.2014 and hence the present service appeal on 20.06.2014.

That the appellant is entitled to serve the department and secure his salary.

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 29.07.2015 before S.B.


Chairman

4 29.07.2015

Appellant in person, M/S Khurshid Khan, SO and Javed Ahmed, Supdt. alongwith Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 05.10.2015 at Camp Court Swat as the matter pertains to the territorial limits of Malakand Division.


Chairman

5.10.2015

Appellant in person and Mr. Bakaht Rawan, ADO alongwith Mr. Muhammad Zubair, Sr. GP for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 8.12.2015 before S.B at Camp Court Swat.


Chairman
Camp Court Swat

Form- A
FORM OF ORDER SHEET

Court of _____


Case No. 357/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	22.04.2015	<p>The appeal of Mr. Latif Ahmad resubmitted today by Mr. Ijaz Anwar Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2	22-4-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>30-4-15</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>


The appeal of Mr. Latif Ahmad resubmitted to-day i.e. on 18.03.2015 is returned again to the appellant/counsel with the remarks that Annexure-A, G and H of the appeal are illegible which may be replaced by legible/better one and resubmit the same within **10** days.

No. 348 /S.T,

DT. 19/3/2015


Registrar
Service Tribunal
Khyber Pakhtunkhwa
Peshawar.

Mr. Sajid Amin Adv. Pesh.

objection No 7 S H is removed please put with
@end 

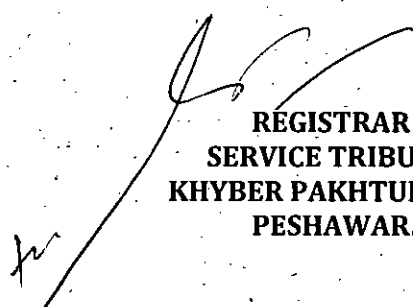
The appeal of Mr. Latif Ahmad SET GHS Lilownia Shangla received today i.e. on 20.06.2014 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of the appeal may be got signed by the appellant.
- 2- Annexures of the appeal may be attested.
- 3- Annexures of the appeal are illegible which may be replaced by legible/better one.
- 4- Wakalat nama is not attached with the appeal which may be placed on it.
- 5- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

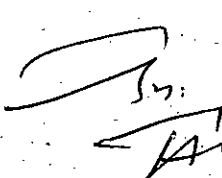
No. 983 /S.T.

Dt. 20/6 /2014.

Mr. Ijaz Anwar Adv. Pesh.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

- 1) Memo of Appeal is signed by the Appellant
- 2) Annexure of the Appeal is Attested
- 3) Objection No 3 is Coerent placed on the Court
- 4) Wakalat Nama is Attached with Appeal
- 5) Objection No 5 is Coerent with Appeal


Sarwat Amin
18/3/15 Adewat

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Appeal No. 357/2015

*Latif Ahmad Ex SET, Govt. High School Lilownia,
Shangla.* (Appellant)

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary
Elementary and Secondary Education, Khyber
Pakhtunkhwa, Peshawar and others. (Respondents)

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Latif Ahmad
Appellant

Through

Ijaz Anwar
IJAZ ANWAR
Advocate Peshawar
&
Sajid Amin
SAJID AMIN
Advocate, Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Appeal No. 357/2014

9/12
20/6/2014

Latif Ahmad SET, Govt. High School Lilownia, Shangla.

(Appellant)

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. Director Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer, Shangla.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the order dated 23/05/2014, whereby the departmental appeal of the appellant against the order dated 01/09/2005, whereby the appellant has been reverted from the post of SST to the post of CT, has been finally rejected, the rejection order dated 23/05/2014 was however, communicated to the appellant on 28/05/2014.

Prayer in Appeal: -

[Signature]
20/6/14

On acceptance of this appeal the orders dated 23/05/2014, and the penalty order dated 01/09/2005, may please be set-aside and the appellant may be re-instated to his original rank with the full back/consequential benefits. The respondents may also be directed to pay monthly salaries to the appellant for the intervening period i.e from 25.03.2005 to till date. Any other remedy deemed just and proper under the circumstances of the case may also be awarded.

re-submitted to-839
and filed.

[Signature]
Registrar

22/14/14

Respectfully Submitted:

1. That the appellant was initially appointed in the department in the year 1984. Thereafter the appellant was also appointed as SST vide order dated 01/09/2003. (Copy of the appointment order dated 01/09/2003 is attached as Annexure A).
2. That it is pertinent to mentioned here ever seen in his appointment appellant had performed his duties as assigned with zeal and devotion.
3. That while serving in the said capacity the appellant applied for earned leave w.e.f. 11/04/2005 to 30/11/2005 vide the application dated 09/04/2005. His application was forwarded to the then DEO Shangla. (Copies of the applications are attached as Annexure B and C).
4. That the application of the appellant was returned with direction to attend the office of the then DEO Shangla vide letter dated 21/04/2005, the appellant duly attend the office and pursued his case. The ADO also submitted the leave admissibility report dated 14/05/2005, thereafter the appellant leave case was forwarded vide the letter dated 16/05/2005. (Copies of the letter dated 21/04/2005, leave admissibility report and forwarded letter dated 16/05/2005 are attached as Annexure D, E and F).
5. That thereafter the then EDO due to some personal grudges submitted a false complaint against the appellant to the Director and upon that complaint the appellant was served with show cause notice which he duly replied. (Copies of the letter dated 10/06/2005, show cause notice and reply to show cause are attached as Annexure G).
6. That without conducting any inquiry the appellant was awarded the penalty of reversion from the post of SST to CT with effect from dated 25/03/2005, vide order dated 01/09/2005. (Copy of the order dated 01/09/2005 is attached as Annexure H).
7. That the appellant submitted his departmental appeal which and also approached the department for his adjustment, however the respondents remained reluctant, they neither adjusted the appellant against his original post nor against the reverted post of C.T. The appellant continuously approached the respondents offices and agitated the matter and also filed different reminders / fresh appeals for justice, however the respondents started unnecessary

correspondences, lastly on one of his appeals an inquiry was also conducted wherein it was admitted that after the reversion, the appellant was not adjusted against the C.T post, the inquiry officer gave certain recommendations. Finally the departmental appeal of the appellant was rejected vide order dated 23.05.2014, copy of the order was however conveyed to the appellant on 28.05.2014. (Copy of the departmental appeal, different correspondences, fresh appeals/ Reminders, inquiry report and rejection order is attached as Annexure I, J, K, L & M)

8. That the impugned orders are illegal unlawful against the law and facts hence liable to be set aside inter alia on the following grounds:

GROUND OF APPEAL:

- A. That the appellant has not been treated in accordance with law, hence his rights secured and guaranteed under the law are badly violated.
- B. That no proper procedure has been followed before awarding the penalty of reduction to lower post to the appellant. The appellant has not been served with any charge sheet nor has any inquiry been conducted. Thus the whole proceedings are defective in the eye of law and are thus liable to be set aside.
- C. That the appellant has not been allowed opportunity of personal hearing before the imposition of major penalty upon him thus he has been condemned unheard.
- D. That the impugned order has been issued under the Removal from Service (Special Powers) Ordinance, 2000, however the procedure prescribed under the said Ordinance has never been adhered to before the imposition of penalty.
- E. That while awarding the penalty of reversion to lower post no period is specified for which the penalty could remained intact, as such the order so issued is against the FR-29.


- F. That the appellant has been awarded the penalty of reversion to lower post with retrospective effect, thus the penalty order is not tenable in the eye of law as no penalty order can be made with retrospective effect.
- G. That the appellant could not be reverted from the Post of SET as he was not promoted but appointed against the Post and as such the order of penalty is illegal and liable to be set aside on this score alone.
- H. That it is also pertinent to mention here that the appellant has not even been adjusted against the post of C.T Post after the imposition of the penalty upon him and has been deprived from his livelihood.
- I. That no inquiry has been conducted before the imposition of penalty of reduction to lower post upon the appellant which is mandatory in case of awarding major penalty.
- J. That the case of the appellant is complete misapplication of law as he has been preceded under the wrong law, thus the whole proceedings are void abinitio.
- K. That the appellant never committed an act or omission which could be termed as misconduct, he never remained absent from duty, he applied for leave and while his leave application was under progress, the then EDO, E& SE, Shangla, due to some personal grudges moved a false and baseless complaint against the appellant and upon the said complaint the appellant was awarded the penalty of reversion to lower post.
- L. That the respondents had also illegally not allowed the appellant to join his duty neither against his post of SET nor against the Post of CT and have also illegally withheld the salary despite the fact that his service are in tact because he has not been terminated or removed from service.
- M. That the appellant is jobless since the imposition of illegal penalty upon him as he was never adjusted even against the post of C.T to which he was reverted.
- N. That the appellant has more than 25 years spotless service career, the penalty imposed upon him is too harsh and liable to be set aside.


- O. That the appellant seeks permission of this Honourable Tribunal to rely on additional grounds at the hearing of the appeal.

It is, therefore, most humbly prayed that On acceptance of this appeal the orders dated 23/05/2014, and the penalty order dated 01/09/2005, may please be set-aside and the appellant may be re-instated to his original Post of SET with the full back/consequential benefits. The respondents may also be directed to pay monthly salaries to the appellant for the intervening period i.e from 25.03.2005 to till date. Any other remedy deemed just and proper under the circumstances of the case may also be awarded.


Appellant

Through


IJAZ ANWAR
Advocate Peshawar
&


SAJID AMIN
Advocate, Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Appeal No. _____/2014

*Latif Ahmad Ex SET, Govt. High School Lilownia,
Shangla.*

(Appellant)

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary
Elementary and Secondary Education, Khyber
Pakhtunkhwa, Peshawar and others

(Respondents)

APPLICATION FOR CONDONATION OF DELAY,
IF ANY IN FILING THE TITLED APPEAL

Respectfully submitted:

1. That the appellant has today filed the accompanied appeal before this honorable tribunal in which no date of hearing is fixed so far.
2. That the applicant prays for condonation of delay if any in filing the instant appeal inter alia on the following grounds:-

GROUND OF APPLICATION

- A. That the appellant throughout agitated the matter before the departmental authority and never remained negligent in perusing his remedy. He submitted different applications and reminders and also made personal visits to the respondents office for the setting aside of the penalty order and for his adjustments he was given verbal assurances. The respondents made different correspondences. Since the departmental appeal of the appellant was under favourable consideration, therefore the appellant under bonafide believe waited for the outcome of the appeal, Lastly the appellant came to know that his departmental appeal has been rejected vide order dated 23.05.2014, which was conveyed to him on 28.05.2014, thereafter the instant appeal has been filed well within 30 days of the communication of the order dated 23.05.2014.

- B. That no proper procedure has been followed before the imposition of penalty upon the appellant. No charge sheet or statement of allegations has been served upon him nor any inquiry has been conducted, the appellant has not been allowed opportunity of personal hearing. Moreover the order of reversion to lower post is also made with retrospective effect and no period is specified with the penalty to be remained intact which is mandatory under the Fundamental Rule 29, besides the appellant was appointed against the post of SET, therefore under the law his reversion from that post was not legally implementable. Thus the whole proceedings as well as the order of penalty is illegal and void ab initio and no limitation run against such an illegal and void order.
- C. That valuable rights of the appellant are involved in the instant case in the instant case, hence the delay if any in filing the instant case deserves to be condoned.
- D. That the delay if any in filing the instant appeal was not willful hence deserves to be condoned.
- E. That it has been the consistent view of the Superior Courts that causes should be decided on merit rather than technicalities including limitation. The same is reported in 2014 PLC (CS) 1014 2003 PLC (CS) 769.

It is therefore humbly prayed that on acceptance of this application the delay if any in filing the instant appeal may please be condoned.

Through

Ijaz Anwar
Applicant

Ijaz Anwar
IJAZ ANWAR

Advocate Peshawar

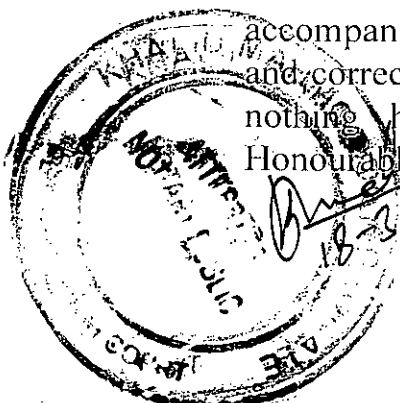
&

Sajid Amin
SAJID AMIN

Advocate, Peshawar

AFFIDAVIT

I, Latif Ahmad Ex SET, Govt. High School Lilownia, Shangla, do hereby solemnly affirm and declare on oath that the contents of the above noted appeal as well as accompanied application for condonation of delay are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.



Latif Ahmad
Deponent

(8)

JAMES: A

DIRECTORATE OF SCHOOLS AND LITERACY NWFP PESHAWAR

ORDER.

Consequent upon acceptance of appeals and reallocation of merit position, weightage, score by the **Scrutiny Committee** and on the recommendation/selection by the Departmental Selection Committee, the Director Schools & Literacy NWFP Peshawar has been pleased to appoint the following S.E.Ts/Appellants (General/Science) in EPS-16 on **Regular Basis**, (Rs. 3805-295-1265) plus usual allowances as admissible under the rules and posted in the schools as noted against their names with immediate effect. However their seniority will be reckoned with effect from **1.9.2003** subject to the terms and conditions mentioned below:

S#	Zone	Name	Father's Name	Address	Locality	Plant of Posting	Remarks
1	II	Hakim Ahmad	Hameed Khan	CT GHS Dera No 1 Malakand	Malakand	SET (G) GHS Rotti Nowshera	Vacant post
2	II	Muhammad Amin	Muhammad Rafiq	PTC GHS B.F. Label Kundala Swat	Swat	SET (Sc) GHSS Khanabad Nowshera	Vacant post
3	III	Abdul Akber Khan	Sher Zai	CT GMS Ghawara Handa Samar Bagh Dii Lower	Dii Lower	SET (Sc) GHS Myan Dii Lower	Vacant post
4	III	Laili Ahmad	Jamshid Din	CT GHS No 1 Mangora Swat	Swat	SET (G) GMS Farday Shingla	Vacant post
5	IV	Muhammad Rauf	Khan Muhammad	CT GHS Takhi Naran Karak	Karak	SET (G) GMS Hanguti	Vacant post
6	IV	Muhammad Azim	Muhammad Akram	CT GHS Mullazar Tank	Tank	SET (G) GHS Sheikh Tank	Vacant post
7	V	Mehraban Khan	Shandar Khan	CT GHS Bar Gah Haripur	Haripur	SET (G) GHS Barcela Haripur	Vacant post
8	V	Muhammad Nawaz	Abdul Qadir	CT GMS Chachan Manshra	Manshra	SET (G) GHS Darband Oghi Manshra	Vacant post
9	V	Shah Abdul Qadir	Shah Abdul Aziz	CT GHS Baidera Manshra	Manshra	SET (G) GHS Lissan Nawab Manshra	Vacant post

TERMS AND CONDITIONS OF THEIR APPOINTMENTS.

- They will be governed by such rules and regulations as may be prescribed from time to time by the Govt. for the category of the Govt. servants to which they belong.
- Their services will be liable to be terminated on one month's notice from either side. In case of resignation without notice one month pay will be forfeited in lieu thereof.
- They will take over charge within **One month**.
- Their inter-se-seniority will be determined in accordance with the merit fixed by the Departmental Selection Committee.
- They shall be on probation for a period of two years.
- They shall be required to furnish copies of all their certificates/degrees along with the original receipts and photo copies thereof pertaining to the verification fee of the concerned examining bodies (Board/University) to the EDO (Schools & Literacy)/AEO (Edu.) concerned. The latter shall arrange verification of all the certificates/degrees of the appointee of their respective District/Agency and will issue a clearance certificate to each appointee for the release of her pay. Her pay bill should not be submitted to the Accounts Office concerned before verification of all certificates/degrees from the concerned institution of each candidate.
- The Heads of the Institution/DDO must check the service books of the in-service teachers before handing over charge to them.
- Compliance report regarding taking over charge by the appointee within stipulated period should be submitted to this Directorate after **15.10.2003**.
- The Service of newly appointees should be checked whether they had been working on contract or regular basis before their appointment as SET. In case the in-service teacher working on contract basis and appointed on regular basis against SET post by virtue of this appointment, their order will be revised and they will be appointed on contract basis. The EDO (SBL) concerned should immediately inform the Director Schools & Literacy NWFP in this respect.
- No TA/DA etc. is allowed.
- Charge reports should be submitted (in duplicate) to all concerned.

S/No 4 place of posting may be read as GHS Barak Kot (Chagla) in stead of GHS Karky (Chagla)

(MUHAMMAD JAMSHED KHAN TANOLI)
DIRECTOR SCHOOLS & LITERACY
NWFP PESHAWAR

DEPUTY DIRECTOR (SBL)
Schools & Literacy
N.W.F.P. Peshawar

[Handwritten signature]

DIRECTORATE OF SCHOOLS AND LITERACY NWFP PESHAWAR

ORDER

Consequent upon acceptance of appeals and reallocation of merit position weightage, score by the scrutiny Committee and on the recommendation/selection by the Departmental Selection Committee, the Director Schools & Literacy NWFP Peshawar has been pleased to appoint the following S.E.Ts/Appellants (General Sciences) on the in BPS-10 on Regular Basis. (Rs.3805-205-12655) plus usual allowance as admissible under the rules and posted in the School as noted against ~~names~~ their names with immediate effect. However their seniority will be mentioned below :-

S.No.;	Name	Father's Name	Address;	Dom. Place of	Remarks
				file. posting	
1-	Bashir Ahmed Mehd Rafiq		CT GHS Malakand	Mardan. SET GHS Nowshera	: Vacant Post
2-	Mehd Amin Mehd Rafiq		PTC GHS Bafa Khel Swabi	Swabi SET GHS Nowshera.	: Vacant Post
3-	Abdul Akber Khan	Sher Zar	CT GMS High School Dir Lower	Dir Lower SET GHS Mayar Dir.	: Vacant Post
4-	Latif Ahmed Jamaluddin		CT GHS Mingora Swat.	Swat. SET CT Shangla	: Vacant Post.
5-	Mehd Rauf Khan Mehd		CT GHS Karak.	Karak SET GHS Hangu	: Vacant Post.
6-	Mehd Amin Mehd Akram		CT GHS MullaZai Tank	Tank SET GHS Tank	: Vacant Post,
77	Meharban Khan Shandar		CT GHS Khan. Harripur.	Haripur SET (G) GHS Haripur	: Vacant Post.
8-	Mehd Nawaz Abdul Qadir		CT GHS Manshera.	Manshera SET (G) GHS Manshera.	: Vacant Post
9-	Shah Abdul Qadir	Shah Ahmed Aziz	CT GHS Manshera.	Manshera. GHS Manshera.	: Vacant Post.

TERMS AND CONDITIONS OF THEIR APPOINTMENT.

- 1- They will be governed by such rules and regulations as as may be prescribed from time to time by the Govt. for the category of the Govt; servants to which they belong.

- 2- Their services will be liable to be terminated on the one month notice from either side. In case of resignation without notice one month pay will be forfeited in lieu thereof.
- 3- They will take over charge within one Month.
- 4- Their inter se seniority will be determined on acceptance of the with the merit fixed by the Departmental Selection Committee.
- 5- They shall be on probation for a period of two years.
- 6- They will be required to furnish copies of all their certificates/degrees along with the original.
- 7- receipt and photo copies thereof pertaining to the verification fee of the concerned examiner bodies (Board/University) to the BDO (Schools & Literacy/AEO (Edu); concerned. The inter shall arrange verification of the certificate/degrees of the appointee of their respective District/Agency and will issue a clearance certificate in each appointee for the release of her pay. Her pay bill should not be submitted to the Accounts Officer concerned before verification of all certificate/degrees from the concerned institution of each candidate.
- 7- The Heads of the institution/DDO must check the service books of service teachers before handing over charge to them.
- 8- Certificate report regarding taking over charge by the appointee within stipulated period should be submitted to the institution/DDO Directorate after 15-10-2003.
- 9- The service of newly appointees should be checked whether they had been working on contract of regular basis before their appointment of post by post of virtue of this appointment their order will be revised and their confined under the this report.
- 10- No TA BA etc is allowed.
- 11- Charge reports should be submitted (in duplicate) to the undersigned.

(MUHAMMAD JAMSHED KHAN TANOLI)
DIRECTOR SCHOOLS & LITERACY
NWFP PESHAWAR.

No. 151/A-14/SETs (M&F) Appointments/2003/OSL/AD (Estt-1)

Endst No. 2395-446

Dated Peshawar the 16/9/2003

Copy forwarded for information and necessary action to the

- 1 Minister for Education NWFP.
- 2 Secretary to Govt of NWFP Schools & Literacy Department Peshawar.
- 3 Accountant General NWFP Peshawar.
- 4 Director of Education (FAIA) NWFP Peshawar.
- 5 Director Curriculum and Teachers Education NWFP Abbottabad.
- 6 Executive District Officers (S&L) of the Zone concerned.
- 7 District Accounts Officers concerned.
- 8 Section Officer (Schools) Govt of NWFP Schools & Literacy Department Peshawar by letter No. 1-47/2000. SS(M) dated 03.09.2002.
- 9 Section Officer (General) Govt of NWFP Schools & Literacy Department Peshawar by letter No. 1-47/2003 dated 27.6.2003.
- 10 Principals/Head Masters concerned.
- 11 Candidates concerned.
- 12 PA to Director Schools & Literacy NWFP Peshawar.

(JAMSHED KHAN)
DEPUTY DIRECTOR ESTAB:
DIRECTOR SCHOOLS & LITERACY
NWFP PESHAWAR

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Better Copy P / 9

No.151/A-14/SETs (M&P) Appointments /2003 /DSL/AD (Estt:)-I)

Endst: No. 2395-446

Dated the 6-9-2003.

Copy forwarded for information and necessary action to the

- 1- Minister for Education WFP.
- 2- Secretary to Govt: of WFP Schools & Literacy Department
- 3- Accountant General WFP Peshawar.
- 4- Director of Education (FATA) WFP Peshawar.
- 5- Director Certificate Curricular Teachers Education WFP, Abbottabad.
- 6- Executive District Officer (S&L) of Fene
- 7- District Accounts Officer concerned.
- 8- Section Officer (Schools) Govt: of WFP School.
- 9- Section Officer (General) Govt: of WFP Schools
- 10- Principal/Head Masters concerned.
- 11- Candidates concerned.
- 12- PA to Director Schools & Literacy WFP, Peshawar.

(JAMSHED KHAN TANGLI
DIRECTOR SCHOOLS & LITERACY
WFP PESHAWAR.

10

Executive Distt. Officer,
(SBL) Deptt. Distt. Shangla.

9/1
637
9/4/05
ARRIVED: B

Through: proper channel.

Subject: E-Leave W.E.F 11/4/05 to 30/11/05 (234 days)

Dear Sir,

Respectfully I beg to say that I have engaged my home construction & thus have no one else to look after the construction work.

Returned with the remarks that complete case may be submitted. It is - therefore requested to kindly op.

me E/Leave W.E.F 11/4/05 to 30/11/05 (234 days) on the

& obliged.

No 1134 dated 9-8-2005

Forwarded in original to D.O (M) (SBL) Shangla for n/action and with the remarks that no substitute may please be provided to the school.

A.D.O. (M) to the school
PRINCIPAL
Govt. High School,
Lahoran, Distt. Shangla.

Thanks,
your obedient,
LATIF AHMAD
SET
GHS Unowni
Distt. Shangla.

DT 1/4/05
Aly

P.T.O

The revised leave rules

D.A.D. SHANGLA

14/5/05 (F) Mr

Amir: C

شماره نمبر 1133 تاریخ 9-4-05

37
مجانہ - ریجنل گورنمنٹ ہائی سکول لیلوئی ضلع شالنگلہ -

مجانہ - ضلع ڈیرہ گھاٹا (سکول اینڈ لائبریری) ضلع شالنگلہ -

عنوان :- لطیف احمد SBT ہائی سکول لیلوئی ڈھاکہ فرسٹ ایئر

ضلع غازی پور

سورنامہ گزرتی ہے کہ مسی لطیف احمد SET جس کا سال ہائی سکول

لیلوئی میں ایڈجسٹمنٹ ہوا ہے۔ سرکارہ مدرسہ 25/03/05 سے مسلسل لکچر

الطبع یا جھگی کے غیر فائنل ہے۔ جو سرکارہ استاد اینڈ ریسرچ ڈپارٹمنٹ

لکھنات سے جسکی غیر فائنل کی وجہ سے سکول اور بچوں کا وقت بڑی طرح

تباہ ہو رہا ہے۔ یہ سب معلوم ہوا ہے کہ سرکارہ مدرسہ Long term سے کاراردہ لکھنات

لہذا آج کی خدمت میں شہری الطبع ری جانے ہے کہ سرکارہ

مدرسہ کے جانے کو دوسرا SET مدرسہ کی تیارے کا انتظام کیا جائے تاکہ

بچوں کا وقت ضائع ہونے سے بچایا جاسکے۔ فقط۔

9/4/05
J. M. [Signature]

SE(m/f)
Put up on file
immediately
9/4/05

Compliment despatched to
Director S&L vide No. 8394 Dtd 10/4/05

Attest
[Signature]

(E) E

No. 5472

date 21/4/05

Annex: D

12

The application is returned with the remarks that the applicants may please be inform to attend the office of EDO (S&L) in order to consider his case through DAO, Shangla as leave admissibility report from the DAO should be confirmed.

District Officer,
Education (Male)
Distt: Shangla NWFP

R/Sir, In compliance with the order of D.O (M/E) Education of Mr. Latif Ahmad, SET CHS-Lidounai is attended the office of EDO (S&L) Shangla today on 14/5/05 and discuss the case with the Incharge EDO (S&L) Shangla. Leave admissibility report obtained from the DAO, Shangla, which enclosed herewith.

If there fore, requested to process my leave case further n/a, please.

H/Master CHS-Lidounai

Latif Ahmad
SET CHS-Lidounai
14/5/05

Allego

(13)

ANNEX - E

APPLICATION FOR LEAVE

Notes:- Item 1 to 9 must be filled in by all applicants. Item 12 applies only in the case of Government servants of B.P.S. 15 and above.

1. Name of applicant. LATIF-AHMAD

2. Leave Rules applicable. 1981

3. Post held. SET

4. Department or Office. GHS Lit.

5. Pay. Rs =

6. House Rent Allowance/Conveyance Allowance or other compensatory allowance drawn in the present post. NO

7. (a) Nature of leave applied for. E/Leave on half pay

(b) Period of leave in days. 11/4/05 To 30/11/05 (234 days)

(c) Date of commencement. 11/4/05

8. Particular Rule/Rules under which leave is admissible.

9. (a) Date of return from last leave. 1/12/04

(b) Nature of leave. E/Leave on half pay

(c) Period of leave in days. (233 days)

Date. 31/3/05

Signature [Signature] 31/3/05 (SET)

10. Remarks recommendation of the Controlling Officer.

11. Certified that leave applied for is admissible under Rule and necessary conditions are fulfilled.

Date

Signature [Signature] 9/4/05

12. Report of Audit Officer.

Date

Signature Designation

13. Orders of the sanctioning authority certifying that on the expiry of leave the applicant is likely to the same post carrying the compensatory being drawn by him.

AD Date 19.5.05 Date 14/5/05
Certified that the above named officer has sufficient balance of leave on his credit according to revised leave rules 1981.

D.A.O. SHANGLA

Signature [Signature] 14/5/05

Signature [Signature] 14/5/05

AMS
[Signature]

14

Amir F

No: 1148 /:P:F

Date: 16-5- /2005

To

The District Officer
Education (M) Distt:Shangla.

Subject: LEAVE CASE IN R/O LATIF AHMAD SET.

Memo:

Reference your Office memo No:5472 dat;21/4/05
on the subject noted above. The Leave case in r/o
Mr:Latif Ahmad SET is hereby submitted after doing
the needful for further n/action please.

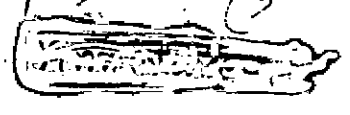
[Signature]
PRINCIPAL
Govt: High School, 16/5
Lilownai Distt: Shangla

[Handwritten signature]

15

APR 9 928

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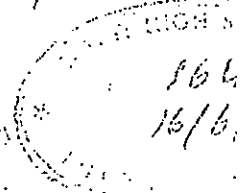
OFFICE OF THE EXECUTIVE DISTRICT OFFICER SCHOOLS & LITERACY SHANGLA

Handwritten notes: No. 8378-98, To: 10/05

Dated 10/05/2005

The Director,
Schools & Literacy N.W.F.P. Peshawar.

P.F.



Subject: REPORT AGAINST MR. LATIF AHMAD SET GHIS LILOWNAI

Memo:

It is submitted for your kind information that one Mr. Latif Ahmad c/o District Swat was promoted as SET and was posted in the GHS Bazar Kot District Shangla w.e.f. 16/09/03.

He never took interest in his duty and always made lame excuses in this respect. He got sanctioned his earned leave w.e.f. 12/04/2003 to 30/04/04 (73 days) vide your office order Endost. No. 4013-16 dated 27/09/2004.

The teacher under reference was adjusted in GHS Lilownai on expiry of his leave vide this office order No. 4025 dated 01/03/2005 on proper approval of the DCO, Shangla.

The teacher has again left his school w.e.f. 25/03/2005 without information to the concerned authorities and still remained away out of his duty station illegally.

Now, it has been disclosed that the teacher under reference has been working as Director in a NGO named P.P.C. Swat since long which is a serious irregularity and against the rules.

It is therefore, requested that the teacher may be kept on disciplinary proceeding under efficiency and disciplinary rules 1973 and special power ordinance for removal from service, 2000 as soon as possible, so that drastic action against such a work shirkers teacher can be made possible and precious time of the students may be secured by early replacing of the teacher, please.

EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY SHANGLA

Endost. No. 8375-98 / -

Copy of the above if forwarded for information to: -

- 1. The Chief Secretary N.W.F.P. Peshawar.
- 2. The Secretary Schools & Literacy Department N.W.F.P. Peshawar.
- 3. The District Coordination Officer District Shangla.
- 4. The Principal GHS Lilownai District Shangla w.e.f. Memo No. 1133 dated 09/04/2005

Handwritten signature and initials.

EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY SHANGLA

Handwritten signature at the bottom left.



OFFICE OF THE EXECUTIVE DIRECTOR OFFICER SCHOOLS & LITERACY
SHANGLA.

No. 8394

Dated 10/5/2003.

To

The Director,
Schools & Literacy, WFP, Peshawar.

Subject:- REPORT AGAINST MR. LATIF AHMED. WFP

Memo:

It is submitted for your kind information that
one Mr. Latif Ahmed WFP was promoted as SET and was
posted in the GMS Mardan District Shangla

16/09/03-

He never took charge interest to his duty and
always without sanctioned his earned leave w.e.f. 12/04/2003
to 30/4/2003 and under your order No. 4013-16 dated
27/09/2004.

The teacher under reference was adjusted in BPS lowara
vide this office order No. 4025 dated 01/3/2005 on
proper approval of the DCO Shangla.

The teacher has again left his school w.e.f. 25/03/2005
without information to the concerned authorities and still
remained away out of his duty illegally.

Now it has been disclosed that the teacher under
reference has been working as Director NGO named P.P.C.
what since long which is in service irregularity and
against the rules.

It is therefore requested that the teacher may be kept
on disciplinary proceeding under efficiency and disciplinary
rules 1973 and special power ordinance for removal
from service 2000 as soon as possible so that drastic action
such a work shirkers teacher can be made possible and
precious time of the students may be secured by early
replacing of the teacher please.

EXECUTIVE DIRECTOR OFFICER
SCHOOLS AND LITERACY SHANGLA .

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OFFICE OF THE EXECUTIVE DISTRICT OFFICER SCHOOLS & LITERACY SHANGLA

No. 10368 /

Dated 01/08/2005

To

Mr. Latif Ahmad S/O Jalaluddin,
Mahla Bar Kalay Saidu Sharf, Swat
S.E.T. GHS Lilownai District Shangla.

Subject: - SHOWCASE NOTICE

Memo: -

Reference to the Director Schools & Literacy NWFP, Peshawar office Endst. No. 5053/F. No. A-10 SET (M) Swat/Shangla Dated 13/07/2005 on the subject captioned cited above.

The attached showcase notice in duplicate is being sent to be served on you according to the direction of the Director Schools & Literacy Department NWFP, Peshawar.

Please acknowledge receipt on the duplicate copy and reply may be sent to the quarter concerned within seven days of its delivery positively.

[Signature]
EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY SHANGLA.

Endst: No. _____

Copy for information to the Director Schools & Literacy NWFP, Peshawar.

EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY SHANGLA

Received
Latif Ahmad
2/8/05

[Signature]

(I)

To,

The Director
School & Literacy Deptt:
NWFP Peshawar

17

Subject:

Show Cause Notice

Dear Sir,

Reference to your show cause Notice through EDO Shangla Vide his memo No 10368 Dated 01/8/05, I submitted the following explanation

1) I had performed my duty ~~upto~~ 09/04/05 at Govt High School Lilawnai and applied for Earn leave through Principal GHS Lilawnai Vide his memo No 1134 Dated 09/03/2005 (Application Attached) EDO (S&L) Shangla returned my leave application Vide his memo No 5472 Dated 01/04/05 through Principal GHS Lilawnai with advised to attend the EDO Office regarding leave case and confirm the leave admissibility report from DAO Shangla.

In the light of the above advise I attend the EDO Office on 14/05/05 and discussed my leave case with District Officer (S&L) Shangla and obtained & confirmed leave admissibility from DAO Shangla Vide his memo No 1955 Dated 14/05/05.

Through Principal GHS Lilawnai I re-submitted my leave case for further proceeding to EDO Shangla. But the concerned Officer did not forwarded leave application/ case to the competent authority and used delaying tactics which is against justice. The EDO (S&L) declared me absent from duty and the leave case was not proceeded according to the rule.

2) PPC (Public Private Collaboration for Education) Community Development Council up-graded the Govt Schools & started PPC Colleges at second shift with the collaboration of Education Deptt: the Council appointed Teaching Staff for this purpose and I am not the part of that teaching Staff in any capacity, however I am a member of the Board of Director which is Voluntary Body of the Council.

In the light of the above facts it is there fore requested to your honor office to kindly consider my leave Case & withdraw my show cause notice in the best interest of my future/ life.

As directed
Liaqat Ali Khan 5/8/05
SET GHS Lilawnai
District Shangla.

DDCE
Enamine

d by
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5/8/05

As directed
5/8/05
50808
Shangla

(J)

Attenu
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(18) JAWED M

OFFICE OF THE DIRECTOR SCHOOLS & LITERACY N.W.F.P. PESHAWAR

NOTIFICATION

WHEREAS Mr. Latif Ahmad SET, GHS Lilawani was proceeded under NWFP Removal From Service (Special Power) Ordinance-2000 for the charges mentioned in the show cause notice dated 8-7-2005.

2- The accused officer submitted his reply to the said show cause notice which is not convincing/un-satisfactory.

3- AND WHEREAS, the Director Schools & Literacy N.W.F.P. Peshawar Competent Authority after having considered the evidence on record and explanation of the accused officer is of the view that the charges leveled against him in the aforementioned show cause notice are proved.

4- NOW, THEREFORE, in exercise of the powers conferred by the NWFP Removal From Service (Special Power) Ordinance-2000, the Competent Authority/ Director Schools & Literacy N.W.F.P. Peshawar, makes the order of REVERSION the above named teacher to his original post of CT with effect from 25-3-2005.

(FAZLI MANAN)
DIRECTOR

Endst.No. 133-28 /F.No.A-14/SET(M)Shangla/Swat/Charge Sheet

Dated Peshawar the 19 / 2005.

- Copy of the above is forwarded for information and necessary action to the:-
- 1- * Executive District Officer (S&L) Shangla with the remarks to adjust the above named teacher against vacant CT post.
 - 2- District Account Officer Shangla.
 - 3- Mr. Latif Ahmad SET, GHS Lilawani District Shangla,
 - 4- PS to Secretary to Govt. of NWFP Schools & Literacy Department Peshawar.
 - 5- PA to Director Schools & Literacy NWFP, Local Office.
 - 6- Master File.

DL (M.A.F)

Put up on file for further processing.

Bigg
05

[Signature]
 SYED MANZAR JAN SAJJID
 DEPUTY DIRECTOR (ESTABLISHMENT)
 SCHOOLS & LITERACY N.W.F.P. PESHAWAR

26/8/05

[Signature]

(K)

OFFICE OF THE DIRECTOR SCHOOLS & LITERACY NWFP PESHAWAR.

NOTIFICATION

WHEREAS MR. Latif Ahmed SET, GHS Litawani was proceeded under NWFP Removal From Service (Special Power) Ordinance-2000 for the charges mentioned in the show cause notice dated 8-772005.

2- The accused officer submitted his reply to the said show cause notice which is not convincing/un-satisfactory.

3- AND WHEREAS, the Director Schools & Literacy N.W.F.P Peshawar Competent Authority after having considered the evidence on record and explanation of the accused officer is of the view that the charges leveled against him in the aforementioned show cause notice are proved.

4- NOW, THEREFORE, in exercise of the powers conferred by the NWFP Removal From Service (Special Power) Ordinance-2000 the Competent Authority Director Schools & Literacy N.W.F.P. Peshawar makes the order of REVERSION the above named teacher to his original post of CT with effect from 25-3-2005.

(BAZLI MANAN)

DIRECTOR

Endst No. 133-38 F.No. A-14/SET(M) Shangla/Swat/Charge Sheet
Dated Peshwar the 1-9-2005

Copy of the above is forwarded for information and necessary action to the :-

- 1- Executive District Officer (S&L) Shangla with the remarks to adjust the above named teacher against vacant CT Post.
- 2- District Account Officer Shangla.
- 3- Mr. Latif Ahmad SET GHS Litawani District Shangla.
- 4- PS to Secretary to Divt of NWFP Schools & Literacy Department, Peshawar.
- 5- PA to Director Schools & Literacy Department Peshawar.
- 6- Master File.

(SYED MANZAR JAN SAJID
DEPUTY DIRECTOR (ESTABLISHMENT)
SCHOOLS & LITERACY NWFP PESHAWAR.

قابل احترام جناب سکریٹری صاحبہ علامہ اعلیٰ مدرسہ اسلامیہ
(15)

عنوان: اپیل SET پوسٹ سے C.T پوسٹ پر Demotion
Annex: - I

جناب عالی:

آداب و گزارش یہ ہے۔ کہ میں جسٹس SET پوسٹ گورنمنٹ ہائی سکول بیلوٹن ضلع شانگلہ میں ایٹا فرالین سنہ ۱۹۸۱ء و ۲۰۰۰ء کے درمیان میں ججہ ذاتی معرعات اور مجبوریوں کی وجہ سے ۹/۳/۲۰۰۵ء پر EDO شانگلہ کو (E.D.O. Shan) کا در خواست دیا۔ لیکن EDO میرا درخواست Forward کرانے میں مثال سے کام لیتا رہا۔ میرا بار بار گزارشات کے باوجود وہ مثال رہا۔ اور یہی اس سلسلے میں مجھے زبانی یا تحریری مطہین کیا گیا۔ بعد میں EDO Shan نے میرا فلائٹے بنیاد الزامات لگائیں۔ جس نے بنیاد پر ڈائریکٹر صاحب نے مجھے Show Cause Notice (SCN) دیا۔ جس کا میں نے تفعیلی جواب بروقت دیا اور اس سلسلے میں مجھے اب تک کوئی تحریری جواب موصول نہیں ہوا ہے۔ بلکہ مجھے معلوم ہوا ہے کہ EDO Shan نے ساریز کر کے ڈائریکٹر صاحب نے میرا فلائٹے کی طرف کارروائی عمل میں لائی ہے۔ اور میرا SET پوسٹ پر C.T پوسٹ پر (Demotion) کیا گیا ہے۔ جو کہ سراسر ظلم اور انصاف کے خلاف ہے۔

جناب عالی: میرا فلائٹے کوئی ٹھوس ثبوت فراہم کیا گیا ہے۔ نہیں کوئی باقاعدگی انداز میں کی گئی ہے۔ اور نہ ہی مجھے صفائی کا موقع فراہم کیا گیا ہے۔ بلکہ ایک فرد واحد کے ذاتی رائے سے میرا فلائٹے کی طرف کارروائی عمل میں لائی گئی ہے۔ اس لیے آپ صاحبان میرا کر کے بنیاد الزامات کی تحت تمام قسم کے کارروائی ختم کیا جائے۔ اور میرا لیو کے منتظر رہا کے احکامات متعلقہ آفیسران کو جاری کیا جائے۔ تو تمام محمد جاگوہ رسوینٹا۔

OFFICE OF SETS
Schools & Literacy Deptt.
SPP
2376
5/19/05
GHS Lalamai Distt Shanگلہ.
Deputy Secretary
Diary No. 1530
Dated 28/01/05

Admission

(20)

AMED: J. (10)

GOVERNMENT OF NWFP
SCHOOLS & LIT: DEPTT:

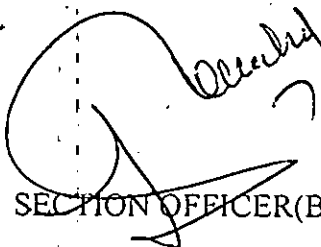
No. SO (B & A)/2-7/Application,
Dated Peshawar, the 15.11.2005.

To

The Director Schools & Literacy NWFP,
Peshawar.

Subject:- APPEAL FOR THE CANCELLATION OF REVERION ORDER.

Please refer to the subject noted above and to enclose herewith a copy of appeal in respect of Mr.Latif Ahmed SET Government High School Lilawnail District Shangla is sent herewith for your comments.


SECTION OFFICER(B&A)

Encl: As above.



Government of Khyber Pakhtunkhwa
Elementary & Secondary Education Department

No. SOG/E&SE/1-22/2013
Dated Peshawar the 02/08/2013

To

The Director,
E&SE Khyber Pakhtunkhwa,
Peshawar.

Subject: - APPEAL FOR JUSTICE.

I am directed to refer to the subject noted above and to enclose herewith a copy of letter No. PS/MIN/SCT&M/1-10/2013 dated 23.07.2013 along with its enclosures, received from Private Secretary to Minister for Sports, Culture, Tourism & Museum, Khyber Pakhtunkhwa, Peshawar, which is self-explanatory.

It is requested that further necessary action in the matter may be taken as per rules and policy under intimation to all concerned.

Encl: As above.

Section Officer (General)

Endst: No. & date even.

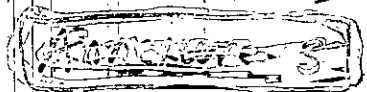
Copy forwarded to:

1. Private Secretary to Minister for Sports, Culture, Tourism & Museum, Khyber Pakhtunkhwa, Peshawar w/r to his letter cited above.
2. P.S to Secretary, E&SE Department.
3. P.A to Additional Secretary, E&SE Department.

Section Officer (General)

Handwritten signature/initials

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7/2/13



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2-4-13

Directorate of Elementary & Secy: Education
Khyber Pakhtunkhwa Peshawar

No. 2521 / F.No. 17/SST (M) Complaint/Shangla.
Dated Peshawar the 26/08/2013

To

The District Education Officer,
(Male) Shangla.

Subject: - APPEAL FOR JUSTICE.

Memo:

I am directed to enclose here with a copy of letter No. SGG/E&SE/1-22/2013 dated 02-08-2013 along with its enclosures in respect Mr. Latif Ahmad SST GHS Lilownai District Shangla on the subject cited above with the remarks to submit your comments/view in the light of attached appeal to this office immediately for further necessary action.

Deputy Director (Estb)
Elementary & Secondary Education
Khyber Pakhtunkhwa

Endst: No. _____

Copy of the above is to:-

1. Section Officer (General) E&SE Department w/r to his letter no. cited above.
2. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.

Deputy Director (Estb)
Elementary & Secondary Education
Khyber Pakhtunkhwa

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**OFFICE OF THE
DISTRICT EDUCATION OFFICER
EDUCATION DEPARTMENT SHANGLA**

ACT NO. (0996) 850639, 851108- FAX #0996 851108

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NO. 5635 IP-FIB

DATED: 14/09/2013.

To

The Director,
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.

Subject:-

APPEAL FOR JUSTICE

Memo:

Kindly refer to your letter No.2584/F.No.17/SST (M) / complaint / SH , dated 26-8-2013 on the subject cited above.

A detail report in the subject case is as under:

1. Mr. Latif Ahmad SST was applied for the grant of earned leave on half pay w.e.f 12-4-2004 to 30-11-2004 (233 days) and the case was sent to your office vide this office letter No.3679/A.12/ Latif Ahmad SET dated 20-7-2004 attached vide (annexure A).
2. The Said leave was sanctioned vide sanction No.4013-17/file No.67 / dated 27-9-2004 attached vide (Annexure B).
3. On the expiry of the said leave, the Ex.SET was adjusted at GMS Dawoot for the purpose of pay w.e.f 1-12-2004 to 3-1-2004 and permanent adjusted at GHS Lilownai on the vacant post of SET w.e.f 4-1-2004 vide (Annexure C).
4. Later on , the Head Master GHS Lilownai had submitted his absenteeism report w.e.f 25-3-2005, stated that the teacher concerned has left the school duty without any information / prior permission which was properly submitted to your office by this office as well as by the District Coordination officer shangla vide (Annexure D).

But in the meanwhile another application for the grant of earned leave on half pay was also received on 16-5-2005 in a belated stage two months late (of the submission of absenteeism report to your good self).

5. In a result of the said absenteeism report, your office has issued show cause notice to the absentee concerned which was properly served up on the Ex.SET concerned (personally received on the body of show cause notice vide (Annexure E).

It is further clarified that due to non-submission of timely reply of the showcase notice, your good office had reverted the Ex.SET concerned to the post of CT vide Annexure (F). but was remained absent neither applied for adjustment as CT nor submitted appeal in his reversion case at that time to the competent authority (according to the record of this office).

So, in the light of the above mentioned facts, it is impossible to re-instate the appellant on the post of CT / SST. However , the case is submitted for further order / guidance please.


DISTRICT EDUCATION OFFICER
SHANGLA

Endst: No. 5636

Copy of the above is forwarded to

1. The Section Officer-General EGSE Department Khyber Pakhtunkhwa Peshawar.


DISTRICT EDUCATION OFFICER
SHANGLA

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Directorate of Elementary & Secy: Education
Khyber Pakhtunkhwa Peshawar

No. 7404 / F.No: 17/SST (M) Complaint/Shangla
Dated Peshawar the 31/10 2013

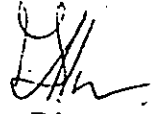
To

The District Education Officer,
(Male) Shangla.

Subject: - APPEAL FOR JUSTICE

Memo:

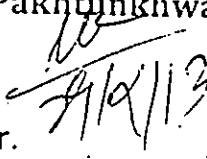
I am directed to refer to your letter No. 5635 dated 14-09-2013 on the subject cited above and to ask you to submit a copy of adjustment as CT in respect of Latif Ahmad EX SST GHS Lilawani after his reversion to CT post notification issued vide this office No. 133-38 dated 01-09-2005 at an early date so as to further proceed into the matter.

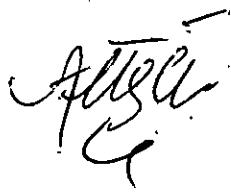

Deputy Director (Estb;)
Elementary & Secondary Education
Khyber Pakhtunkhwa

Endst: No. _____

Copy of the above is to:-

1. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.


Deputy Director (Estb;)
Elementary & Secondary Education
Khyber Pakhtunkhwa



Registered



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Directorate of Elementary & Secy: Education
Khyber Pakhtunkhwa, Peshawar
No. 3091/F.No. 17/SST (M) Comp./Shangla.

Dated Peshawar the 20/11/2013

To

Mr. Dilawar Khan Principal,
Govt. High School Mingawara District Swat.

Subject: - APPEAL FOR JUSTICE/ENQUIRY.

Memo:

I am directed to refer to the subject cited above and to enclose here with a copy of an appeal in respect of Mr. Latif Ahmad Ex SST GHS Lilawani District Shangla along with other relevant documents for your perusal and enquiry.

I am further directed to request you to probe into the matter and submit detail report to this office within fifteen days positively for the perusal of high-ups.

Deputy Director (Estab)

Elementary & Secondary Education
Khyber Pakhtunkhwa.

Endst: No. _____

Copy of the above is to:-

1. PA to Director (E&SE) Khyber Pakhtunkhwa.

Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa.



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Directorate of Elementary & Secy: Education
Khyber Pakhtunkhwa, Peshawar
No. 1311 /F.No. 17/SST (M) Comp: Shangla.
Dated Peshawar the 12/2 2014

To

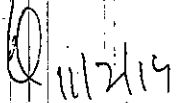
The District Education Officer
(Male) Shangla.

Subject: - **APPEAL FOR JUSTICE.**

Memo:

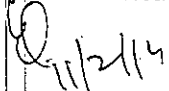
I am directed to refer to your letter No.6752 dated 13-11-2013 on the subject cited above and to enclose here with a copy of enquiry report received from Mr. Dilawar Khan Principal GHS No.1 Mingora District Swat bearing no. 538 dated 13-01-2014 in respect of Mr. Latif Ahmad Ex SST GHS Lilownai District Shangla which is self explanatory for your perusal and further necessary action.

In this regard, I am further directed to ask you to take further action into the matter in the light of attached enquiry report immediately.


Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa

Endst: No. _____

Copy of the above is to PA to Director (E&SE) Khyber Pakhtunkhwa.


Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa

To,

- 1- The District Education Officer(Male)
Elementary and Secondary Education District Shangla
- 2- Mr, Islam, ADEO (Establishment) DEO(M) office Shangla

Subject: Legal Notice regarding Release of Pay and Posting

Dear Sir,

With great respect it is stated that I was working as a SST Teacher at GHS Lilownai District Shangla since March, 2005, but without any inquiry/evidence on the EDO folk report Director Education was issued reversion order from SET post to CT post and this office was stop my salary without any further adjustment for which my appeal is process from the last may years

Your office record and recently the Inquiry which has been conducted by Mr., Dillawar Khan inquiry Officer /Principal, GHS No 1 Mingora Swat it is clear that this office was not issued any further posting order on that time, so till further adjustment this office was not authorized to stop my salary without any justification and suffering me from service benefits which is injustice and violation of service rules

Your office has been continuously miss guide the Directorate of Education KP Peshawar and use delay tactics. You are intentionally mentally torture me and violate the recent law (Right to public service)

It is requested to kindly released my salary without any further delay and considered me Government employee and intimated my duty station School/for duty with in fifteen days otherwise I will be approached the courts of justice for damage suit

Admitted 7/5/2014
Your obedient servant

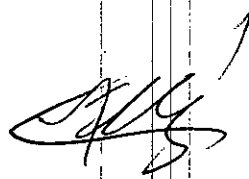
Latif Ahmad

SST GHS Liownai District Shangla

Cell no 0345-9004057

Copy forwarded for information and legal action please

- 1- Chief commissioner KPK Grievance redressal commission KP Peshawar
- 2- Director Elementary and Secondary Education KP Peshawar
- 3- Copy for legal proceeding





OFFICE OF THE DISTRICT EDUCATION OFFICER (M)

DISTRICT SHANGLA

CONTACT NO. (0996) 850639, 851108-FAX # 851108

(Handwritten initials)

NO 2169 /P-FILE/EX-SST/DEO(M)SH;

Dated: 22/4 /2014

To
The Director,
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.

(Handwritten signature)

SUBJECT: PROPOSAL FOR ADJUSTMENT OF ASDED CIRCLE.

Memo!
Reference is made to your office memo No. 1311/F.No.17/SST(M)Comp: Shangla dated 12/2/2014 on the subject cited above.

In the above No, letter this office was directed for perusal and further necessary action.

It is submitted that the teacher concerned was absent since 2005, in result of which, he has been reverted to lower post CT from SET, But, he did not take over charge on the said post and is continuously absent from duty up till now, So, this office has no legal jurisdiction to take action in the matter. as, the teacher concerned is not Govt: employee at all. It is, therefore, submitted that this office may be further guided into the matter. please.

(Handwritten signature)
DISTRICT EDUCATION OFFICER (M/F)
SHANGLA

alc

(Handwritten signature)

APPEAL IC
 Appeal to the
 11/20/05
 (30)

To, The Secretary,
Schools & Literacy Department
NWFP Peshawar

Subject, Appeal for Cancellation of Reversion Order

Respected Sir,

Your attention is diverted to the above subject and say that I submitted APPEAL against the Director (S&L) NWFP Peshawar Reversion order on 5-10-05 Director (S&L) Exercise the power NWFP Removal from Service (Special power) Ordinance 2000 against me with out evidence/inquiry & issued the reversion order from SET post to CT post & violated roles & regulations.

Your honor office sent my Appeal to Director (S&L) for comments vide this office No SO. (B&A) 2-7/Application dated Peshawar the 15-11-2005 But Director Could not provide such proof/evidence & my case is under process for last four months

Whereas the fact is that I am working as SET Teacher at GHS Lilawnia District Shangla I joined Education Department W E F 13-11-1984 & performed my duty with great zeal I applied for Earned leave W E F 11-4-05 to 30-11-05 (234 days) through Principal GHS Lilawnia vide his memo no 1134 dated 9-4-2005 but EDO (S&L) did not forwarded my Leave case to Competent authority and used delaying Tactics

It is therefore requested to kindly consider my Leave case & cancel the reversion order on the sympathetic ground

Your Obedient,
Latif Ahmad
SET, GHS Lilawnia
District Shangla

Secretary S&L-
Please put up summary
for cancellation of
reversion order.

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PSE Ministry S/L IC 112
11/20/05

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To,

The Secretary Sb
Elementary & Secondary Education Department,
NWFP Peshawar

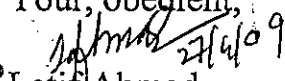
Subject; **Appeal for Justices** (Cancellation of Reversion Order)

Respected Sir,

In the continuation of my APPEAL which I was submitted to your honor office on 5-10-05 for the cancellation of reversion order from SET to CT post Director (E&S) education Peshawar have already sent comments in this regards but may case is under process from the last four years in different branches in the Secretariat & the case is not considered tell now

It is requested to kindly considered my case on Director Comments otherwise intimated me the latest position of the case so I have the rights to approached the honorable Courts for justices (Appeal is attached)

Your, obedient,


Latif Ahmad
SET GHS, Lilownia



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Handwritten stamp: *Handwritten text in a rectangular box*

The Secretary Gb.
Elementary & Secondary Education Department
KPK Peshawar
Subject, Appeal for Justices

Respected Sir,

With due respect to say that I was submitted Appeal against the Director, (E&SE) reversion order from the SET post to CT Post on 5, October, 2005 This honor office had been called the comments from the Director on my case The Director (E&SE) was sent the comments to your honor office in 2007, but my case is under process from the last six years the case was process Appeal case no 1-22/2006/SOG dated 11/11/2006 but now such file is not available in this secretariat

In fact I was submitted the application for Earn leave through Principal, GHS, Lilawna District Shangla vide his memo No 1134 dated 9/3/2005 but the concern EDO,s was not forwarded my case to competent authority & was used delaying tactics & declared me absent from duty

On the EDO,s folk report the Director was exercised the power of (removal from special power 2001) without such inquiry /evidence & demoted me from the SET post to CT Post, al though the same nature one SET teacher has been restored by Directorate

It is requested once again to kindly conducted a fresh inquiry & cancelled the reversion order & considered my leave on sympathetic ground

Handwritten signature
Your Obedient Servant,
Latif Ahmad,
SET, GHS, Lilawna District Shangla

Large handwritten signature

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To:

The Director

Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.

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DDEL
30/9/2013

Subject: Appeal for Justice

Dear Sir,

With great respect it is stated that I was posted as a SST Teacher at GHS Liownai District Shangla since 2005 and I have completed my 21 years Government service I had applied for leave through head Master his memo no 1134 dated 9/4/2005 but on folk report of EDO/DEO Shangla without any inquiry/evidence the former Director was exercise the power of removal from service (special power ordinance 2000) and issue the reversion order from SET post to CT post but till date the DEO was not adjusted me any post and not issue a single notice in this regard

2 I was submitted Appeal to Secretary Education for the cancellation of reversion order on 5/10/2005 vide his diary no 2356 dated 28/10/2005 but my appeal was kept without consideration from the last six to seven years

Now i have submitted a fresh appeal through the Minister for Sports and Culture KPK Peshawar and the Secretary of education has been sent the same appeal vide his memo no SOG/E&SE/1-22/2013 dated 2/8/2013 for further necessary action to your honor office

3 It is requested to kindly conducted a fresh inquiry and provide me defence opportunity and also provided me a chance for personal hearing if there have not proof any evidence against me then adjusted me in my original post SST and considered my absent period in without pay leave if I found guilty then I am deserving a major penalty and converted my reversion order in compulsory retirement

Your obedient servant

Latif Ahmad

SST GHS Liownai District Shangla

P. A. to Director
Khyber Pakhtunkhwa Peshawar
D. No. 457
Date 1/10/13

31/10/13

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1/10/13

Att

(u)

OFFICE OF THE PRINCIPAL GOVT: HIGH SCHOOL NO.1 MINGORA SWAT

No. 538

Dated: 13/01/2014

To,

The Deputy Director (Establishment)
Elementary & Secondary Education
Khyberpukhtun khwa
Peshawar.

Subject: APPEAL FOR JUSTICE/ ENQUIRY.

Memo:

With reference to your office Endost No. 3691/F.No 17/SST(M) Comp:/Shangla
Dated: Peshawar the 20-12-2013.

The undersigned conducted an enquiry against Mr.Latif Ahmad Ex-SST GHS Lilownai
District Shangla on 01 & 02 January 2014.

The detail report of the enquiry is as under;

1. Mr. Latif Ahmad Ex SST took over charge on 29-09-2003 as S.E.T at GMS Bazarkot Shangla, attached vide (Annexure-A).
2. Mr.Latif Ahmad Ex SST applied for earned leave w.e.f 12-04-2004 to 30-11-2004 (233) days and his leave was sanctioned by the Director of Schools and Literacy N.W.F.P Peshawar Endst: No. 4013-16/F.No 67/ dated 27-09-2004. Attached vide (Annexure-B).
3. Mr.Latif Ahmad Ex SST on the expiry of earned leave submitted his arrival report for duty to District Office of School & Literacy District Shangla on 01-12-2004. Attached vide (Annexure-C).
4. Mr.Latif Ahmad Ex SST was adjusted as SET at GHS Lilownai District Shangla against vacant post w.e.f 04-01-2005 and for the remaining period i.e w.e.f 01-12-2004 to 03-01-2005 he was adjusted for the purpose of pay at GMS Dawoot Shangla. Attached vide (Annexure-D).
5. Mr.Latif Ahmad Ex SST when took over charge in GHS Lilownai Shangla on 03-01-2005 during this period the School was closed for winter vacations. Mr.Latif Ahmad was found absent from duty w.e.f 25-03-2005 till the report submission date i.e 09-04-2005 by the concerned Principal of the school. Attached vide (Annexure-E).

(continue on page-02)

1 | Page

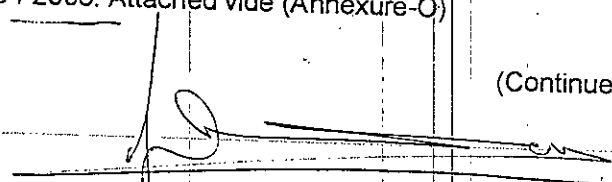
13/01/2014

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6. The Principal GHS Lilownai Shangla submitted the absenteeism report of Mr.Latif Ahmad Ex SST GHS Lilownai to E.D.O (S&L) District Shangla on 09-04-2005 and in mean while Mr.Latif Ahmad EX SST GHS Lilownai Shangla also submitted another application for earned leave w.e.f 11-04-2005 to 30-11-2005 (234 days) and the concerned Principal has forwarded his application to E.D.O (S&L) Shangla vide No. 1134 dated 09-04-2005. Attached vide (Annexure-F).
7. Mr.Latif Ahmad Ex SST GHS Lilownai Shangla left the school duty without any information/prior permission. Attached vide (Annexure-G).
8. The E.D.O (S&L) District Shangla submitted report against Mr.Latif Ahmad Ex SST GHS Lilownai about his absenteeism from duty to the Director Schools & Literacy N.W.F.P Peshawar vide Endost: No. 8394 Dated:10-06-2005. Attached (Annexure-H).
9. With reference to E.D.O (S&L) Shangla Endost: No. 8394 Dated:10-06-2005 Director (S&L) N.W.F.P issued show cause notice to Mr.Latif Ahmad Ex SST GHS Lilownai Shangla Endorsed by E.D.O (S&L) Shangla No.10368 Dated 01-08-2005 and received by Mr.Latif Ahmad Ex SST on 02-08-2005. Attached vide (Annexure-I).
10. Mr.Latif Ahmad Ex SST GHS Lilownai Shangla submitted his report against show cause notice issued to him on 05-08-2005. Attached vide (Annexure-J).
11. The Director (S&L) N.W.F.P issued a notification by exercising special power ordinance 2000 removal from Service as the concerned authorities was not satisfied by the reply of the accused officer Mr.Latif Ahmad Ex SST GHS Lilownai Shangla and ordered the REVERSION of Mr.Latif Ahmad to his original post C.T w.e.f 25-03-2005 vide notification No. 133-38/F.No.A-14/SET (M) Shangla/Swat charge sheet Dated 01-09-2005. Attached vide (Annexure-K).
12. The Director (S&L) issued notification/order of REVERSION of Mr.Latif Ahmad Ex SST from SST post to his original post C.T w.e.f 25-03-2005 but the E.D.O (S&L) Shangla not posted the said teacher on his original post C.T as the concerned D.E.O Shangla has mentioned in his report submitted to the Director (E&SE) KPK, Peshawar Endost:No.6752/P.File/DEO Shangla Dated: 13-11-2013. Attached vide (Annexure-L).
13. Mr.Latif Ahmad Ex SST submitted an appeal to Secretary Schools & Literacy on 05-10-2005. Secretary S&L send the appeal of the applicant to Director S&L N.W.F.P vide Endost:No. SO (B&A)/2-7/Application. Dated Peshawar the 15-11-2005. Attached vide (Annexure-M&N).
14. Mr.Latif Ahmad Ex SST GHS Lilownai Shangla submitted another appeal for cancellation of REVERSION order to Secretary S&L Department N.W.F.P Peshawar on 07-04-2006. Attached vide (Annexure-O)

(Continue on page-03)




13/01/2014

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15. Mr. Latif Ahmad Ex SST GHS Lilownai Shangla submitted a fresh appeal for Justice on 17-05-2013 to Secretary Elementary & Secondary Education Department KPK Peshawar through office of the Minister for Sports, Culture, Tourism and Museum Govt of KPK. Endost: No. PS/MIN/SCT&M/01-10/2013 dated Peshawar the 23rd July, 2013. Attached vide (Annexure-P&Q).
16. The Secretary E&SE Govt of KPK sent the appeal for Justice along with the enclosure to Director E&SE KPK vide Endost: No. SOG/E&SE/1-12/2013 Dated Peshawar the 02-08-2013. Attached vide (Annexure-R).
17. The Director E&SE KPK asked the D.E.O (E&SE) (M) Shangla for comments/view in the light of attached appeal vide Endost: No. 2584/F No. 17/SST(M) complaint/Shangla Dated: Peshawar the 26-08-2013. Attached vide (Annexure-S).
18. In response to the letter of Director (E&SE) KPK Peshawar, D.E.O (E&SE) (M) Shangla, submitted their detailed report to the Director (E&SE) KPK Peshawar Endost: No. 5635/P. File dated 14-09-2013 which is self explanatory. Attached vide (Annexure-G).
19. The Director (E&SE) KPK once again asked the D.E.O (E&SE) (M) Shangla to submit a copy of the adjustment as C.T in respect of Mr. Latif Ahmad Ex SST GHS Lilownai Shangla after his REVERSION to C.T post vide Endost: No. 7404/F. No. 17/SST (M) complaint/ Shangla, Dated Peshawar the 31-10-2013. Attached vide (Annexure-T).
20. The D.E.O (E&SE) (M) Shangla submitted their response to the Director (E&SE) KPK Peshawar that the D.E.O (E&SE) Shangla has already submitted their detailed report to your office vide Endost: No. 5635/P. File Dated 14-09-2013. The D.E.O (S&SE) Shangla has admitted that Mr. Latif Ahmad Ex SST was not adjusted as C.T in District Shangla at that time. Attached vide (Annexure- L).
21. Mr. Latif Ahmad Ex SST GHS Lilownai Shangla has submitted another appeal for Justice to Director (E&SE) KPK Peshawar on 17-09-2013 and requested for adjustment on his original post SST and considered the absent period from duty as leave without pay. He further stated that if he found guilty then he may deserving major penalty and convert my REVERSION order in compulsory retirement. Attached vide (Annexure-U).
22. The undersigned also contacted Mr. Latif Ahmad Ex SST GHS Lilownai Shangla and discussed the matter in detail.
23. It is fact that Mr. Latif Ahmad Ex SST GHS Lilownai Shangla left the duty station without any prior permission/information/leave sanction. He also availed earned leave once before it. It is also fact that Mr. Latif Ahmad Ex SST GHS Lilownai Shangla was serving in some N.G.O during the absent period. By checking his previous record from service book the undersigned could not found any


(continue on page-04)


13/01/2014

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irregularities in his service record till the submission of report by the Principal GHS-Lilownai Shangla on 25-03-2005. Attached vide (Annexure-V). As Mr.Latif Ahmad Ex SST GHS Lilownai Shangla has served the education department for about 20 years. Therefore it is suggested that the appellant may be given some benefits of his 20 years service in shape of compulsory retirement or something else on humanitarian grounds if the existing rules and policies permit to do so.

The enquiry report is hereby submitted to your office for further necessary action please. Along with the enquiry report all the relevant documents/Annexure serial wise are attached.



Dilawar Khan 13/01/2014
Enquiry Officer
Principal GHS No.1
Mingora, Swat

(38)

ANNEX: M

Directorate of Elementary & Secy: Education
Khyber Pakhtunkhwa, Peshawar
No. 2947/F.No. 17/SST (M) Comp/Shangla.

Dated Peshawar the 23/5/ 2014

To

The District Education Officer
(Male) Shangla.

Subject: - APPEAL FOR JUSTIC.

Memo:

I am directed to refer to your letter No. 2169/P-File/EX SST/DEO (M) Shangla dated 22-04-2014 on the subject cited above and to state that the appeal in respect of Mr. Latif Ahmad Ex SST has rejected and filed.

You are therefore, directed to inform the Ex SST accordingly.

Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa

Endst: No. 2948

Copy of the above is to PA to Director (E&SE) Khyber Pakhtunkhwa,
Peshawar.

Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa

POWER OF ATTORNEY

In the Court of KPK Service Tribunal Peshor
Lalif Ahmad

- } For
- } Plaintiff
- } Appellant
- } Petitioner
- } Complainant

VERSUS

Govt of KPK and others } Defendant
} Respondent
} Accused
}

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____

Fixed for _____

I/We, the undersigned, do hereby nominate and appoint

IJAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN

and Sajid Amin Advocate my true and lawful attorney, for me in my same and on my behalf to appear at Peshor to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or sub-poena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at _____ the _____ day to _____ the year _____

Executant/Executants _____
Accepted subject to the terms regarding fee _____

Sajid Amin
Advocate
Peshor

Ijaz Anwar
Advocate High Courts & Supreme Court of Pakistan

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
FR-3 & 4, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt
Ph.091-5272154 Mobile-0333-9107225

BEFORE THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL PESHAWAR.
Appeal No:-357/2015 .


Latif Ahmad Ex SET GHS Lilownai Shangla.

Versus.

Govt: Of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Edu;
Khyber Pakhtukhwa, Peshawar etc. __respondent.

INDEX.

S#	Description of documents	Annexure	Pages
1	Parawise comments	—	1,2
2	Affidavit	—	3,
3	Authority letter.	-	4
4	<i>Duty position of appealant reported by school's principal.</i>	A	5
5	<i>Showcase notice</i>	B	6
6	<i>office order Reversion</i>	C	7
7	<i>Detail report of the case adressed to Director Edu: KPK.</i>	D	8
8	<i>Detail inquiry Report of inquiry officer.</i>	E	9-12
9			


Asstt: Dis. Edu: Officer (Etab)
(M) Primary, Shangla.

Respondent

①

BEFORE THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL PESHAWAR.
Appeal :-357/2015.

Latef Ahmad Ex SET GHS Lilownai Shangla _____ Appellant.

Versus.

Govt: Of Khyber Pakhtunkhwa through Secretary, Elementary & secondary Edu;
Deptt;Khyber Pakhtunkhwa, Peshawar etc. __respondent.

AFFIDAVIT.

I, Bakht Rawan ADO Establishment (M) Primary Shangla do hereby solemnly affirm and declare on oath that all the content of the instant comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon: court .



Asstt: Dist: Edu: Officer (Estab)
(M) Primary, Shangla.

DEPONENT

(2)

AUTHORITY LETTER:-

Mr. Bakht Rawan ADEO (M) Estt: Pry is hereby authorized to submit comments in court case appeal No: 357/2015 title Latif Ahmad V.S Govt: Of K.P.K and others before the Hon: court of service tribunal Peshawar positively.


DISTRICT EDUCATION OFFICER, (M)
SHANGLA.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No: 357 /2015

Latif Ahmad SET Govt: High School Lilownai, Shangla (Appellant)

VERSUS.

1. Govt: of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer Shangla .(Respondents)

Reply on behalf of respondents No: 01, 02, 03.

Preliminary objections.

1. The Appellant has no cause of action / locus standi.
2. The instant appeal is badly time barred.
3. The instant appeal is against the prevailing laws and rules, because the appellant has not filed departmental appeal to the next higher authorities.

RESPECTFULLY SHEWETH.

1. Correct.
2. Incorrect , the appellant was irregular .
3. Incorrect, he applied, but not fulfilled the requirements, so his case was forwarded to District Accounts Office accordingly.
4. Incorrect, in light of concerned headmaster report, he was called to office of the then EDO (Education) to full fill the requirement, so his case forwarded to DAO office accordingly.
5. Incorrect , the then EDO submitted absent report to Director E&SE Khyber Pakhtunkhwa of the appellant in the light of Principal GHS Lilownai written complaint that the teacher concerned (appellant) is absent from duty with out any information ,attached as annexure A.
6. Incorrect in light of that complaint Director E&SE Khyber Pakhtunkhwa issued show – cause notice to the appellant vide Endst: NO: 5033 Dated: 13/07/2005 (attached is annexure B).
7. Incorrect appellant submitted his report to the show-cause notice , but , according to the notification No: 133-38 Dated: 01/09/2005 the reply was not satisfactory , so the appellant was reverted to the post of CT, but he did not reported for adjustment against any vacant post of CT .

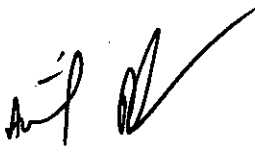
8. Incorrect, the said order is legal and lawful.


(4)


GROUNDS:-

- A. Incorrect, he has been treated under relevant rules .
- B. Incorrect, the penalty has been imposed under special powers ordinance 2000 and was followed the rules in the sprit .
- C. Incorrect as he was treated under special powers ordinance 2000 , so their was no need of personal hearing .
- D. Incorrect .
- E. Incorrect , he was reverted with immediate.
- F. Incorrect, it was under the rules .
- G. Incorrect , if not promoted , he can be demoted to lower post .
- H. Incorrect, as he has not reported for adjustment against any vacant post of CT So he could not adjusted .
- I. Incorrect, he was treated under special powers of ordinance 2000 .
- J. Incorrect ,
- K. Incorrect, he was habitual absentee and was reluctant to duty. He applied for leave but leave is not his right, leave is discretionary power of the competent authority.
- L. Incorrect, he never attended this office for adjustment.
- M. Incorrect, the penalty imposed is legal and this Deptt: can't employ / adjust any one against the rules, as the appellat did not submitted arrival for adjustment of CT post.
- N. Incorrect.
- O. May be produced.

It is therefore humbly preyed that by acceptance of these comments the instant appeal may be set aside please.


RESPONDENT No: 1
SECRETARY E&SE KHYBER PAKHTUNKHWA
PESHAWAR


RESPONDENT NO: 2
DIRECTOR E&SE KHYBER PAKHTUNKHWA
PESHAWAR


RESPONDENT NO: 3
DISTRICT EDUCATION OFFICER (M)
SHANGLA .

سرنام نمبر 1133 / تاریخ 05-4-9

37

مختارہ - ریجنل گورنمنٹ ہائی سکول لیلوئی ضلع شنگلہ -

کتابت - ضلع ڈسٹرکٹ آفیسر صاحب (سکول انڈیا لیلوئی) ضلع شنگلہ -

عنوان :- لطیف احمد SBT ہائی سکول لیلوئی کے مافوقی اہلکار
ضلع شنگلہ

موردہ نام گزارش ہے کہ مسی لطیف احمد SET جس کا نام الیگندری ہائی سکول
لیلوئی میں ایڈجسٹمنٹ ہوا ہے۔ سرزوارہ مدرسہ 25/03/05 سے مسلسل بغیر
اطلاع یا جھوٹے غیر فارغ ہے۔ چونکہ سرزوارہ استاد ایف اے دارالہدایہ
تعمیرات ہے جسکی غیر فارغی کی وجہ سے سکول اور بچوں کا وقت بڑی طرح
تاثیر پور ہے۔ یہ سب معلوم ہوا ہے کہ سرزوارہ مدرسہ نے Long leave لینے کا ارادہ رکھتا ہے۔
لہذا آؤ کی خدمت میں شہری اطلاع دی جا چکی ہے کہ سرزوارہ
مدرسہ کے کانے کوئی دوسرا SET مدرسہ کی تیار کرنے کا انتظام کیا جائے تاکہ
بچوں کا وقت ضائع ہونے سے بچایا جاسکے۔ فقط۔

Principal
Govt. High School
Ullou, Shangla

9/09/05

20(m/f)
Put up on file
immediately
9/9/05

Complaint despatched to
Director & L vide No. 8394 Dated 10/7/05

Attested

Asstt. Dist. Edu. Officer (Estab)
(M) Primary, Shangla.

Annexure
(B)

6

~~11~~

SHOWCAUSE NOTICE

I, Fazli Manan Director Schools & Literacy N.W.F.P. Peshawar as a Competent Authority under the NWFP Removal From Service (Special Powers) Ordinance 2000, do hereby serve you Mr. Latif Ahmad SET, GHS Lilonai District Shangla as follows:-

As per report of the EDO (S&L) Shangla contained in his letter No.8395 dated 10-6-2005.


- (i) You are absent from your duty since 25-3-2005.
- (ii) You are working in NGO namely P.P.C. Swat rather than taking interest in your official duty, since long, which is a serious irregularity and against the rules

2- And whereas in exercise of the powers conferred on me under Section-5 of the NWFP Removal From Service (Special Power) Ordinance, 2000 there is no need of holding a formal enquiry in this case.

3- And whereas in terms of Section-3 of the NWFP removal from service (Special Power) Ordinance, 2000, in the capacity of competent authority, I have tentatively decided to impose upon you the major penalty removal from service w.e.f, 25-3-2005.

4- Now you are, therefore, directed to show cause as to why the above penalty should not be imposed upon you. If your reply to this notice, is not received within Seven (7) days of its delivery, it will be presumed that you have no defence to offer and an exparte decision will be taken against you.


Dated _____, 2005


 (FAZLI-MANAN) 8737
 DIRECTOR SCHOOLS & LITERACY
 N.W.F.P. PESHAWAR

To
Mr. Latif Ahmad SET,
GHS Lilonai District Shangla

Received
Latif Ahmad
2/10/05
Swat
(4, 10, 2005)

Attested


 Asstt. Distt. Edu. Officer (Estab)
 (M) Primary, Shangla.

Annexure
(C) (7) (5)

OFFICE OF THE DIRECTOR SCHOOLS & LITERACY N.W.F.P. PESHAWAR

NOTIFICATION

WHEREAS Mr. Latif Ahmad SET, GHS Lilawani was proceeded under NWFP Removal From Service (Special Power) Ordinance-2000 for the charges mentioned in the show cause notice dated 8-7-2005.

2- The accused officer submitted his reply to the said show cause notice which is not convincing /un-satisfactory.

3- AND WHEREAS, the Director Schools & Literacy N.W.F.P. Peshawar Competent Authority after having considered the evidence on record and explanation of the accused officer is of the view that the charges leveled against him in the aforementioned show cause notice are proved.

4- NOW, THEREFORE, in exercise of the powers conferred by the NWFP Removal From Service (Special Power) Ordinance-2000, the Competent Authority/ Director Schools & Literacy N.W.F.P. Peshawar, makes the order of **REVERSION** the above named teacher to his original post of CT with effect from 25-3-2005.

(FAZLI MANAN)
DIRECTOR

Endst.No. 133-28 /F.No.A-14/SET(M)Shangla/Swat/Charge Sheet

Dated Peshawar the 19 /2005.

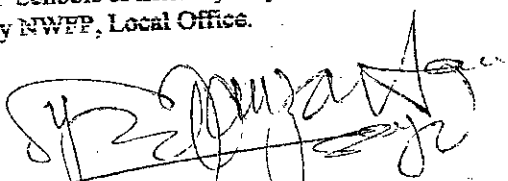
Copy of the above is forwarded for information and necessary action to the:-

- dis missed*
- 1- * Executive District Officer (S&L) Shangla with the remarks to adjust the above named teacher against vacant CT post.
 - 2- District Account Officer Shangla.
 - 3- Mr. Latif Ahmad SET, GHS Lilawani District Shangla,
 - 4- PS to Secretary to Govt. of NWFP Schools & Literacy Department Peshawar.
 - 5- PA to Director Schools & Literacy NWFP, Local Office.
 - 6- Master File.


DD (M.S.F.)
Put up on file

for further processing.

Bio/9
05 *Attested*


SYED MANZAR JAN SAJID
DEPUTY DIRECTOR (ESTABLISHMENT)
SCHOOLS & LITERACY N.W.F.P. PESHAWAR

E
26/8/05


Asstt. Director (Estab)
(in) Peshawar



OFFICE OF THE
DISTRICT EDUCATION OFFICER
EDUCATION DEPARTMENT SHANGLA

ACT NO. (0996) 850639. 851108 FAX #0996 851108

Annexure
(D)

18

DATED: 14/09/2013.

NO. 5635 IP.F. & C

To

The Director,
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.

Subject:-

Kindly refer to your letter No.2584/F.No.17/SST (M) / complaint / SH , dated 26-8-2013 on the subject cited above.

Memo:

A detail report in the subject case is as under:

1. Mr. Latif Ahmad SST was applied for the grant of earned leave on half pay w.e.f 12-4-2004 to 30-11-2004 (233 days) and the case was sent to your office vide this office letter No.3679/A.12/ Latif Ahmad SET dated 20-7-2004 attached vide (annexure A).
2. The Said leave was sanctioned vide sanction No.4013-17/file No.67 / dated 27-9-2004 attached vide (Annexure B).
3. On the expiry of the said leave, the Ex.SET was adjusted at GMS Dawoot for the purpose of pay w.e.f 1-12-2004 to 3-1-2004 and permanent adjusted at GHS Lilownai on the vacant post of SET w.e.f 4-1-2004 vide (Annexure C).
4. Later on , the Head Master GHS Lilownai had submitted his absenteeism report w.e.f 25-3-2005, stated that the teacher concerned has left the school duty without any information / prior permission which was properly submitted to your office by this office as well as by the District Coordination officer shangla vide (Annexure D).

But in the meanwhile another application for the grant of earned leave on half pay was also received on 16-5-2005 in a belated stage two months late (of the submission of absenteeism report to your good self).

5. In a result of the said absenteeism report, your office has issued show cause notice to the absentee concerned which was properly served up on the Ex.SET concerned (personally received on the body of show cause notice vide (Annexure E).

It is further clarified that due to non-submission of timely reply of the showcase notice , your good office had reverted the Ex.SET concerned to the post of CT vide Annexure (F). but was remained absent neither applied for adjustment as CT nor submitted appeal in his reversion case at that time to the competent authority (according to the record of this office).

So, in the light of the above mentioned facts, it is impossible to re-instate the appellant on the post of CT / SST. However , the case is submitted for further order / guidance please.

DISTRICT EDUCATION OFFICER
SHANGLA

Endst: No. 5636

Copy of the above is forwarded to

The Section Officer General EBSE Department Khyber Pakhtunkhwa Peshawar.

Asstt. Distt. Edu: Officer (Estab) DISTRICT EDUCATION OFFICER
(M) Primary, Shangla. SHANGLA

Annexure
(E)

9

17/1/14

OFFICE OF THE PRINCIPAL GOVT: HIGH SCHOOL NO.1 MINGORA SWAT

No. 538

Dated: 13/01/2014

To,

The Deputy Director (Establishment)
Elementary & Secondary Education
Khyberpukhtun khwa
Peshawar.

Subject: APPEAL FOR JUSTICE/ ENQUIRY.

Memo:

With reference to your office Endost No. 3691/F.No 17/SST(M) Comp:/Shangla
Dated: Peshawar the 20-12-2013.

The undersigned conducted an enquiry against Mr.Latif Ahmad Ex-SST GHS Lilownai
District Shangla on 01 & 02 January 2014.

The detail report of the enquiry is as under;

1. Mr. Latif Ahmad Ex SST took over charge on 29-09-2003 as S.E.T at GMS Bazarkot Shangla, attached vide (Annexure-A).
2. Mr.Latif Ahmad Ex SST applied for earned leave w.e.f 12-04-2004 to 30-11-2004 (233) days and his leave was sanctioned by the Director of Schools and Literacy N.W.F.P Peshawar Endst: No. 4013-16/F.No 67/ dated 27-09-2004. Attached vide (Annexure-B).
3. Mr.Latif Ahmad Ex SST on the expiry of earned leave submitted his arrival report for duty to District Office of School & Literacy District Shangla on 01-12-2004. Attached vide (Annexure-C).
4. Mr.Latif Ahmad Ex SST was adjusted as SET at GHS Lilownai District Shangla against vacant post w.e.f 04-01-2005 and for the remaining period i.e w.e.f 01-12-2004 to 03-01-2005 he was adjusted for the purpose of pay at GMS Dawoot Shangla. Attached vide (Annexure-D).
5. Mr.Latif Ahmad Ex SST when took over charge in GHS Lilownai Shangla on 03-01-2005 during this period the School was closed for winter vacations. Mr.Latif Ahmad was found absent from duty w.e.f 25-03-2005 till the report submission date i.e 09-04-2005 by the concerned Principal of the school. Attached vide (Annexure-E).

(continue on page-02)

1 | Page

17/1/14
Asstt. Distt. Edu: Officer (Estab)
Primary, Shangla.
13/01/2014

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6. The Principal GHS Lilownai Shangla submitted the absenteeism report of Mr.Latif Ahmad Ex SST GHS Lilownai to E.D.O (S&L) District Shangla on 09-04-2005 and in mean while Mr.Latif Ahmad EX SST GHS Lilownai Shangla also submitted another application for earned leave w.e.f 11-04-2005 to 30-11-2005 (234 days) and the concerned Principal has forwarded his application to E.D.O (S&L) Shangla vide No. 1134 dated 09-04-2005. Attached vide (Annexure-F).
7. Mr.Latif Ahmad Ex SST GHS Lilownai Shangla left the school duty without any information/prior permission. Attached vide (Annexure-G).
8. The E.D.O (S&L) District Shangla submitted report against Mr.Latif Ahmad Ex SST GHS Lilownai about his absenteeism from duty to the Director Schools & Literacy N.W.F.P Peshawar vide Endost: No. 8394 Dated:10-06-2005. Attached (Annexure-H).
9. With reference to E.D.O (S&L) Shangla Endost: No. 8394 Dated:10-06-2005 Director (S&L) N.W.F.P issued show cause notice to Mr.Latif Ahmad Ex SST GHS Lilownai Shangla Endorsed by E.D.O (S&L) Shangla No.10368 Dated 01-08-2005 and received by Mr.Latif Ahmad Ex SST on 02-08-2005. Attached vide (Annexure-I).
10. Mr.Latif Ahmad Ex SST GHS Lilownai Shangla submitted his report against show cause notice issued to him on 05-08-2005. Attached vide (Annexure-J).
11. The Director (S&L) N.W.F.P issued a notification by exercising special power ordinance 2000 removal from Service as the concerned authorities was not satisfied by the reply of the accused officer Mr.Latif Ahmad Ex SST GHS Lilownai Shangla and ordered the REVERSION of Mr.Latif Ahmad to his original post C.T w.e.f 25-03-2005 vide notification No. 133-38/F.No.A-14/SET (M) Shangla/Swat charge sheet Dated 01-09-2005. Attached vide (Annexure-K)
12. The Director (S&L) issued notification/order of REVERSION of Mr.Latif Ahmad Ex SST from SST post to his original post C.T w.e.f 25-03-2005 but the E.D.O (S&L) Shangla not posted the said teacher on his original post C.T as the concerned D.E.O Shangla has mentioned in his report submitted to the Director (E&SE) KPK, Peshawar Endost:No.6752/P.File/DEO Shangla Dated: 13-11-2013. Attached vide (Annexure-L).
13. Mr.Latif Ahmad Ex SST submitted an appeal to Secretary Schools & Literacy on 05-10-2005. Secretary S&L send the appeal of the applicant to Director S&L N.W.F.P vide Endost:No. SO (B&A)/2-7/Application. Dated Peshawar the 15-11-2005. Attached vide (Annexure-M&N).
14. Mr.Latif Ahmad Ex SST GHS Lilownai Shangla submitted another appeal for cancellation of REVERSION order to Secretary S&L Department N.W.F.P Peshawar on 07-04-2006. Attached vide (Annexure-O)

(Continue on page-03)

[Handwritten signature]
Asstt. Distt. Edu: Officer (Estab)
(M) Primary, Shangla.
13/01/2014

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15. Mr. Latif Ahmad Ex SST GHS Lilownai Shangla submitted a fresh appeal for Justice on 17-05-2013 to Secretary Elementary & Secondary Education Department KPK Peshawar through office of the Minister for Sports, Culture, Tourism and Museum Govt of KPK. Endost: No. PS/MIN/SCT&M/01-10/2013 dated Peshawar the 23rd July, 2013. Attached vide (Annexure-P&Q).
16. The Secretary E&SE Govt of KPK sent the appeal for Justice along with the enclosure to Director E&SE KPK vide Endost: No. SOG/E&SE/1-12/2013 Dated Peshawar the 02-08-2013. Attached vide (Annexure-R).
17. The Director E&SE KPK asked the D.E.O (E&SE) (M) Shangla for comments/view in the light of attached appeal vide Endost: No. 2584/F No. 17/SST(M) complaint/Shangla Dated: Peshawar the 26-08-2013. Attached vide (Annexure-S).
18. In response to the letter of Director (E&SE) KPK Peshawar, D.E.O (E&SE) (M) Shangla, submitted their detailed report to the Director (E&SE) KPK Peshawar Endost: No. 5635/P. File dated 14-09-2013 which is self explanatory. Attached vide (Annexure-G).
19. The Director (E&SE) KPK once again asked the D.E.O (E&SE) (M) Shangla to submit a copy of the adjustment as C.T in respect of Mr. Latif Ahmad Ex SST GHS Lilownai Shangla after his REVERSION to C.T post vide Endost: No. 7404/F. No. 17/SST (M) complaint/ Shangla, Dated Peshawar the 31-10-2013. Attached vide (Annexure-T).
20. The D.E.O (E&SE) (M) Shangla submitted their response to the Director (E&SE) KPK Peshawar that the D.E.O (E&SE) Shangla has already submitted their detailed report to your office vide Endost: No. 5635/P. File Dated 14-09-2013. The D.E.O (S&SE) Shangla has admitted that Mr. Latif Ahmad Ex SST was not adjusted as C.T in District Shangla at that time. Attached vide (Annexure- L).
21. Mr. Latif Ahmad Ex SST GHS Lilownai Shangla has submitted another appeal for Justice to Director (E&SE) KPK Peshawar on 17-09-2013 and requested for adjustment on his original post SST and considered the absent period from duty as leave without pay. He further stated that if he found guilty then he may deserving major penalty and convert my REVERSION order in compulsory retirement. Attached vide (Annexure-U).
22. The undersigned also contacted Mr. Latif Ahmad Ex SST GHS Lilownai Shangla and discussed the matter in detail.
23. It is fact that Mr. Latif Ahmad Ex SST GHS Lilownai Shangla left the duty station without any prior permission/information/leave sanction. He also availed earned leave once before it. It is also fact that Mr. Latif Ahmad Ex SST GHS Lilownai Shangla was serving in some N.G.O during the absent period. By checking his previous record from service book the undersigned could not found any

(continue on page-04)

Assst. Edu.

Asstt. Dist. Edu. Officer (Estab)
(M) Primary, Shangla.

13/01/2014

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irregularities in his service record till the submission of report by the Principal GHS Lilownai Shangla on 25-03-2005. Attached vide (Annexure-V). As Mr.Latif Ahmad Ex SST GHS Lilownai Shangla has served the education department for about 20 years. Therefore it is suggested that the appellant may be given some benefits of his 20 years service in shape of compulsory retirement or something else on humanitarian grounds if the existing rules and policies permit to do so.

The enquiry report is hereby submitted to your office for further necessary action please. Along with the enquiry report all the relevant documents/Annexure serial wise are attached.

Attested



Asstt: Distt: Edu: Officer (Estab)
(M) Primary, Shangla.



Dilawar Khan 13/01/2011
Enquiry Officer
Principal GHS No.1
Mingora, Swat

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 1056 /ST

Dated 21/6/2016

To

The Director (E&SE),
Peshawar.

Subject: -

JUDGMENT

I am directed to forward herewith a certified copy of Judgement dated 7.6.2016 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.