

**BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1602/2022.

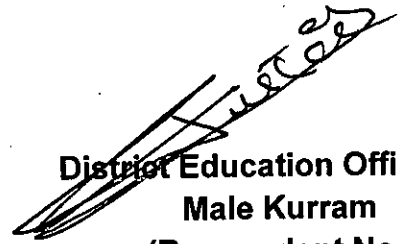
Khyber Pakhtunkhwa Service Tribunal  
Dilawar Hussain .....Appellant.

Versus

Sliding No. 5049  
3/5/23  
Dated Secretary E & SE Khyber Pakhtunkhwa & others.....Respondents

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District Education Officer  
Male Kurram  
(Respondent No.5)

**BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1602/2022.

Dilawar Hussain .....Appellant.

**Versus**

Director E&SE Khyber Pakhtunkhwa & others.....Respondents.

**Para wise Comments on behalf of Respondent No. 1 & 5.**

**Preliminary objections.**

- That the appellant has got no cause of action, locus standi to file the instant appeal.
- That the appellant has not come to this Tribunal with clean hands.
- That the appeal is not maintainable in the present form.
- That the appellant is estopped by his own conduct to bring the instant appeal.
- That the appeal is barred by law and limitation.
- That the appellant has concealed material facts from the Honorable Service Tribunal, as he hired proxy teacher to perform duty instead himself and now trying to mislead this Hon'ble Tribunal.
- That the appeal is bad for misjoinder and non-joinder of necessary parties.

**ON FACTS.**

1. That para-1 pertains to record.
2. That para-2 pertains to record.
3. That para-3 is incorrect, That the appellant has been found absent from his duty several times by the Education Monitoring Authority during their visits on 25.09.2019, 12.12.2020, 16.03.2021 and 26.05.2021, thereafter the Respondent Department served a show cause notice vide No.7048 Edu dated 21.6.2021 as per report of ASDEO Central Kurram, where he was found absent during the visit of ASDEO to GHS Baza, Central Kurram, but he did not appeared to DEO Kurram office, and again a show cause notice issued to the appellant vide No.7433-40 dated 04.9.2021 where he was clearly directed to insure his duties personally, but the appellant failed to reply/appear in person before the competent authority DEO Kurram. However, the appellant concealing material facts intentionally, he has been submitted explanation of show cause No.2 on stamp paper of Rs.100 bearing serial no G389999 wherein he admitted of to know the said show case notice No-2.

Show cause notices attached as..... (Annexure-A & B).

(Reply of 2<sup>nd</sup> show cause notice.....Annexure-C)

Moreover he was also reported by Deputy DEO Lower & Central Kurram vide letter No.8065-79/ Edu: Dated 21/10/2020, that Mr. Muhammad Ayub a private person was hired by the appellant for his duty/teaching as proxy teacher instead himself. So he was deliberately / willfully ignoring the notices of Department.

Report of Dy. DEO of hired Proxy teacher attached as .....(Annexure-D).

4. That the competent authority DEO Kurram after examine all the record and detailed scrutiny of material facts on record pertaining to his willful absence, (where the appellant is completely silent on EMA reports about his absence, hiring proxy teacher as reported by Deputy DEO concerned), constrained the then DEO Kurram to proceed the appellant departmentally, rather to lodging the FIR under section of CR 420 & 419, as per the request of Deputy DEO concerned vide letter No.8058-64 dated 21/10/2020 wherein, it was suggested that FIR may be lodged against the appellant in view of allegations against him.

Request of Deputy DEO for FIR.....(Annexure-E)

- 5. That First Show cause was served to the appellant on 21.6.2021, and the other show cause issued on 04.09.2021, while penalty of removal from service was imposed on 02.11.2021. Furthermore, there was no official order / announcement declared from any administration / department to leave official duties.
- 6. The detail reply has been submitted on forgoing Para No-3 above.
- 7. The detailed reply has been submitted under forgoing para No-3 and 4 above, moreover the appellant has been treated according to law / rules.
- 8. That the said letter dated 28.4.2022 was issued by the Deputy District Education Officer to the DEO Kurram, but the appellant failed to appear in person before competent authority of personal hearing DEO Kurram, furthermore, again a show case was served to him as he remained willfully/ deliberately absent from his duties and did not joined his duty, as well as having no response/ reply to EMA reports and hiring proxy teacher for duty.
- 9. That the Director of Education E&SE KPK, being Competent Authority regretted his appeal for re-instatement as he was reported absent from his school / duty five (05) times by EMA, hired proxy teacher for his duty and had been reported absent by Deputy DEO and ASDEO concerned, as he failed to appear in person before the competent authority, while was reluctant to accept his negligence and willful / habitual absconeness and other misconduct.

**GROUND.**

- A. **Incorrect and denied.** The respondent department has not violated any rule/policy.
- B. **Incorrect and denied.** That the respondent department acted according law / rules.
- C. **Incorrect and denied.** That the appellant was reported absent from his duty several times by EMA, as well as elders of the area and officer concerned, Then served explanation letter and show cause notice, Hence the appellant is exerting illegal pressure on the respondent department through instant appeal, and the responded department has acted according to the Rules / Policy.
- D. **Incorrect and dined.** That the Respondent Department is bound to abide by the law / rules and policy, as elucidated above in para-C.

- E. Incorrect and denied. That the detail reply has been given in forgoing para-3 above on facts.
- F. Incorrect and denied. That the respondent department has been acted according to the Rules and policy.
- G. Incorrect and denied. That the detail reply has already been submitted above under para No.3 & 4 above on facts.
- H. Incorrect and denied. That the Respondent Department is bound to abide by the law / rules and policy, as elucidated above in para-C.
- I. Incorrect and denied. That the detail reply has been submitted above on ground-C.
- J. Incorrect and denied. Detail reply has been submitted above on fact No.9.
- K. Incorrect and denied. That the respondent department acted according law / rules, and has not violated any legal right of the appellant.
- L. Legal, Respondent Department also seek permission of this Honorable Tribunal to raise additional grounds at time of hearing.

**Prayer:**

Therefore, it is humbly requested that this Honorable Service Tribunal may graciously be pleased to dismiss the instant appeal in favor of the Respondent Department.

(Respondent No.1)

  
**Director E&SE**  
**Khyber Pakhtunkhwa Peshawar**

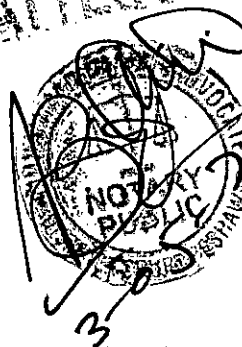
(Respondent No.5)

  
**District Education Officer**  
**(Male) Kurram**

**AFFIDAVIT**

I Mr. Faridullah Mehsood, District Education Officer (Male), District Kurram do hereby solemnly affirm and declare that the contents of the instant Para wise Comments are true and correct to the best of my knowledge & belief, and nothing has been concealed from this Hon'ble Service Tribunal.

**ATTESTED**



  
**Deponent'**  
**DEO Male Kurram**  
**(Respondent No.5)**

(4)

Annexure — "A"

Deputy District Education Officer Lower &

Central Kurram Saidda

No. 7048 / Edu:

Dated 21 / 06 / 2021

PH 0926 579674 Mail: education\_sidda@ymail.com

To

Mr. Diawat Hussain PEI  
GIS base Central Kurram

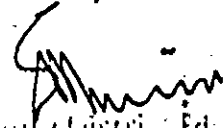
Subject:  
Memo:-

Show Cause/Absence Notice.

Reference to the visit of A.DFO Central Kurram on 24.04.2021, you were found absent since long on the eve of visits without any permission. So you are directed to explain your position of your willful absentee.

In this regard you are issued this show cause/Absence notice to explain your position failing which strict disciplinary action will be taken against you under the S.C. rules of Govt. Khyber Pakhtunkhwa.

Your written reply should reach to this office within three days of the issuance of this letter.

  
Deputy District Education Officer  
Lower & Central Kurram

No. \_\_\_\_\_ Edu: Dated \_\_\_\_ / \_\_\_\_ / 2021

Copy for information to the:

1. Director of Elementary & Secondary Education KPK Peshawar.
2. Deputy Commissioner Tribal District Kurram.
3. District Monitoring Office (DMA) Kurram.
4. Assistant Commissioner Central Kurram at Saidda.
5. ASD/O Concerned
6. Headmaster Concerned
7. Office File.

*Alerted  
for 9/6/21*

Deputy District Education Officer  
Lower & Central Kurram.

(5)

Annexure "B"

Add: District Education Officer Lower &  
Central KurramSadda

No 7433-440 /Edu:

Dated 04 / 09 /2021

Ph 0926-520674 Mail: educationsadda@gmail.com

To Mr.Dilawar Hussain PET  
GHS Baza Central Kurram.

Subject: - Show Cause/Absence Notice.

Memo: -

Reference to the visit of ASDEO Central Kurram on 12.08.2021, you were found absent again on the eve of visits without any permission. So you are directed to ensure your duties personally.

In this regard you are issued show cause notice II to explain your position failing which strict disciplinary action will be taken against you under the E&D rules of Govt: Khyber Pakhtunkhwa .

Your written reply should reach to this office within seven days of the issuance of this letter.

  
Deputy District Education Officer  
Lower & Central Kurram

No \_\_\_\_\_/Edu: Dated \_\_\_\_/\_\_\_\_/2021

Copy for information to the: -

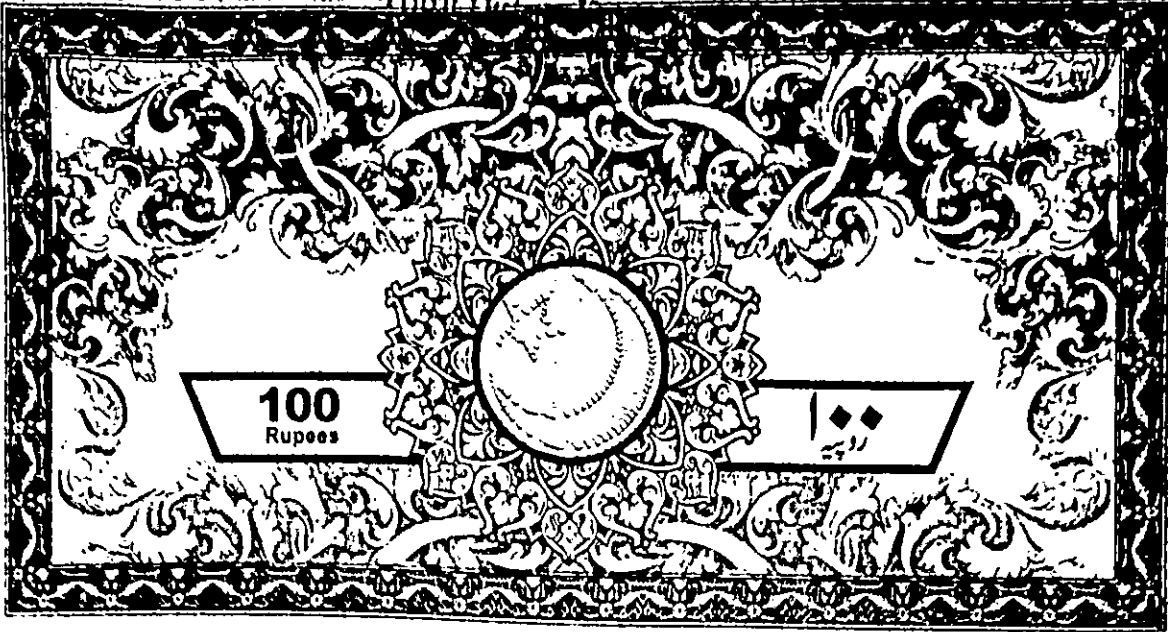
1. Director of Elementary & Secondary Education KPK Peshawar.
2. Deputy Commissioner Tribal District Kurram.
3. District Monitoring Officer (EMA) Kurram.
4. Headmaster GHS Baza Central Kurram.
5. Assistant Commissioner Lower/Central Kurram at Sadda.
6. ASDEO Concerned.
7. Office File.

  
Deputy District Education Officer  
Lower & Central Kurram

*Attested  
[Signature]*

6389999

District Account Officer  
Tribal District



کھجور مہا - ڈپٹی ڈی ای او مہا سٹرک ایئر لائن  
وہنا صت بسلسلہ شوکار نوٹس  
نہام دلاور صحت PET GIS بازہ CH

صائب علی

ڈی آر سی قابل طور سے کہ سائل کو 12.08.2020 کو ASDEO کے پاس  
غیر جان بگرا دفتر ہذا رپورٹ کیا ہے۔ جسکی وجہ سے سائل کے دفتر شوکار نوٹس  
جاری کیا گیا ہے۔ علیحدہ ایک فعال اسٹارڈ اپنے فرائض نبھانے میں  
طرح سے سرانجام دینے کے لیے تیار ہے۔ اسلئے کہ کسی طرح کے حکایت کا وقوع  
نہیں ہو گا۔ عرفیہ جان ہے کہ سائل کے دفتر شوکار نوٹس  
وہنا صت کو قبول کرنا کرتے کارروائی سے ادکا گیا ہے

سٹرک ایئر لائن

14/09/21

CNI 2303 67150 36-5

دلاور صحت PET GIS بازہ سٹرک ایئر

289 03038898500

Attended  
Khalid Khan

[Signature]

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Annexure - "D"



**Deputy District Education Officer (M)**  
**Lower & Central Kurram Sadda**

No \_\_\_\_\_/Edu:

Dated \_\_\_\_/\_\_\_\_/2021

To

The District Education Officer,  
Kurram at Parachinar

Subject:

**TERMINATION OF PROXY TEACHERS UNDER SECTION 7 OF THE E&D RULES**

In pursuance of the strict direction and instruction issued by Deputy Commissioner kurram in DCMA meeting on dated 15.10.2021 regarding Proxy teachers termination under defined Section 7 of the E&D rules are hereby forwarded at your end for necessary action and submitted for further perusal, please.

**List of Proxy Teachers Male Central Kurram**

S.No	School	Teacher	Designation	Cnic No	Proxy
1	GPS SURANGA CK	MUHAMMAD NABI	PSHT	2130189066735	MUHAMMAD SHAFIQ
2	GPS SRA JAWARA	MUHAMMAD SALIM	PSHT	2130201791399	KAREEM ULLAH
3	GPS SAM KHAKAK	MUHAMMAD ZAMAN	PST	2130126369023	HIS BROTHER
4	GPS STAR KALI AVIDARA	MEHBOOB ALI	PST	2130290268345	REHMAT ULLAH
5	GHS BAZA	DILAWAR HUSSAIN	PET	2130367150365	MUHAMMAD AYUB
6	GMS SANDA GHAR	ALI ASGHAR	PET	2130374012795	WALI REHMAN
7	GPS AUD	MUHAMMAD AYAZ	PST	6110132409551	HADI KHAN
8	GPS DOMBAKI	QASIM MUHAMMAD	PST	0000000000000	UMAR FAROOQ
9	GPS STAR KALLY AVIDARA	ABDUL GHAFAR	PST	1610273429825	AZMAT ULLAH
10	GPS ZARA MILLA	ZUBAIR KHAN	PST	2130140945955	JAVED NASIR

**Deputy District Education Officer**  
**S.M. Lower & Central Kurram**

No 8065-79/Edu: Dated 21/10/2020

Copy for information to the: -

1. Deputy Commissioner Kurram
2. District Monitoring Officer Kurram
3. ASDEOs Circle.
4. Official Concerned.
5. Office file.

**Deputy District Education Officer**  
**S.M. Lower & Central Kurram**

*Attested  
[Signature]*



(8)

Annexure — "E"



## Deputy District Education Officer ( )

Lower & Central Kurram Sadda

No \_\_\_\_\_ / Edu:

Dated \_\_\_\_ / \_\_\_\_ / 2021

**To**

The District Education Officer,  
Kurram at Parachinar

**Subject:**

**SUIT F.I.R REGARDING PROXY TEACHERS  
UNDER DEFINED SECTION OF CR 420 & 419**

In pursuance of the strict direction and instruction issued by Deputy Commissioner kurram in DCMA meeting on dated 15.10.2021 regarding Proxy teachers.

2. Therefore, it is, hereby forwarded the list of proxy teachers for Suiting F.I.R Case under section (CR-420 & 419) thus may please be approached to quarter concerned for further perusal and submitted for necessary action at your end, please.

**List of Proxy Teachers Male Central Kurram**

S.No	School	Teacher	Designation	Cnic No	Proxy
1	GPS SURANGA CK	MUHAMMAD NABI	PSHT	2130189066735	MUHAMMAD SHAFIQ
2	GPS SRA JAWARA	MUHAMMAD SALIM	PSHT	2130201791399	KAREEM ULLAH
3	GPS SAM KHAKAK	MUHAMMAD ZAMAN	PST	2130126369023	HIS BROTHER
4	GPS STAR KALI AVIDARA	MEHBOOB ALI	PST	2130290268345	REHMAT ULLAH
5	GHS BAZA	DILAWAR HUSSAIN	PET	2130367150365	MUHAMMAD AYUB
6	GMS SANDA GHAR	ALI ASGHAR	PET	2130374012795	WALI REHMAN
7	GPS AUD	MUHAMMAD AYAZ	PST	6110132409551	HADI KHAN
8	GPS DOMBAKI	QASIM MUHAMMAD	PST	0000000000000	UMAR FAROOQ
9	GPS STAR KALLY AVIDARA	ABDUL GHAFAR	PST	1610273429825	AZMAT ULLAH
10	GPS ZARA MILLA	ZUBAIR KHAN	PST	2130140945955	JAVED NASIR

**Deputy District Education Officer**  
Sm. Lower & Central Kurram

No 8058 - 64 / Edu: Dated 21 / 10 / 2020

Copy for information to the: -

1. Deputy Commissioner Kurram
2. District Monitoring Officer Kurram
3. District Police Officer Kurram
4. ASDEOs Circle.
5. Office file.

*Attested  
[Signature]*

**Deputy District Education Officer**  
Sm. Lower & Central Kurram

9



Ph.No: 0926-310095

OFFICE OF THE DISTRICT EDUCATION OFFICER

(MALE) KURRAM AT PARACHINAR

Email: [deokurram110@gmail.com](mailto:deokurram110@gmail.com)

**Authority Letter**

Mr. Mohammad Shah SCT. Focal Person for (Litigation), of this office is hereby authorized to submit comments in service appeal of Dilawar Hussain Ex PET No.1602/2022 on behalf of the respondents No.1 to 5.

  
**District Education Officer  
(Male) Kurram  
(Respondent No.5)**