BEFORE THE KHYBER -PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

AMENDED SERVICE APPEAL NO.1501/2022

Shouakt Ali

ν̈́/S-

Education Deptt:

INDEX

S.No.	Documents	Annexure	P. No.
1	Memo of Appeal		01-04
2	Affidavit		05
3	Copies of FIR	A	06
4.	Copy of suspension order	В	07
5	Copies of attendance register, pay slip, CNIC and order dated	C,D,E&F	08-26
	24.09.2021		
6	Copies of order dated 09.12.2021, departmental appeal and letter dated 15.09.2022	G,H&I	27-30
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8	Copies of application and order dated sheet dated 06.03.2023	K&L	32-35

THROUGH:

APPELLANT

TAIMUR ALI KHAN
(ADVOCATE HIGH COURT)

SHAKIR ULLAH TORANI ADVOCATE

. Cell# 0333-9390916

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

AMENDED SERVICE APPEAL NO.1501/2022

Shoukat Ali, Retired PSHT (BPS-15), GPS Sher Ali Kali, Lower Orakzai.

(APPELLANT)

VERSUS

- 1. The Secretary Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
- 2. The Director Secretary Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
- 3. The District Education Officer, District Orakzai.

(RESPONDENTS)

AMENDED APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT. AGAINST THE ORDER DATED 09.12.2021 RECEIVED BY APPELLANT ON 24.03.2022, **WHEREBY** SUSPENSION PERIOD OF **APPELLANT** THE W.E.F 01.04.2021 TO 31.07.2021 (122 DAYS) WAS TREATED WITHOUT PAY AND AGAINST THE ORDER DATED 05.10.2022 RECEIVED BY THE APPELLANT ON 11.11.2022 DURING THE PENDENCY OF THE INSTANT APPEAL, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED FOR NO GOOD GROUNDS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS AMENDED APPEAL, THE ORDER DATED 09.12.2021 AND ORDER DATED 05.10.2022 MAY KINDLY BE SET ASIDE AND THE RESPONDENTS MAY KINDLY BEDIRECTED TO CONVERT SUSPENSION THE **PERIOD OF** THE APPELLANT W.E.F 13.03.2021 TO 13.09.2021 (185 DAYS)

INTO FULL PAY UNDER FR-53(b). ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO, BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWTH:

FACTS:

- 1. That the appellant was appointed on the post of PST (then PTC) in the respondent department in the year 1990 and since his appointed, the appellant has performed his duty with devotion and honesty, whatsoever assigned to him and no complaint has been filed against her regarding her performing.
- 2. That the appellant while serving as PSHT in GPS Sher Ali Killi was falsely implicated in criminal case vide FIR No.73 dated 08.02.2021 U/S 380, 411, 457 PPC P.S Ratta Amral Rawalpindi and the appellant has granted pre arrest bail by the competent court of law on 27.07.2021. (Copies of FIR is attached as Annexure-A)
- 3. That on the basis of above mentioned criminal case, the appellant was suspended with immediate effect through suspension order without mention the Endst. No. and date. (Copy of suspension order is attached as Annexure-B)
- 4. That the appellant was on suspension, but he was verbally directed by his department to resume his duty without reinstating him from suspension and on the basis of that direction he resumed his duty on 13.09.2021, which is evident from the attendance register of the school and he also received salary for that period and the appellant regularly performed his duty till his retirement as the appellant was retired from service on attaining the age of superannuation on 31.05.2022, however no proper order of retirement of the appellant has been issued by the department till date, but it can be endorsed from the date of birth mentioned in his CNIC and during performing his duty the appellant applied for bail, which was granted by the competent court of law. (Copies of attendance register, pay slip, CNIC and order dated 24.09.2021 are attached as Annexure-C,D,E&F)
- 5. That although the appellant was on suspension with effect from 13.03.2021 till 13.09.2021, but respondent No.3 passed an order dated 09.12.2021, wherein the period w.e.f 13.03.2021 to 13.09.2021 (185) treated without pay, which is clear violation of FR-53(b). The appellant received the said order dated 24.03.2022 and filed departmental appeal on 07.04.2022, on which comment was called

from respondent No.3 on which he submitted comment through letter dated 15.07.2022 and then the appellant filed the instant appeal before this Honorable Tribunal. (Copies of order dated 09.12.2021, departmental appeal and letter dated 15.09.2022 are attached as Annexure-G,H&I)

- 6. That during the pendency of the service appeal of the appellant before this Honorable Tribunal, the departmental appeal of the appellant was rejected on 05.10.2022 which was received by the appellant on 11.11.2022. (Copy of rejection order dated 05.10.2022 is attached as Annexure-J)
- 7. That as the departmental appeal of the appellant was rejected during the pendency of the instant service appeal, therefore the appellant filed an application to seek permission of this Honorable Tribunal to allow him to amend the instant appeal by impugning the rejection order dated 05.10.2022 in the instant appeal before this Honorable Tribunal which was allowed by the Honorable Tribunal on 06.03.2023. Hence the amended service appeal of the appellant in this Honorable Tribunal for redressal of his grievance on the following grounds amongst others. (Copies of application and order dated sheet dated 06.03.2023 are attached as Annexure-K&L)

GROUNDS:

- A) That the impugned order dated 09.12.2021 and rejection 05.10.2022 are against the law, facts, norms of justice, material on record and violation of FR-53(b), therefore not tenable and liable to be set aside.
- B) That the appellant was suspended on the basis of criminal case pending against him and he is entitled to full amount of her salary and all other benefits and facilities provided to him under the contract of service during the period of suspension under FR-53(b), but his suspension period w.e.f 13.03.2021 to 13.09.2021 (185) days treated without pay, which is clear violation of FR-53 (b).
- C) That the appellant was suspended on the basis of criminal case pending against him, but his suspension period w.e.f 13.03.2021 to 13.09.2021 (185) days was treated without pay through the impugned order dated 09.12.2021, which is clear violation of FR-53(b) and as such the impugned orders is liable to be set aside.
- D) That the appellant was not treated according to law and rules and has been deprived from his legal right of full pay under FR-53(b) for

suspension period w.e.f 13.03.2021 to 13.09.2021 (185) days, which was treated without pay.

E) That the appellant seeks permission of this Honorable Tribunal to advance others grounds and proofs at the time of hearing.

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

APPELLANT Shoukat Ali

THROUGH:

(TAIMUR ALI KHAN) ADVOCATE HIGH COURT

SHAKIR ULLAH TORANI ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

AMENDED SERVICE APPEAL NO.1501/2022

Shoukat Ali

VS

Education Department

AFFIDAVIT

I, Shoukat Ali, Retired PSHT (BPS-15), GPS Sher Ali Kali, Lower Orakzai, (Appellant) do hereby affirm and declare that the contents of this amended service appeal are true and correct and nothing has been concealed from this Honorable Tribunal.



DEPONENT



على تدم لير 24° × (1)

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S1 2713 08-02-2021



OFFICE OF THE DISTRICT EDUCATION OFFICER

DISTRICT O RAKZAT Phone No. 0925-690017

SUSPENSION ORDER:

in light of the CPO Rawalpindi FIR No. No. 73 accused under the law 457/380, dated 8/02/2021, the competent authority has been pleased to suspend Mr. Shoukat Ali PSHT at GPS Sher Ali Killi & Mst. Baswari Bibi PST at GGPS Share Dogala in Orakzai District with immediate effect till completion of the investigation/decision of the District Magistrate Rawalpindi.

DISTRICT EDUCATION OFFICER DISTRICT ORAKZAI

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2	Deputy Director (Estab), Directorate of Education (Merged Areas), Peshawar
	w.r.t his letter No. 5471/E-6/KC/Orakzai, dated 12/04/2021.
3.	City Police Officer, Rawalpindi w.r.t his letter No. 3623, dated 10/04/2021.
4	District Police Officer, Orakzai for necessary legal action:
5	District Monitoring Officer, Orakzai.
6	District Account Officer, Orakzai with the request to stop their salaries with
	immediate effect.
7	ASDEOs (M/F), Lower Orakzai with the direction to do the needful regarding
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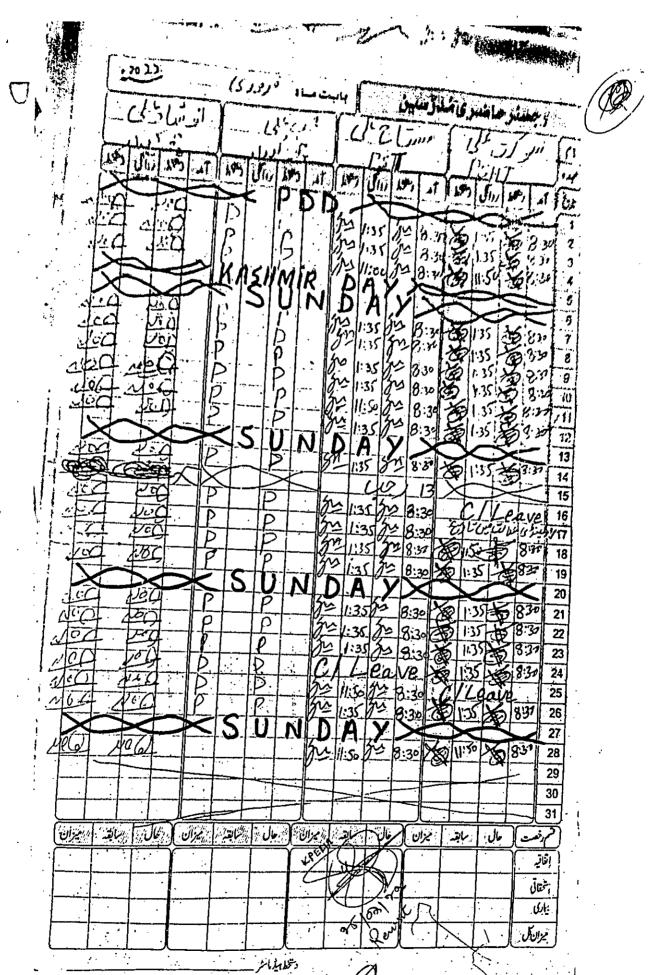
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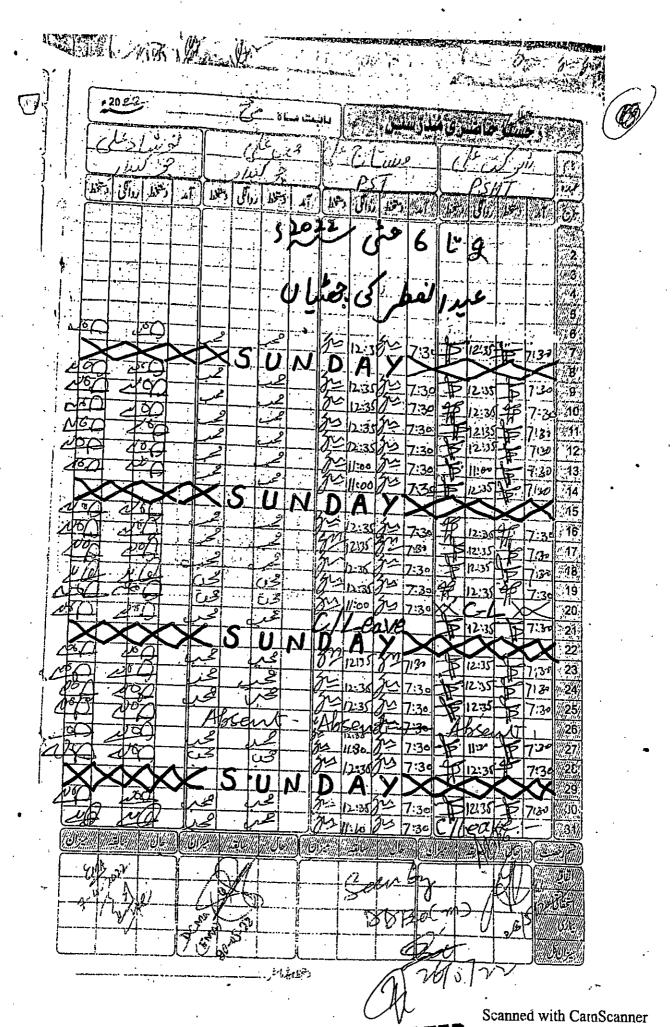
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Dist. Govt. KP-Provincial District Accounts Office Orakzai at Hang Monthly Salary Statement (December-2021)



Personal Information of Mr SHAWKAT ALI d/w/s of ARIF ALI

Personnel Number: 00433762

CNIC: 2160303837903

Date of Birth: 07.06.1962

Entry into Govt. Service: 25.05.1987

NTN:

80926400-DISTRICT GOVERNMENT KHYBE

Length of Service: 34 Years 07 Months 008 Days

Employment Category: Active Temporary

Designation: PRIMARY SCHOOL TEACHER

DDO Code: OI6012-DEO Primary Education Orakzai

Payroll Section: 001 GPF A/C No:

GPF Section: 001 **GPF** Interest Free

Cash Center: 15

GPF Balance:

310,593.00 (provisional)

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil

BPS: 15

Pay Stage: 20

Wage type		Amount	-	Wage type	Aniousi
0001	Basic Pay	42,720.00	1000	House Rent Allowance	2.349.00
1210	Convey Allowance 2005	2,856.00		Medical Allowance	1,500.00
1505	Charge Allowance	40.00		Unattractive Area Allow	1,000.00
2148	15% Adhoc Relief All-2013	850.00		Adhoc Relief Allow @10%	568.00
<u> 2211</u>	Adhoc Relief All 2016 10%	3,143.00		Adhoc Relief All 2017 10%	4,272.00
2247	Adhoc Relief All 2018 10%	4,272.00		Adhoc Relief All 2019 10%	4,272.00
23 09	Adhoc Relief All 2021 10%	4,272.00		Special Allowance 2021	3,500.00

Deductions - General

Γ		111	T			
ļ.		Wage type	Amount	<u></u>	Wage type	Amount
L	3015	GPF Subscription	-2,890.00	3501	Benevolent Fund	T
	3990	Emp.Edu. Fund KPK			R. Benefits & Death Comp:	-1,200.00
-			125.00	14004	IN. Delients & Death Comp:	l -600 00 l

Deductions - Loans and Advances

Loan	Descri	ption	Principal amount	Deduction	Balance
Peductions Payable:	- Income Tax 0.00 Recovere	d till DEC-2021:	0.00 Exempted:	0.00 Recovera	ble: 0.00
Gross Pay	(Rs.): 75,614.00	Deductions: (Rs.):	-4,815.00 r	Net Pay: (Rs.): 70,	799.00
Account N	nc: SHAWKAT ALI umber: 29561-7 ils: NATIONAL BANK OI	F PAKISTAN, 230354	MAIN BRANCH KOHAT	`MAIN BRANCH KOI	łat, kohat
Leaves:	Opčning Balance:	Availed:	Earned:	Balance:	

Permanent Address:

City: ORAKZAIAGENCY

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: shoukatalihng@gmail.com

Dist. Govt. KP-Provincial District Accounts Office Orakzai at Hang Monthly Salary Statement (January-2022)

Personal Information of Mr SHAWKAT ALI d/w/s of ARIF ALI

Personnel Number: 00433762

CNIC: 2160303837903

Date of Birth: 07.06.1962

Entry into Govt. Service: 25.05.1987

NTN:

80926400-DISTRICT GOVERNMENT KHYBE

Length of Service: 34 Years 08 Months 008 Days

Employment Category: Active Temporary

Designation; PRIMARY SCHOOL TEACHER :

DDO Code: OI6012-DEO Primary Education Orakzai

Payroll Section: 001 GPF A/C No:

GPF Section: 001

GPF Interest Free

Cash Center: 15

GPF Balance:

313,483.00 (provisional)

Vendor Number: -

Pav and Allowances:

Pay scale: BPS For - 2017

Pay-Scale Type: Civil BPS: 15

Pay Stage: 20 •

	Wage type			
0001	Basic Pay	Amount	Wage type	Amanat
		42,720.00	1000 House Rent Allowance	Amount
	Convey Allowance 2005	2,856,00	1300 Medical Allowance	2,349.00
1505	Charge Allowance	40.00		1,500.00
2148	15% Adhoc Relief All-2013		1528 Unattractive Area Allow	1,000 (16
	Adhoc Relief All 2016 10%	850.00	2199 Adhoc Relief Allow @109	568.00
2247	A dhan R-11-5 111 2010 1070	3,143.00	2224 Adhoc Relief All 2017 109	
	Adhoc Relief All 2018 10%	4,272.00	2264 Adhoc Relief All 2019 109	1,272.00
2309	Adhoc Relief All 2021 10%	4,272.00	2315 Special Allowance 2021	4,272.00
	•	<u>, , , , , , , , , , , , , , , , , , , </u>	12313 [Special Allowance 202]	3.500.00

Deductions - General

1				•	
\vdash	Wage type	Amount		W.	
30	15 GPF Subscription		2501	Wage type	Amount
	90 Emp.Edu. Fund KPK			Benevolent Fund	-1,200.00
	Tampinada. 1 dila KTK	-125.00	4004	R. Benefits & Death Comp.	1,200,00

Deductions - Loans and Advances

	•
Loan Description Pri	
PR	incipal amount Deduction Balance
	Daiai(t)

Deductions - Income Tax

Payable:

0.00

Recovered till JAN-2022:

Exempted: 0.00

0.00

Gross Pay (Rs.):

Deductions: (Rs.):

-4,815.00

Net Pay: (Rs.):

Payce Name: SHAWKAT ALI Account Number: 29561-7

Bank Details: NATIONAL BANK OF PAKISTAN, 230354 MAIN BRANCH KOHAT MAIN BRANCH KOHAT, KOHAT

Leaves:

Opening Balance:

Availed:

Earned:

Permanent Address:

City: ORAKZAIAGENCY

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address: City:

Email: shoukatalihng@gmail.com



Dist. Govt. KP-Provincial District Accounts Office Orakzai at Hang Monthly Salary Statement (February-2022)

Personal Information of Mr SHAWKAT ALI d/w/s of ARIF ALI

Personnel Number: 00433762

CNIC: 2160303837903

Date of Birth: 07.06.1962

Entry into Govt. Service: 25.05.1987

30926400-DISTRICT GOVERNMENT KHYBE

Length of Service: 34 Years 09 Months 005 Days

Employment Category: Active Temporary

Designation: PRIMARY SCHOOL TEACHER

DDO Code: OI6012-DEO Primary Education Orakzai

Payroll Section: 001 GPF A/C No:

GPF Section: 001 GPF Interest Free

Cash Center: 15

GPF Balance:

316,373.00 (provisional)

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil

BPS: 15

Pay Stage: 20

Wage type		Wage type Amount		Wage type	
0001	Basic Pay	42,720.00	1000	House Rent Allowance	Amount
1210	Convey Allowance 2005	2,856,00		Medical Allowance	2,349.00
1505	Charge Allowance	40.00		Unattractive Area Allow	1,500.00
2148	15% Adhoc Relief All-2013	850.00		Adhoc Relief Allow @10%	1,000.00
2211	Adhoc Relief All 2016 10%	3,143,00		Adhoc Relief Ali 2017 10%	568.00
247	Adhoc Relief All 2018 10%	4,272.00		Adhoc Relief All 2 19 10%	4,272.00
309	Adhoc Relief All 2021 10%	4,272,00		Special Allowance 2 71	4,272.00 3,500.00

Deductions - General

Wage type			
	Amount	Wage tyle	Amount
3015 GPF Subscription	-2,890.00	3501 Benevolent Fund	
3990 Emp.Edu. Fund KPK		4004 R. Benefits & Death Comp:	-1,200.00 -600.00

Deductions - Loans and Advances

/ Loan	Desc	ription	Principal amount	Deduction	Balance
Deductions - Incon Payable: 0.0		red till FEB-2022:	0.00 Exempte	d: 0.00 Recov	
Gross Pay (Rs.):	75,614.00	Deductions: (Rs.):	-4,815.00	Net Pay: (Rs.):	70,799.00
Payce Name: SHA' Account Number: 2 Bank Details: NAT	29561-7	OF PAKISTAN, 230354 N	AAN DD ANCH YOU	AT MADI DD ANGW W	

Earned:

Permanent Address:

City: ORAKZAIAGENCY

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

Leaves:

City:

Opening Balance:

Availed:

Email: shoukatalihng@gmail.com

Balance:

System generated document in accordance with APPM 4.6.12.9(359698/22.02.2022/v3.0) * All amounts are in Pak Rupees * Errors & omissions excepted (SERVICES/06.08.2022/00:55:29)

Dist. Govt. KP-Provincial: District Accounts Office Orakzaj at Hang Monthly Salary Statement (March-2022)

Personal Information of Mr SHAWKAT ALI d/w/s of ARIF ALI

Personnel Number: 00433762

CNIC: 2160303837903

Date of Birth: 07.06.1962

Entry into Govt. Service: 25.05:1987

80926400-DISTRICT GOVERNMENT KHYBE

Length of Service: 34 Years 10 Months 008 Days

Employment Category: Active Temporary

Designation: PRIMARY SCHOOL TEACHER

DDO Code: OI6012-DEO Primary Education Orakzai

Payroll Section: 001

GPF Section: 001

GPF Interest Free

Cash Center: 15

319,263.00 (p.ovisional)

GPF A/C No: Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 15

GPF Balance:

Pay Stage: 20

	Wage type	Amount	Wage type	Amount
0001	Basic Pay	Basic Pay 42,720.00 1000 House Rent Allowar		2,349.00
210	Convey Allowance 2005	2,856.00	1300 Medical Allowance	1,500.00
1505	Charge Allowance	40.00	1528 Unattractive Area Allow	1,000.00
2148	15% Adhoc Relief All-2013	850.00	2199 Adhoc Relief Allow @10%	568.00
2211	Adhoc Relief All 2016 10%	3,143.00	2224 Adhoc Relief All 2017 10%	4,272,00
2247	Adhoc Relief All 2018 10%	4,272.00	2264 Adhoc Relief All 2019 10%	4,272.00
<u>2309</u>	Adhoc Relief All 2021 10%	4,272.00	2315 Special Allowance 2021	3 500 00

Deductions - General

Wage type	Amount	Wage type	Amount
3015 GPF Subscription	-2,890.00	3501 Benevolent Fund	-1,200,90
3990 Emp.Edu. Fund KPK		4004 R. Benefits & Death Comp:	-600.00

Loan	Desc	ription	Principal amount	Deduction	Balance
Deductions - Incom	ne Tax			-	
Payable: 0.		ered till MAR-2022:	0.00 Exempted	d: 0.00 Rec	overable: 0.00
Gross Pay (Rs.):	75,614.00	Deductions: (Rs.):	-4,815.00	Net Pay: (Rs.):	70,799.00
Payce Name: SHA Account Number:	29561-7				КОНАТ, КОНАТ

Earned:

Leaves:

Permanent Address: City: ORAKZAIAGENCY

Opening Balance:

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: shoukatalihng@gmail.com

Availed:

Balance:



Dist. Govt. KP-Provincial District Accounts Office Orakzai at Hang Monthly Salary Statement (April-2022)

Personal Information of Mr SHAWKAT ALI d/w/s of ARIF ALI

Personnel Number: 00433762

CNIC: 2160303837903

Date of Birth: 07.06.1962

Entry into Govt. Service: 25.05.1987

Length of Service: 34 Years 11 Months 007 Days

Employment Category: Active Temporary

Designation: PRIMARY SCHOOL TEACHER

DDO Code: OI6012-DEO Primary Education Orakzai

Payroll Section: 001

GPF Section: 001 **GPF** Interest Free

Cash Center: 15

GPF Balance:

322,153.00 (provisional)

Vendor Number: -

GPF A/C No:

Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil BPS: 15

80926400-DISTRICT GOVERNMENT KHYBE

Pay Stage: 20

	Wage type	Amount	Wage type	 Amount
0001	Basic Pay	42,720.00	1000 House Rent Allowance	 2,349.00
1210	Convey Allowance 2005	2,856.00	1300 Medical Allowance	1,500.00
1505	Charge Allowance	40.00	1528 Unattractive Area Allow	 1,000.00
2148	15% Adhoc Relief All-2013	850.00	2199 Adhoc Relief Allow @10%	568.00
2211	Adhoc Relief All 2016 10%	3,143.00	2224 Adhoc Relief All 2017 10%	 4,272.00
2247	Adhoc Relief All 2018 10%	4,272.00	2264 Adhoc Relief All 2019 10%	 4,272.00
2309	Adhoc Relief All 2021 10%	4,272.00	2315 Special Allowance 2021	 3,500.00
2341	Dispr. Red All 15% 2022KP	6,408.00	5002 Adjustment House Rent	9,045.00
5011	Adj Conveyance Allowance	7,330.00	5012 Adjustment Medical All	3,850.00
102	· · · · · · · · · · · · · · · · · · ·	3,850.00	5150 Adj. Teaching Allow 2021	8,275.00
<u> 5151</u>	Adj. Adhoc Rel Allow 2021 **	10,965.00	5155 Adj. Disp. Red All 2022KP	6,408.00
5309	Adj. 15% Adhoc Allowance	2,182.00	5322 Adj Adhoc Relief All 2018	10,965.00
	Adj Adhoc Relief All 2019	10,965.00	5801 Adj Basic Pay	122,481.00
<u> </u>	Adj Adhoc Relief All 2016	8,067.00	5990 Adj Adhoc Relief All 2017	 10.965.00

Deductions - General

	Wage type	Amount	Wage type	Amount
3015	GPF Subscription	-2,890.00	3501 Benevolent Fund	-1,290.00
3609	Income Tax	-2,333.00	3990 Emp.Edu. Fund KPK	-125,00
4004	R. Benefits & Death Comp:	-600.00		0.00

Deductions - Loans and Advances

	 	· · · · · · · · · · · · · · · · · · ·		
Loa	Description	Principal amount	The day and an	** * .
·	 	1 Chicipal amount	Deduction	Balance

Deductions - Income Tax

Payable: 8,193.45

Recovered till APR-2022:

Exempted: 1194.73

Recoverable:

Gross Pay (Rs.):

297,370.00

Deductions: (Rs,):

Net Pay: (Rs.):

290,222.00

Payee Name: SHAWKAT ALI Account Number: 29561-7

Bank Details: NATIONAL BANK OF PAKISTAN, 230354 MAIN BRANCH KOHAT MAIN BRANCH KOHAT, KOHAT

Leaves:

Opening Balance:

Availed:

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Permanent Address:

-City: ORAKZAJAGENCY

ddress:

Domicile: NW - Khyber Pakhtunkhwa

Email: shoukatalihng@gmail.com

Housing Status:







Dist. Govt. KP-Provincial District Accounts Office Orakzai at Hang Monthly Salary Statement (May-2022)

Personal Information of Mr SHAWKAT ALI d/w/s of ARIF ALI

Personnel Number: 00433762

CNIC: 2160303837903

Date of Birth: 07.06,1962

Entry into Govt. Service: 25.05.1987

80926400-DISTRICT GOVERNMENT KHYBE

Length of Service: 35 Years 00 Months 008 Days

Employment Category: Active Temporary

Designation: PRIMARY SCHOOL TEACHER

DDO Code: OI6012-DEO Primary Education Orakzai

Payroll Section: 001

GPF A/C No:

GPF Section: 001 **GPF** Interest Free

Cash Center: 15

325,043.00 (provisional)

Vendor Number: ~

Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil BPS: 15

GPF Balance:

Pay Stage: 20

	Wage type	Amount		Wage type	Amount
0001	Basic Pay	42,720.00	1000	House Rent Allowance	2,349:00
1210	Convey Allowance 2005	2,856.00		Medical Allowance	1,500.00
	Charge Allowance	40.00		Unattractive Area Allow	1,000.00
2148	15% Adhoc Relief All-2013	850.00		Adhoc Relief Allow @10%	568,00
2211	Adhoc Relief All 2016 10%	3,143.00		Adhoc Relief All 2017 10%	4,272.00
2247	Adhoc Relief All 2018 10%	4,272.00		Adhoc Relief All 2019 10%	4,272.00
2309	Adhoc Relief All 2021 10%	4,272.00		Special Allowance 2021	3,500.00
2341	Dispr. Red All 15% 2022KP	6,408.00			0.00

Deductions - General

	. Waga tura				
Wage type		Amount	Wage type		Amount
3015	GPF Subscription	-2,890.00	3501	Benevolent Fund	
3609	Income Tax		-	Emp.Edu. Fund KPK	-1,200.00
4004	R. Benefits & Death Comp:	-600.00	1	Emp.Litti. I taid Ki K	-125.00
		-000.00		<u></u> .	f 0.00

Deductions - Loans and Advances

			•	,
Loan	Description	Principal amount	Deduction	Balance
	•			

Deductions - Income Tax

Payable:

8,193.45

Recovered till MAY-2022:

4,666.00

Exempted: 1194.66

Recoverable:

2,332.79

Gross Pay (Rs.):

82,022.00

Deductions: (Rs.):

-7,148.00

Net Pay: (Rs.):

74,874.00

Payee Name: SHAWKAT ALI

Account Number: 29561-7

Bank Details: NATIONAL BANK OF PAKISTAN, 230354 MAIN BRANCH KOHAT MAIN BRANCH KOHAT, KOHAT

Leaves:

Opening Balance:

Availed:

Balance:

Permanent Address:

City: ORAKZAIAGENCY

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

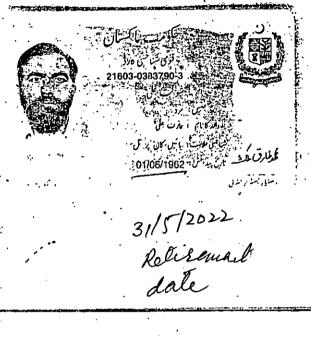
Temp. Address: City:

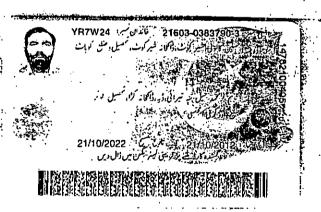
Email: shoukatalihng@gmail.com

Errors & omissions excepted (SERVICES/06.08.2022/00:55:29)









24.09.2021

Present:-

Accused/petitioner Shaukat Ali-on ad interim pre-arrest bail. Raja Arshad Hayat Advocate, counsel for the accused/petitioner.

ADPP for the State.

Through instant petition, accused/petitioner Shauka Alı has sought his pre-arrest bail in case FIR No.73 dated 08.02.2021, offence U/S 457/380/411 PPC, registered at P.S Ratta Amral, Rawalpindi.

- 2. . It has been argued by learned counsel for the accused/petitioner that accused/petitioner is innocent and has falsely been involved in this case on the basis of concocted story; that the accused/petitioner is not nominated in the FIR; that the case of accused/petitioner is one of further inquiry; that the alleged offence does not fall within the ambit of prohibitory clause of Section 497 Cr.P.C; that co-accused have already been admitted to bail by learned Area Magistrate. It has been prayed that by accepting this bail petition, ad-interim pre-arrest bail already granted to the accused/petitioner may be confirmed.
- On the other hand, learned ADPP on behalf of the State has vehemently opposed this bail petition and has prayed for its dismissal.
- 4. Arguments heard. Record perused.
- 5. The present case was registered against some unknown accused initially and then one of the accused Shahzad Ali was arrested. Upon the disclosure made by accused Shahzad Ali while in police custody, the present accused/petitioner Shoukat Ali as well as the accused Nadia and Baswari Jan were nominated vide Zimni No.20 dated 17.03.2021. The allegation against the present accused/petitioner is only to the extent that the accused Shahzad Ali handed over 660 grams gold i.e stolen property to him and the others for keeping the same in their custody. In this way, the offence attributed to accused/petitioner falls within the definition of offence U/S 411 PPC. As already mentioned the present accused/petitioner has been nominated on the basis of a disclosure by the co-accused but such disclosure holds no importance in the eyes of law. No detail regarding the involvement of present accused/petitioner or the time, date and place of receiving of case property has been provided. The present accused/petitioner is ellise relative of the



Shaukat Alt. 18 The State

other accused who actively participated it the occurrence and his talse nomination cannot be ruled out. The main accused who nominated them has already been granted bail. It is pertinent to mention here that the other co-accused Mst. Nadia and Baswari Jan having the same role has also been granted pre-arrest bail vide order dated 27.07.2021 and the present accused/petitioner is also entitled for grant of bail under the rule of consistency. In view of that instant bail petition is accepted and ad-interim pre-arrest bail already granted to the accused/petitioner is confirmed subject to his furnishing bail bonds in the sum of ks.50,000/- with one surety in the like amount to the satisfaction of learned trial Court within seven days of this order. File be consigned to the record room after its due completion and compilation.

Announced

24.09.2021

Tahir Abbas Sipra, Addl: Sessions Judge, Rawalpindi

And Street Street Street

7-2155 01-21-15-5 01-21-15-5 1

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LEAVE SANCTION ORDER.

In exercise of power conferred upon the competent authority vide rules 5-(a) of the District Govt: Rules of Business 2001 read with NWFP Govt: revised leave rules 1981. Sanction to the grant of following leave are hereby accorded.

S.No.	Name of Officials & Desig:	Name of Office/ School	Nature of Leave	Period of Leave ,	Remarks
1	Mr.Shoukat Ali PSHT	GPS Darvezai	Leave without pay	Wef:13/3/2021 to 13/9/2021(185)	(185 Days without pay)

Note :- Necessary entry to this effect should be made in her/his service books.

(FARID ULLAH MEHSOOD) DISTITEDUCATION OFFICER,

Endst: No.

Copy to the:-1. District Accounts Officer, Distt: ORakzai

- 2. DDEO (M) Distt: Orakzai.
- 3. ASDEO Circle Office.
- 4. DMO Distt: Orakzai.
- Head Teacher concerned.
- Official concerned.
- Office copy

DISTRACTION OFFICER. -DISTT: ORAKZAI.

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Page 1 of 2

ΤO

The Director (E&SE) Department, Khyber Pakhtunkhwa Peshawar.

Subject:

DEPARTMENT APPEAL AGAINST THE ORDER DATED 09-12-2021 OF THE DISTRICT EDUCATION OFFICER DISTRICT ORAKZAI (COMMUNICATED TO THE APPELLANT ON 24-03-2022)

Respected Sir,

Most respected it is stated that:

- 1. I am regular employee of your department and presently working as Primary School Head Teacher (BPS-15) and while lastly posted at Govt. Primary School, Khair Ali Kali, Lower Orakzai was involved in a concocted case vide FIR No. 73 dated 08-02-2021 u/s 157/380/411 PPC of Police Station Rata Amral, Rawalpindi.
- 2. I immediately approached the District Education Officer Orakzai by conveying the actual fact regarding false implication in the mentioned case vide application of the even date.

(Copy of the application is attached)

3. In response to the application, I was suspended by the competent authority on the same ground.

(Copy of Suspension Order is attached)

4. After release on bail by the court of Law in September 2021, I approached the competent authority (District Education Officer, Orakzai) for resuming my duties and accordingly started performing my duties. Astonishingly, I was informed that the period of suspension w.e.f 13-03-2021 to 13-09-2021 has been treated as Leave Without Pay (LWP) by the competent authority vide order dated 09-12-2021 which was received by me through my own efforts on 24-03-2022.

(Copy of Impugned order dated 09.12.2021 is attached)

LANCE OF YOUR DOT FOLLOW

5. In this respect it is stated that the impugned order is illegal on the ground that I was properly suspended as I have timely informed my high ups regarding my false involvement in a criminal.

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Page 2 of 2

6. I properly appeared before the competent court of Law for facing the consequences of the false FIR registered against me wherein I was bail out in September 2021.

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7. Accordingly, the prevailing law & rules I am fully entitle for the Pay & Other allowances during my suspension period i.e. 13-03-2021 to 13-09-2021 but unfortunately, the competent authority issued the impugned illegal order dated 09-12-2021 without any cogent reason and without affording any opportunity of my personal defense.

It is, therefore, most kindly requested that the impugned order dated 09-12-2021 may be cancelled and I my allowed to draw the benefit of the period from 13-03-2021 to 13-09-2021 and oblige please.

e Royales - Sail

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Dated: 07-04-2022

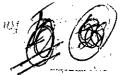
Obediently Yours,

SHOUKAT ALI (PSHT),

GPS Khair Ali Kali, Lower Orakzai

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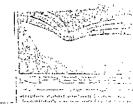




OFFICE OF THE DISTRICT EDUCATION OFFICER-ORAKZAI

Umar Plaza, Main Kohat Road, Muslimabad-Hangu. Phone # 0925-690017 Fax # 0925-690017 Email: deoorakzai2020@gmail.com

Dute: 15_9 7027



Tο.

The Assistant Director (Estab.) Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.

Subject:

DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 9/12/2021 OF THE DEG ORAKZAI (COMMUNICATED TO THE APPEAL ON 24/3/2022).

Please refer to your office letter No. 5759-61/EM/II MiOrak Vol 01. Dated 6/7/2022 on the above captioned subject.

Detail reply of the aloresaid appeal is as under:

- 1. Mr. Shoukat Ali PSHT was serving at GPS Khair Ali Killi Lower Orakzai, he was absent vice (irom dated 13/3/2021 to 13/9/2021 (185 days) without prior permission from concerns. Absented's raports of ASDEO Lower & Deputy DEO are annexed.
- 2. This office approved/converted absent period (185 days) to leave without pay vide No. 9186-92 dated 9/12/2021. (Leave sanction order is attached for ready reference)
- Mr. Shukat Ali PSHT was charged under FiR No. 73 Dated 8(2):2021, offence U/S 457(\$30)411 PPC. registered at Police station Ratia Amral, District Rawalpinda
- 4. Bail before arrest (BBA) was granted on 24-9/2021 by Additional Session Judge Rawsipinds Corcu Sheet is attached).
- 5. Mr. Shaukat Ali resumed his duty from 13/9/2021 in GPS Khair Ali Killi Luwer Orahaarand his salary is active since then accordingly

Now he is demanding the salaries of the absentee's periodice (185 days) which has already been converted to leave without pay. (Application of the applicant is attached).

As the appellant was found abscorder by the Punjab Police & remained absent from efficial duty during the period as mentioned above. Moreover, his absent period has already been converted into leave without pay, hence his pay in the instant period could be not be justified.

Report is submitted for your kind perusal as desired, please

DISTRICT EDUCATION OFFICER

Copy of Even No. & Date:

Copy forwarded for information and necessary action to the

PA to the Director (E8SE) Khyber Pakhtunkhwa Peshawar.

PA to Additional Director (Estab.), Directorate of Education, Marged Areas, Peshawar.

ADEO (Litigation), local office, Orakzal.

4. Mr. Shoukat Ali, PSHT GPS Khair Ali Kalal, Lower Orokzol.

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Page No. 2€ 30

OFFICE OF THE DISTRICT EDUCATION OFFICER-ORAKZAL Umar Plaza, Main Kohat Road, Muslimabad-Hangu.

Phone # 0925-690017 Fax # 0925-690017 EMAIL: DEOORAKZAI2020@GMAIL.COM

Endst No. <u>9873</u>

Date: 15.7.2022

Τo,

The Assistant Director (Estab:)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.

Subject:

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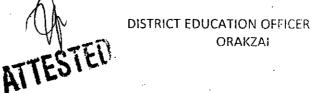
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DISTRICT EDUCATION OFFICER ORAKZAI

Copy of Even No. & Date:

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- 1. PA to the Director (E&SE) Khyber Pakhtunkhwa Peshawar.
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- 5. Office Copy.



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OFFICE OF THE DISTRICT EDUCATION OFFICER (M)-ORANZAL

Umar Plaza, Main Kohat-Road, Muslimabad-Hangu.
Phone # 0925-690017 Fax # 6925-690017
Email deporations/2020@email.com



Copy Forwarded for information to the te-

- 1. Director Elementary & Secondary Education Knyber Pakhtunkawa Peshawr
- 2. Shaukat Ali PSHT GPS Khair Ali Killi With the remarks that you're Apoeal acs seen agenced by Director, Secret as 3 Secondary Education Khyber Pakhtunkhwa Peshawar
- 3. ::Loccal Office Copy....

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ATTESTET

DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION KHYBER PAKHTUNKHWA PESHAWAR

PHONE: 091-9330242 FAX:

NO. 9146-48/

DATED: 02/10/2022

To

The District Education Office (Male)

Orakzai

SUBJECT:

DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 09/12/2021 OF THE DEO ORAKZAI (COMMUNICATED TO THE APPEAL ON 24/03/2021

I am directed to refer to the subject cited above and to stated that after perusal of the case in the light of your letter No.9873 dated 16/09/2022 the competent authority is pleased to reject the appeal of Mr. Shaukat Ali PSHT in GPS Khair Ali Kalay Lower Orakzai.

I am further directed to ask you to inform the official accordingly please.

Assistant Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar

OFFICE OF THE DISTRICT EDUCATION OFFICER (M)- ORAKZAI
UMER PLAZA MAIN KOHAT ROAD MUSLIMABAD HANGU
PHONE # 0925-690017 FAX # 0925-690017

COPY FORWARDED FOR INFORMATION TO THE:

- 1. DIRECTORATE ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA PESHAWAR
- 2. SHAUKAT ALI PSHT GPS KHAIR ALI KILLI WITH THE REMARKS THAT YOUR APPEAL HAS BEEN REJECTED BY DIRECTOR ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA PESHAWAR
- 3. LOCAL OFFICE COPY

ATTESTED



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUN **PESHAWAR**

Service Appeal No. 15 01 /2022

Shoukat Ali

Education Department

APPLICATION FOR PERMISSION TO ALLOW THE APPELLANT TO AMEND THE INSTANT APPEAL DUE THE PASSING OF THE REJECTION ORDER DATED 05.10.2022 RECEIVED BY THE APPELLANT ON 11.11.2022 DURING THE PENDENCY OF INSTANT APPEAL.

RESPECTFULLY SHEWETH:

- 1. That the appellant has filed the instant against the order dated 09.12.2022 whereby suspension period of the appellant w.e.f. 13.03.2021 to 13.09.2021 (185) days was treated without pay and against eth order dated 15.09.2022, whereby the respondent No.3 denied the claim of the appellant in the comments on the departmental appeal of the appellant.
- 2. That respondent No.3 denied the claim of the appellant in the comments on the departmental appeal of the appellant, however, no action has taken on the departmental appeal of the appellant within the statutory period of ninety days.
- 3. That the appellant filed the instant service appeal in this Honorable Tribunal and during the pendency of the instant service appeal the departmental appeal of the appellant was rejected on 05.10.2022 which was received by the appellant on 11.11.2022 and as the departmental appeal of the appellant was rejected on 05.10,2022 during the pendency of the instant appeal which also needs to be challenged in the instant service appeal before this Honorable

ESTED

Tribunal, therefore the appellant wants to amend the instant appeal by impugning the rejection order dated 05.10.2022 in the instant appeal. (Copy of rejection order dated 05.10.2022 is attached as Annexure-R-1)

It is therefore most humbly prayed that on the acceptance of this application, the appellant may kindly be allowed to amend the instant appeal by impugning the rejection order dated 05.10.2020 in the instant appeal before this Honorable Tribunal.

THROUGH:

TAIMUR ALI KHAN ADVOCATE HIGH COURT

APPELKANT

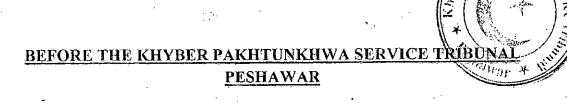
AFFIDAVIT

It is affirmed and declared that the contents of this application are true and correct to the best of my knowledge and belief.

Certifically be ture copy

6 DEC 2022

DEPONENT



SERVICE APPEAL NO. 12022

Service Translation .

Shoukat Ali, Retired PSHT (BPS-15), GPS Sher Ai Kali, Lower Orakzai.

(APPELLANT)

VERSUS

- 1. The Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
- 2. The Director Elementary & Secondary Education, Khyber Pakhtunkhwa,
- 3. The District Education Officer District Orakzai.

(RESPONDENTS)

APPEAL UNDER SECTION PAKHTUNKHWA SERVICE **TRIBUNALS** ACT, 1974 AGAINST THE ORDER DATED 09.12.2021 RECEIVED BY APPELLANT ON 24.03.2022, SUSPENSION PERIOD OF THE APPELLANT W.E.F 13.03.2021 TO 13.09.2021 (185-DAYS) WAS TREATED WITHOUT PAY AND AGAINST THE ORDER DATED 15.09.2022, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED FOR NO GROUNDS.

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PRAYER:

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THAT THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 09.12.2021 AND 15.09.2022 MAY KINDLY BE SET ASIDE AND THE RESPONDENTS MAY KINDLY BE DIRECTED TO CONVERT THE SUSPENSION PERIOD OF THE APPELLANT W.E.F 13.03.2021 TO 13.09.2021 (185-DAYS) INTO FULL PAY UNDER FR-53 (b). ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Certified to be ture copy Khyberfrakt ankhwe Service inbunal Peshawar

Appeal No. 1501/2012 Shonket AS'

06.03.2023

Learned counsel for the appellant present.

Learned counsel for the appellant submitted an application to allow him to amend the appeal on the ground that during pendency of the instant service appeal the respondent department issued rejection order dated 05.10.2022 which was received by the appellant on 11.11.2022. Request is allowed. He may do so within seven days. Adjourned. To come up for preliminary hearing on 13.04.2023 before S.B. P.P given to learned counsel for the appellant.

(Muhammad Akbar Khan) Member (E)

Date of Presentation of Application 12/4/25 Khyber raching Service Tribum Peabawar

Copying Fee 10/2 Peabawar

Total Name Date of Cu. Date of Cu. Date of Cu. Date of Cu. Date of Delivery or copy 12/4/25

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