

08.11.2022

Clerk of counsel for the appellant present.

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

Former requested for adjournment on the ground that
learned counsel for the appellant is busy in hon'ble Peshawar
High Court. Last chance is given. To come up for arguments on
26.12.2022 before D.B.



(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)

SCANNED
KPST,
Peshawar

26.12.2022

Due to winter vacation the case is adjourned
to 27.03.2023 before the same.

Cy/f
Reader.

16.06.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak,
Additional Advocate General for respondents present.

Learned counsel for the appellant requested for adjournment on the
ground that he has not made preparation for arguments. Adjourned. To
come up for arguments on 19.08.2022 before D.B.



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

19.8.22

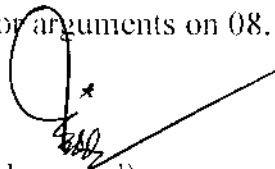
*Due to summer vacations the case is adjourned
to 7-10-22 for same.*



07.10.2022

Counsel for the appellant present. Mr. Kabir Ullah
Khattak, Additional Advocate General for respondents
present.

Learned counsel for the appellant made a request for
adjournment in order to prepare the brief. Adjourned. To
come up for arguments on 08.11.2022 before D.B.



(Mian Muhammad)
Member (E)



(Kamal Arshad Khan)
Chairman

SCANNED
KPST
Peshawar

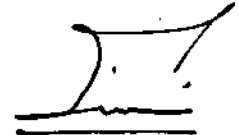
02.09.2021

Mr. Taimur Ali Khan, Advocate, for the appellant present.
Mr. Riaz Ahmed Paindakheil, Assistant Advocate General for the respondents present.

Arguments could not be heard due to paucity of time.
Adjourned. To come up for arguments before the D.B on 14.12.2021.



(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

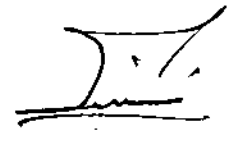
14.12.2021

Mr. Taimur Ali Khan, Advocate for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments before the D.B on 03.03.2022.



(Atiq Ur Rehman Wazir)
Member (E)



(Salah-ud-Din)
Member (J)

3-3-22

*Due To Retirement of the Hon.ble
Chairman the case is adjourned to
come up for the same as before on
16-6-22*

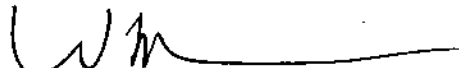
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20.11.2020

Counsel for appellant present.

Muhammad Jan learned Deputy District Attorney for respondents present.

A request for adjournment was made as issue involved in the present case is pending before Larger Bench of this Tribunal. Adjourned. To come up for arguments on 12.02.2021 before D.B.


(Atiq ur Rehman Wazir)
Member (E)

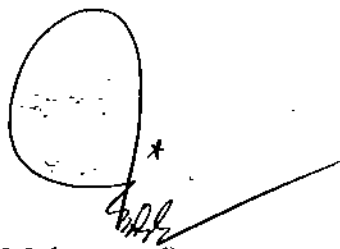

(Rozina Rehman)
Member (J)

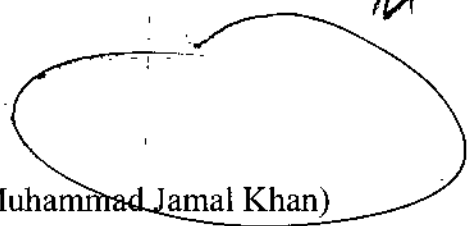
12.02.2021

None for the appellant present. Adl: AG for respondents present.

Arguments could not be heard due to general strike of the Bar.

Adjourned to 04.05.2021 for arguments before D.B.


(Mian Muhammad)
Member (E)


(Muhammad Jamal Khan)
Member(J)

4.5.2021

Due to COVID-19, the case is adjourned to 2.9.2021 for the same.


SCANNED
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Peshawar


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11-5 .2020

28/7/2020 for the same as before.

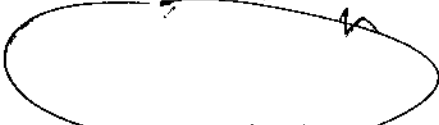
Due to COVID19, the case is adjourned to


Reader

28.07.2020

Mr. Asad Mahmood Advocate on behalf of learned counsel for the appellant and Addl. AG for the respondents present.

Former requests for adjournment due to indisposition of learned senior counsel for the appellant. Adjourned to 17.09.2020 for hearing before the D.B.


(Muhammad Jamal Khan)
Member



Chairman


17.09.2020

Counsel for appellant present.

Mr. Kabir Ullah Khattak learned Additional Advocate General for respondents present

Former requests for adjournment as issue involved in the present case is pending before Larger Bench of this Tribunal. Adjourned. To come up for argument on 20.11.2020 before D.B.


(Atiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

24.10.2019

Mr. Taimur Ali Khan, Advocate for appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned to 03.01.2020 for arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

03.01.2020

Learned counsel for the appellant present. Mr. Riaz Paindakheil learned Assistant Advocate General for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 06.03.2020 before D.B.



(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

06.03.2020

Counsel for the appellant present. Addl: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 11.05.2020 before D.B.


SCANNED
K. ST
Peshawar



Member


Member

12.04.2019


Counsel for the appellant present. Mr. Muhammad Jan, DDA for respondents present. Counsel for the appellant seeks adjournment. Adjourned. Case to come up for arguments on 29.05.2019 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

29.05.2019

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 30.07.2019 before D.B.



(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

30.07.2019

Learned counsel for the appellant and Mr. Riaz Khan Paindakheil learned Assistant Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 24.10.2019 before D.B.


Member


Member

19.11.2018

Learned counsel for appellant and Mr. Usman Ghani learned District Attorney alongwith Mr. Aziz Ullah PST present. Learned counsel for appellant seeks adjournment. Adjourn. To come up for arguments on 08.01.2019 before D.B.


Member


Member

08.01.2019

Appellant in person and Mr. Zia Ullah learned Deputy District Attorney for the respondents present. Due to general strike of the bar, the case is adjourned. To come up for rejoinder and arguments on 06.03.2019 before D.B


Member


Member

06.03.2019

Junior counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Shahid Nawaz, ADO for the respondents present. Junior counsel for the appellant submitted rejoinder and seeks adjournment for arguments on the ground that learned senior counsel for the appellant is busy before the Hon'ble Peshawar High Court. Adjourn. To come up for arguments on 12.04.2019 before D.B.


(M. HAMID MUGHAL)
MEMBER

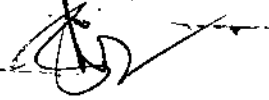

(M. AMIN KHAN KUNDI)
MEMBER

SCANNED
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Peshawar

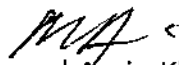
Service Appeal No. 307/2018

11.06.2018

Appellant Directed
Security & Process Fee



Counsel for the appellant present. Security and process fee have not been deposited. Counsel for the appellant is directed to deposit the same within seven days, thereafter, notice be issued to the respondents for written reply/comments for 07.08.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member

07.08.2018

Mr. Taimur Ali Khan, Advocate counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for respondents present. Written reply not submitted. Learned AAG sought some time to submit the same. Granted. Case to come up for written reply/comments on 27.09.2018 before S.B.


Chairman

27.09.2018

Mr. Nadeem Khan, Clerk of counsel for the appellant present. Mr. Azizullah, PST alongwith Mr. Kabirullah Khattak, Addl. AG for the respondents present. Written reply submitted. To come up for rejoinder, if any, and arguments on 19.11.2018 before the D.B.


Chairman

24.04.2018

Counsel for the appellant Muhammad Jamil present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Education Department as Certified Teacher and during service he was removed from service vide order dated 14.05.2012 on the allegation of his absence from duty with effect from 15.03.2012 till date. It was further contended that the impugned order has been passed retrospectively i.e from the date of absence therefore, the impugned order is illegal and limitation does not run against the void order. It was further contended that the appellant filed departmental appeal on 27.05.2017 which was rejected on 17.11.2017 and the departmental decision was received to the appellant on 29.01.2018 therefore, the appellant filed this service appeal within time on 26.02.2018. It was further contended that the appellant was sent to the project on deputation through proper channel therefore, the absence of the appellant was not willful. It was further contended that neither proper inquiry was conducted nor an opportunity of persona hearing and defence was provided to the appellant therefore, the impugned order is illegal and liable to be set-aside.

The contentions raised by learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days, thereafter notice be issued to the respondents for written reply/comments for 11.06.2018 before S.B.




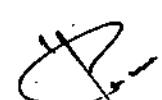
M A
(Muhammad Amin Khan Kundi)
Member

SCANNED
KPST
Peshawar

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 307/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	06/03/2018	<p>The appeal of Mr. Muhammad Jamil resubmitted today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution Register and put up to Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR 6/3/18</p>
2-	12/03/18	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>20/03/18</u>.</p> <p style="text-align: right;"> MEMBER</p>
20.03.2018		<p>Counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 06.04.2018 before S.B.</p> <p style="text-align: right;"> (Muhammad Amin Khan Kundi) Member</p>
06.04.2018		<p>Appellant absent. Learned counsel for the appellant absent. Adjourn. To come up for preliminary hearing on 24.04.2018 before S.B</p> <p style="text-align: right;"></p>


Member

The appeal of Mr. Muhammad Jamil Ex-C.T GHS Adam Dherai Dir Lower received today i.e. on 26.02.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- Memorandum of appeal is not signed by the appellant.

No. 414 /S.T,

Dt. 27/02 /2018


REGISTRAR 27/2/18
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. M.Asif Yousafzai Adv. Pesh.

Respected Sir,

Resubmitted after return



**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.**

Appeal No. 307 /2018

Muhammad Jamil

V/S

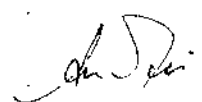
Education Deptt:

INDEX.

No.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	01-04
2.	Copy of Order dt: 29.4.1999	A	05-06
3.	Copy of application	B	07
4.	Copy of order dt: 14.3.2011	C	08
5.	Copy of letter dt: 6.8.2013	D	09
6.	Copy of letter dt: 15.1.2014	E	10
7.	Copy of relinquished report	F	11
8.	copy of mail 20.9.2016	G	12
9.	Copy of assumption report	H	13
10.	Copy of non acceptance of charge report	I	14
11.	Copy of application to NAB	J	15
12.	Copy of application dt:8.3.2017	K	16
13.	Copy of letter dated 25.5.2017	L	17
14.	Copy of application	M	18
15.	Copy of removal	N	19
16.	Copy of show cause notice	O	20
17.	Copy of departmental appeal	P	21
18.	Copy rejection order	Q	22
19.	Copy of letter dt:29.1.2018	R	23
20.	Wakalat nama	-----	24

APPELLANT

THROUGH:


(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 307 /2018

Muhammad Jamil, Ex-CT,
GHS Adam Dherai, Dir Lower.

(Appellant)

VERSUS

1. The Secretary (E&SE) KPK, Peshawar.
2. The Director of Education (E&SE), KPK, Peshawar
3. The Executive District Officer (E&SE), Dir Lower.

(Respondents)

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 17.11.2017 RECEIVED BY THE APPELLANT ON DATED 29.01.2018, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT AGAINST THE ORDER DATED 14.05.2012 RECEIVED BY THE APPELLANT ON 25.09.2017, WHEREBY THE APPELLANT WAS REMOVED FROM SERVICE HAS BEEN REJECTED FOR NO GOOD GROUNDS.

PRAYER:

THAT THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 17.11.2017 AND 14.05.2012 MAY BE SET ASIDE. THE RESPONDENT DEPTT: MAY PLEASE BE DIRECTED TO REINSTATE THE APPELLANT WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant joined the Education Department as CT teacher in the year 1999 and performed his duty up to the entire satisfaction of

his superior and no complaint has been filed against him. **(Copy of appointment order is attached as annexure-A)**

2. That the post of Research Officer (BPS-17) was advertised in the project Monitoring Crops through Stellite Technology Office of the Statistician in Agriculture, Live Stock & Cooperative Department and as the appellant eligible for the said post, therefore he applied for said through proper channel and was appointed as Research Officer (BPS-17) vide order dated 14.3.2011. **(copy of application and 14.3 2014 are attached as annexure-B&C)**
3. That the SUPARCO called nomination from KPK Agriculture, Live Stock and Cooperative Department. The name of the appellant was sent to SUPARCO for nomination vide letter dated 06.08.2013 by the department and the name of appellant was nominated by SUPARCO for Master Degree programme on 15.01.2014 **(Copy of letter dated 6.8.2013 and 15.1.2014 are attached as annexure- D&E)**
4. That the appellant has relinquished his charge in Agriculture, Live stock & Coop: Deptt: and went to China on 19.09.2014, while studying in the said course, he was informed through mail by the SUPARCO Official to come back Pakistan on 20.9.2016, due to which he returned to Pakistan on 30.9.2016 and submitted his charge report in Agriculture Livestock & Coop: Department on 4.10.2016, but his charge report was not accepted on the reason that your service contract has not been extended by the competent authority since 01.07.2015, therefore you are no more employee of this department and your nomination for study abroad/study causal leave case is under trial/investigation in the NAB and this respect call up notice was also issued to the appellant on 7.10.2016 on which he appear before the NAB authorities, however the NAB authorities did not take action against the appellant on that call up notice till date. The appellant also submitted application to NAB authorities for his clearance on 07.07.2017. **(Copies of relinquish report, mail dated 20.9.2016, charge assumption report dated 4.10.2016, not acceptance of charge report and application to NAB authorities are attached as Annexure- F,G,H,I&J)**
5. That the appellant filed application on 08.03.2017 to Secretary Agriculture, Livestock and cooperation Department for extension in service as Research Officer (BPS-17) w.e from 01.07.2015 on which the Agriculture Live stock & Coop: Deptt: called opinion from the Administration Deptt: but the Administration Deptt: opined that admissibility of any kind of leave is not covered under the project policy 2008 vide letter dated 24.05.2017. **(Copies of application dated 8.3.2017 and letter dated 24.5.2017 are attached as Annexure-K&L)**

6. That as the appellant then filed application on 16.05.2017 to DEO Dir Lower for grant of extra ordinary leave w.e from 25.03.2012 till date and adjust him on his post as CT teacher, but no action has been taken on his application and when he visited to DEO office to know about the fate of his application, he was handed over his removal order dated 14.5.2012 whereby the appellant was removed from service from the date of his absence along with show cause notice on dated 25.9.2017. **(copy of application, removal order and show cause notice are attached as Annexure-M,N&O)**
7. That the appellant then filed departmental appeal on 27.05.2017 against the removal order which was rejected on 17.11.2017, however it was not communicated to the appellant, therefore he filed application to RTI for provision of rejection order on which the Directorate (E&SE) provide a copy of rejection order vide letter dated 29.01.2018. **(copies of departmental appeal, rejection order and letter dated 29.1.2018 are attached as Annexure- P,Q&R)**
8. That now the appellant has no other remedy but constrain to file the instant appeal on the following grounds amongst others.

GROUND:

- A) That the impugned order dated 17.11.2017 and 14.05.2012 are against the law, rules and material on record, therefore liable to be set aside.
- B) That no charge sheet and statement of allegation was issued to the appellant before passing the impugned order of removal from service, which is violation of law and rules.
- C) That in show cause notice it was mentioned that the competent authority dispensed with inquiry conduct against the appellant without showing the reason of dispensing of inquiry which is violation of rule-7 of E&D rules 2011.
- D) That even show cause notice was communicated to the appellant before passing the impugned order of removal from service, which is violation of law and rules.
- E) That the appellant has properly applied through proper channel to the post of Research Officer (BPS-17) and regularly performed his duty as Research Officer (BPS-17) in Agriculture, Live stock and Cooperation department and never remain absent from his duty, but his parent department removed him on absence without observing that he was serving in Agriculture, Livestock and Cooperation department,

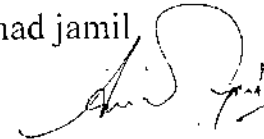
- F) That the appellant is a highly qualified person i.e MS in Physics and was jobless due to his removal from service for no fault on his part which is liable to be set aside on principle of natural justice.
- G) That the penalty of removal from service has been imposed upon the appellant with retrospective effect and as per Superior courts judgments executive/departmental authority has no power to pass orders with retrospective effect and such like order are void orders.
- H) That the appellant has been condemned unheard and has not been treated according to law and rules.
- I) That the penalty of removal is very harsh which was passed without observing that the appellant was working in other project and as such liable to be set aside.
- J) That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

APPELLANT

Muhammad jamil

THROUGH:


M. ASIF YOUSAFZAI
(ADVOCATE SUPREME COURT)


TAIMUR ALI KHAN
ADVOCATE HIGH COURT

&
ASAD MAHMOOD
(ADVOCATE HIGH COURT)

B 7

To,

The Statistician,
Crop Reporting Services NWFP,

Through:

Proper Channel

Subject:

Application for the Post of Research Officer
(Remote Sensing) BS 17

R/Sir,

Kindly refer to your advertisement published in the Daily "Mashriq" Peshawar dated 01-02-2010. I beg to submit my application through proper channel with the following particulars/Qualification.

(A)Particulars:

- 1. Name: Muhammad Jamil Khan
- 2. F. Name: Sardar Hussain
- 3. D.O.B: 30-12-1972
- 4. Domicile: District Dir (L)
- 5. C.N.I.C: 15302-0927158-7
- 6. Address: Village & P/O Chakdara Dir (L)

(B)Qualification:

S.N	Cert/Degr/Dip:	OBT (Marks) %age	Major Subject
1.	M.Sc	1343/2000 67%	Physics
2.	B.Sc	316/550 57%	Comp: Science, Physics, Maths
3.	F.Sc	650/1100 59%	Pre-Engg.
4.	S.S.C	593/850 70%	Science
5.	B.Ed	593/900 66%	Pre-Engg(Group)
6.	C.T	575/900 64%	Science (Group)
7.	DIT	879/1000 88%	IT Subjects

(C)Experience: Presently I am working as C.T BPS 15 in Education Department NWFP since 29-04-1999 at GHS Adam Dheri Dir (L).

I Hope you will consider my application sympathetically and oblige.

Yours Obediently
(Muhammad Jamil Khan)
C.T

No 0040 Dated 09-02-2010.

Forwarded to EDO (EXSE) Dir (L) at Timergara.

[Signature]
Head Master,
GHS Adam Dheri,
Adam Dheri Dir (L)

No 1784 Dated 11/02/2010.

Forwarded and recommended in original to the Statistician Crop Reporting Services NWFP which is self explanatory for favourable consideration. It is further added that the applicant is working as O.T BPS 15 in Education Department NWFP since 29-04-1999 at GHS Adam Dheri Dir (L).

ATTESTED

[Signature]
Executive Distt. Officer,
(Ele: & Sec: Edu:) Dir (L).

CCB

GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE, L/STOCK & COOP. DEPARTMENT.

Dated Peshawar the, 14/3/2011.

NOTIFICATION.

NO.SOE(AD)9-8/2009.- On recommendations of the Departmental Selection Committee, the competent authority is pleased to appoint the following candidates against the vacant posts in the project "Monitoring of Crops Through Satellite Technology" office of the Statistician, Crop Reporting Services, Khyber Pakhtunkhwa" on contract basis for a period of one year (extendable subject to the satisfactory performance of the officer):-

Sl.No.	Name of Candidate.	Nomenclature of the post
1.	Miss Beena Saeed D/o Dr. Saeed Badshah, Sector-I, Street -3, H.No.112, Sheikh Maltoon Town, Mardan.	Research Officer (Agronomy) BS-17.
2.	Mr. Muhammad Jamil Khan s/o Sardar Hussain, Village & P/O Chakdara, Tehsil Adenzai District Dir Lower.	Research Officer (Remote Sensing) BS-17.
3.	Mr. Abdur Rahman s/o Habib-ub-Rehman, Village Daman Afghani, P/O Nahaqi, Charsadda Road, Peshawar.	Research Officer (GIS) BS-17

2. Their appointment shall be governed by the following terms and conditions:-

- i. They will be allowed pay & allowances as per BS-17 including all allowances as admissible to other employees at this stage, and will be entitled for annual increment as per pay scale of the post.
- ii. They will work against the post for which they have been recruited and shall not be transferred to any other post in the project or at any other station.
- iii. They will not be transferred to any other project functioning under this department.
- iv. If their performance is found un-satisfactory, their services will be terminated on one month notice or payment of one month salary in lieu of notice.
- v. Before joining service they will furnish an undertaking to the effect that they will not claim regularization in service or any other benefits as admissible to civil servants. They will be responsible for the losses accruing to the project during their tenure.
- vi. They will be medically examined by the Standing Medical Board to be constituted for the purpose.

ATTESTED

vii. Their character antecedent will be verified by the concerned Government Agency.

3. If the above terms and conditions are acceptable to them, they should join their duty upto 12/4/2011 in the office of the Statistician, Crop Reporting Services, Khyber Pakhtunkhwa, Peshawar and submit the contract Agreement otherwise this offer will stand cancelled.

SECRETARY AGRICULTURE.

Encl. of even No. & dated.

cc: The following are forwarded to them-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Statistician, Crop Reporting Services, Khyber Pakhtunkhwa, Peshawar.
3. The Director General Health Services, Khyber Pakhtunkhwa, Peshawar, He is requested to kindly arrange for an early medical examination of the above named appointee through the Standing Medical Board and supply their medical examination certificate to this Department.
4. The Medical Superintendent, Police and Services Hospital, Peshawar.
5. Officers concerned.
6. PS to Minister for Agriculture, Khyber Pakhtunkhwa.
7. PS to Secretary Agriculture.

(SAKHI-UR-REHMAN)
SECTION OFFICER-ESTT:



GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK & COOPERATIVE
DEPARTMENT

NO.SOE(AD)/Trg/(9-23)2011/USA
Dated Peshawar, the August 6, 2013

To

The Member (SAR),
Monitoring of Crops through Satellite Technology Project,
SUPARCO HQs, SUPARCO Road,
Gulzar-e-Hijri, Karachi.

SUBJECT: **NOMINATION FOR MASTER'S DEGREE PROGRAMME IN
REMOTE SENSING AND GIS.**

I am directed to refer to your letter No: 11314-M(SAR) dated: 03-05-2013 on the subject noted above and to enclose herewith the nomination documents in respect of Mr. Muhammad Jamil Khan, Research Officer (Remote Sensing) (Principal) and Mr. Abdur Rehman, Research Officer (GIS) (Alternate) for the subject degree programme in favor of further necessary action as per rules/policy, please.

Encl: As above.

(MUHAMMAD SHERAZ)
SECTION OFFICER-ESTT:

Endst: No. & date as above.

Copy for information to:-

1. P.S to Secretary Agriculture, Livestock and Cooperative Department, Khyber Pakhtunkhwa, Peshawar.
2. P.S to Special Secretary, Agriculture, Livestock and Cooperative Department Khyber Pakhtunkhwa, Peshawar.
3. Director (SCRS) K.P.K. Peshawar

SECTION OFFICER-ESTT:

ATTESTED



PAKISTAN SPACE & UPPER ATMOSPHERE RESEARCH COMMISSION
SPACE APPLICATION RESEARCH COMPLEX ISLAMABAD

No. 11314-M (SAR)

15, Jan 2014

To: Section Officer-ESTT
Agriculture, Livestock & Cooperative Department
Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar
Fax: 091-9210033

Info: Secretary
Agriculture Department Government of KP
1st Floor, Block-C, Civil Secretariat, Peshawar
Fax: 0919210033

Director
Crop Reporting Service, Agriculture Department KP
ATI Campus, Jamrud Road, Peshawar
Fax: 0919218599

FAO Representative
FAO office NARC Building Park Road, Chak Shehzad, Islamabad
Fax: 0519255454

✓ Mr. Muhammad Jamil Khan
Research Officer (Remote Sensing)
Crop Reporting Service, Agriculture Department KP
ATI Campus, Jamrud Road, Peshawar

Sub: **Nomination for Master's Degree Programme in Remote Sensing and GIS**

Agriculture, Livestock & Cooperative Department Government of Khyber Pakhtunkhwa
ltr#SOE (AD)/Trg / (9-23)2011/USA of 6th August 2013 refers.

1. Nomination of Mr. Muhammad Jamil Khan, Research Officer CRS KPK Peshawar is hereby accepted for pursuing the subject Master Degree Programme under the project, "Monitoring of Crops through Satellite Technology Phase-II". He is advised to get admission in MSc. Session 2014 at any reputable university in China such as Institute of Remote Sensing Applications (IRSA), Chinese Academy of Sciences (CAS) in the relevant subject covering satellite remote sensing/GIS for agriculture. The expenditure including two way air tickets, tuition fee and subsistence allowance at HEC approved rates would be paid from the project funds through FAO-UN/SUPARCO under UTF/PAK/101/PAK.
2. Moreover, the nominee will have to submit a surety bond amounting to Rs.2.5 million with undertaking that he will either serve CRS KPK for five years or pay the expenditure (Whatsoever) involved if he decides to quit the service after completion of studies.

(Syed Zuhair Bokhari)
Dy. D. General

Postal Address: P.O. Box # 1271, Islamabad - 44000, Pakistan.

Phone: (051) 4611794, Fax: (051) 4611796

E-mail: sgs@suparco.net.pk Web site: www.sgs-suparco.org

ATTESTED

F (11)

CHARGE RELINQUISH REPORT

In pursuance to the Section Officer (Estt.) Government of Khyber Pakhtunkhwa, Agriculture, Livestock & Coop: Deptt: Peshawar letter No: SOE(AD)/Trg/(9-23)2011/USA dated Peshawar, the August 6, 2013 and after finalization/ confirmation of my admission for MS Degree (2 years) in Optical and image processing at the Institute of Remote Sensing and Digital Earth (RAD), Chinese Academy of Sciences in Beijing, at China, I hereby relinquish the charge of the post of Research Officer (Remote Sensing) at CRS:HQ, Peshawar today on 17th September, 2014 (A.N) for advance studies abroad. My flight schedule is as under.

Departure From: ISLAMABAD: 18th SEPTEMBER 2014, PIA flight No: PK852

Time: 10:35p.m

Arrival at BEIJING, CHINA; 19th SEPTEMBER 2014

Time: 6:55am

MUHAMMAD JAMIL KHAN

Research Officer (Remote Sensing)

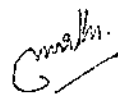
Directorate of Crop Reporting Services.

Agriculture Department

Government of Khyber Pakhtunkhwa.

Copy forwarded to: -

- 1- The Section Officer (Estt.), Government of Khyber Pakhtunkhwa., Agriculture, Livestock and Cooperation Department, Peshawar for information with reference to his office letter No: as quoted above.
- 2- The Deputy Director General: SUPARCO, Islamabad.
- 3- The Director CRS Khyber Pakhtunkhwa at Peshawar.


MUHAMMAD JAMIL KHAN,
Research Officer, CRS KPK,

ATTESTED

G. (12)

-----Original Messages-----

From: "Taimoor Siddique" <taim3@hotmail.com>
Sent Time: Tuesday, September 20, 2016
To: "MUHAMMAD JAMIL KHAN" <jamil@radi.ac.cn>
Cc: "Abdul Ghafoor SUPARCO" <abduighafoorisb@yahoo.com>, "maqsoodcrs@gmail.com" <maqsoodcrs@gmail.com>
Subject: Re: Fw: Fw: Information

Dear Muhamamad Jamil sb,

You are requested to provide the certificates/transcript of courses which you have completed, and also the copy of your research proposal. Sponsored Master program from China was of two years from September 2014 to August 2016 and you have to complete the entire requirement in the given time span. Now, you are advised to come back and on completion of your research thesis and publication in Pakistan, a around trip will be arranged to China for thesis defense after consultation with FAO. No subsistence allowance will be paid during your stay in Pakistan.

Moreover, you are advised to inform us about the tentative date to leave China so that your ticket can be arranged.

Regards,

Taimoor Siddique

SUPARCO, Isb

From: MUHAMMAD JAMIL KHAN <jamil@radi.ac.cn>
Sent: Wednesday, September 14, 2016 8:19 AM
To: Taim3@hotmail.com
Cc: abduighafoorisb@yahoo.com; maqsoodcrs@gmail.com; jamilcrskpk@gmail.com; rojamilkpk@yahoo.com
Subject: Fw: Fw: Fw: Information

Dear Taimoor sb,

ATTESTED

H 13

CHARGE ASSUMPTION REPORT

On return from China on 30/9/2016, after availing the study leave for MS Degree in Remote Sensing and GIS sanctioned vide Government of Khyber Pakhtunkhwa Agriculture, Livestock & Cooperative Department Notification No: SOE (AD)/Trg/(9-23)2011/USA dated 06/8/2013, I Muhammad Jamil Khan Research Officer (Remote Sensing BS-17), "Monitoring Of Crops Through Satellite Technology Phase-II" hereby assumed the charge of my post today dated 4/10/2016 (Fore Noon) due to gazetted holidays on 1, 2 & 3/10/2016.

A copy of the Transcript and boarding pass are attached for information and record please.

Muhammad Jamil Khan
Research Officer (Remote Sensing)
CROP REPORTING SERVICES,
Head Quarter Peshawar.

Dated Peshawar, the 04/10 /2016.

Copy forwarded to: -

1. The Section Officer (Estt.), Government of Khyber Pakhtunkhwa Agriculture, Livestock & Cooperative Department
2. Director Crop Reporting Services Khyber Pakhtunkhwa, Peshawar for information.
3. Director SUPARCO, Islamabad.

Muhammad Jamil Khan
4/10/2016
Muhammad Jamil Khan
Research Officer (Remote Sensing)

ATTESTED

Registered

2019

**DIRECTORATE OF CROP REPORTING SERVICES, KHYBER PAKHTUNKHWA,
AGRICULTURE DEPARTMENT ATI, CAMPUS JAMRUD ROAD PESHAWAR. PH: # 091-
9224231 FAX # 091-9224320. E. MAIL. magsoodcrs@gmail.com**

No.Dev./Vol-2/4/41 2299 /DCRS.
Dated Peshawar, the 26/10/2016.

To,

Mr. Muhammad Jamil Khan
S/O Sardar Hussain Khan
Ex-Research Officer (Remote Sensing)
SUPARCO Project, CRS, Peshawar,
Village & PO, Chakdara (~~Masodahai~~)
District Dir Lower.

Subject: - **CHARGE ASSUMPTION REPORT**

Memo: -

Reference your charge assumption report dated 4.10.2016.

You are hereby informed that your charge assumption report cannot be accepted by this department due to the following reasons:

- 1) Your service contract has not been extended by the competent authority since 01.07.2015, therefore, you are no more employee of this department.
- 2) Your nomination for study abroad/study leave case is under trial / investigation in the NAB.

26/10
DIRECTOR,
CROP REPORTING SERVICES,
KHYBER PAKHTUNKHWA,
PESHAWAR.

No.Esst./ / /DCRS,

Dated Peshawar, the / /2016.

Copy forwarded to:

- 1) The Section Officer (Estt.), Govt. of Khyber Pakhtunkhwa, Agric. Livestock & Coop. Department Peshawar for information with reference to his letter No.SOE(AD)9-8/2009/CRS, dated 17.10.2016 for information.
- 2) The Statistician, Crop Reporting Services H.Q. Peshawar for information.

11
DIRECTOR,

ATTESTED

To,

The Secretary,

Government of Khyber Pakhtunkhwa,

Agriculture Livestock and Co-Operation Department, Peshawar.

Subject:

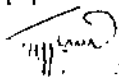
DEPARTMENTAL APPEAL FOR EXTENSION IN SERVICE AS RESEARCH OFFICER (REMOTE SENSING) W.E.F. 01-7-2015.

R/Sir,

Kindly refer to my Departmental appeal submitted through proper channel with an advance copy directly posted to your good office vide registered mail dated 29-12-2016 (Annex:A).

In this connection, it is humbly requested that my appeal may kindly be considered sympathetically at your earliest convenience as I am facing great financial crisis. The project period has already been extended up to 30th June 2017 as communicated vide Director CRS office letter No.Estt./RTIAct/Vol-11/326/DCRS, Dated 19/01/2017(Annex:B). Therefore my contract as Research Officer (Remote Sensing) may kindly be extended up to 30th June 2017 as required under the rules please.

Yours sincerely,



Muhammad Jamil Khan,

Research Officer (Remote Sensing),

O/O Director CRS,

Agriculture Department,

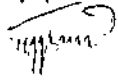
Khyber Pakhtunkhwa,

Dated: 08-03-2017.

CC:

- 1) Deputy Director General Space Application Research Complex SUPARCO Islamabad for information and necessary action pl.
- 2) Director CRS for information and necessary action with reference to his office letter quoted above.
- 3) Mehwish Gul Inquiry Officer NAB office Peshawar.

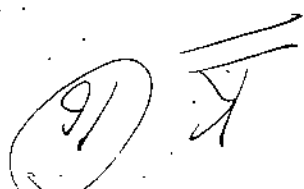
Yours sincerely,



Muhammad Jamil Khan,

Research Officer (Remote Sensing),

ATTESTED





GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMINISTRATION DEPARTMENT
(REGULATION WING)

40

No. SOR-III (E&AD) 1-4/2014
Dated Peshawar the 24th May 2017

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Agriculture Livestock & Cooperative Department

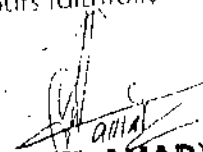
Subject: -

**DEPARTMENTAL APPEAL FOR EXTENSION IN SERVICE AS
RESEARCH OFFICER (REMOTE SENSING) W.E.F. 01.07.2015**

Dear Sir,

I am directed to refer to Agriculture Department letter No. SOE (AD) 9-
8/2009 dated 05.05.2017 on the captioned subject and to state that admissibility of
any kind of leave is not covered under the Project Policy-2008.

Yours faithfully


(ABDUL AHAD)

SECTION OFFICER (R-III)
Phone No. 9211793

ATTESTED

To

The District Education Officer (M),
Dir lower at Timergara.

Subject: APPLICATION FOR GRANT OF EXTENSION IN EXTRA ORDINARY LEAVE.

R/Sir,

It is requested that I have been appointed as C.T vide your office order Endst: No: 3127-39 dated 29-04-1999 and have performed duties up to 15-3-2011 with good record (Annex:- A). My last duty station was Govt: High School Adam Dherai Distt: Dir Lower.

I had been sanctioned extra ordinary leave without pay w.e.f 16-3-2011 to 14-3-2012 (364 days) vide your office order Endst: No 6187-89 dated 12-4-2011 (Annex:-B). Unfortunately due to some un-avoidable severe problems I could not report for duty on expiry of leave i.e w.e.f 15-3-2012. I make my utmost efforts to inform timely your good office and request for extension in the leave but due to unavoidable circumstances I could not inform your good office well-timed.

It is further added that I have never been charged by your good office for non-reporting for duty on expiry of the leave and therefore earnestly request your honor to grant me sanction for leave from 14-3-2012 onward as admissible under the rules.

Sir, I have a very sound educational background and have acquired my M.Sc degree in Physics (1st division) and have always performed my duties to the fullest satisfaction of my superiors as well as the students. I also assure your honor that I will leave no stone un-turned in your way in future as well.

In view of the above explained facts I request your honor to kindly consider my request on humanitarian grounds in best interest of the public. I will be grateful to you for your favorable act of kindness.

A photocopy of my service book duly signed by the competent authority is enclosed for your perusal and record please (Annex:-C).

Yours sincerely,



Muhammad Jamil Khan C.T BPS-15

Personal NO: 00267154.

Dated: 16-5-2017.

ATTESTED



OFFICE OF THE
EXECUTIVE DISTT;OFFICER
(E&SE)DISTRICT DIR LOWER

N 19

NOTIFICATION

Whereas Mr. Mohammad Jamil CT GHS Adam Dehrai Tehsil Adenzai Distt;Dir lower was proceeded against under the Khyber Pakhtunkhwa Government servants (Efficiency and Discipline rules 2011 for absence from duty for the period w.e.f 15/3/2012 to-date

2. And whereas show cause notice was served upon the above named teacher vide this office No, 3834-35 dated 20/03/2012.

3. And whereas he did not filed any reply in his defense nor he reported for duty.

4. Now, therefore, in exercise of the powers conferred by the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011 under Rule 4 (b) (iii) ,the Competent Authority is pleased to impose upon the above named teacher major penalty of "Removal from service" from the date of his absence.

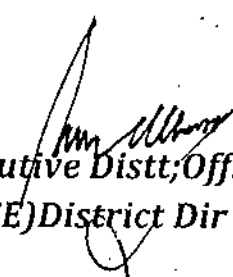
Note;-Necessary entry to this effect should be made in his Service Book accordingly.

(Hafiz Mohammad Ibrahim)
Competent Authority
Executive Distt;Officer
(E&SE)District Dir Lower

Endst: No.9342-45/Disciplinary cases Dated Timergra the 14/05/2012

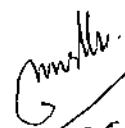
Copy forwarded to:-

1. Director Elementary & Secondary Edu;Khyber Pakhtunkhwa Peshawar.
2. District Accounts Officer Dir lower.
3. Headmaster GHS Adam Dehrai.
4. The accused Teacher.


Executive Distt;Officer
(E&SE)District Dir Lower

Handed over to me on 25/9/2017
along with Show Cause notice together
on the same above mentioned date.

ATTESTED


25/9/2017



OFFICE OF THE
EXECUTIVE DISTT;OFFICER
(E&SE)DISTRICT DIR LOWER

0 20

SHOW CAUSE NOTICE.

I, Mr, Mohammad Ibrahim *Executive Distt;Officer (E&SE) Dir*

Lower, under the Khyber Pakhtoonkhwa Government Servants (Efficiency & Discipline) rules, 2011, do here by serve, Mr, Mohammad Jamil CT GHS Adam Dehrai Dir Lower, this show cause notice as follows;-

2. As per record of this office you were on leave w.e.f 16/03/2011 to 14/3/2012, and you were required for duty after the expiry leave i.e on 15/3/2012, but you failed to do so.

3. That I am satisfied that you committed the following act/omissions specified in rule 3(d) of the above mentioned rules.

"Gully of habitually absenting yourself from duty."

4. As a result thereof, I, as the competent authority, am satisfied that you are guilty of misconduct, inefficiency, and have thus tentatively decided to proceed against you under Rule 4(a) & (b) of the abid Rules.

5. You are therefore required to show cause as to why major or minor penalty provided in the aforesaid Rule should not be imposed upon you and also intimate whether you desired to be heard in person.

6. If no reply to this effect is received within 15 days of its delivery, it shall be presumed that you have no defense to put in and in that case ex parte decision shall be taken against you.

7. *The competent authority dispensed with inquiry conducted against you under Rule 5 (ii) of the abid Rules.*

You are directed to inform this office as to whether you want to be heard in person.

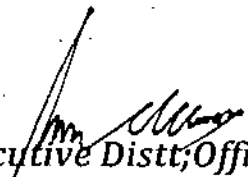
(Hafiz Mohammad Ibrahim)
Competent Authority
Executive Distt;Officer
(E&SE) District Dir Lower

Endst: No.3834-35/Disciplinary cases Dated Timergra the 20/03/2012

Copy forwarded to:-

1. The Headmaster GHS Adam Dehrai with the direction to serve the show cause notice on the accused teachers and acknowledgement receipt may be sent to this office for record.

2. The Teacher concerned.


Executive Distt;Officer
(E&SE) District Dir Lower

ATTESTED

The Director,
Elementary and Secondary Education,
Khyber Pakhtunkhwa at Peshawar.

Subject

DEPARTMENTAL APPEAL AGAINST REMOVAL FROM SERVICE IN
RESPECT OF MR. MUHAMMAD JAMIL KHAN C.T GHS ADAM DHERAI
DISTRICT DIR LOWER.

R/Sir

Kindly refer to the Executive District Officer (E & SE) District Dir Lower office Show Cause Notice No. 3834-35/Disciplinary cases Dated 20-03-2012 and Notification No. 9342-45/Disciplinary cases Dated 14-05-2012 handed over to me on 25-9-2017 in response to my application Dated 16-5-2017 (Annex: A).

It is submitted that I have been appointed as C.T vide EDO (E & SE) Dist: Dir (L) office order Endst: No: 3127-39 dated 29-04-1999 and have performed duties up to 15-3-2011 (12 Years approx) with good record (Annex: B). My last duty station was Govt High School Adam Dherai Dist: Dir Lower.

I had been sanctioned extra ordinary leave without pay w.e.f 16-3-2011 to 14-3-2012 (364 days) vide EDO (E & SE) Dist: Dir (L) office order Endst: No 6187-89 dated 12-4-2011 (Annex: C). Unfortunately due to some un-avoidable severe problems I could not report for duty on expiry of leave i.e w.e.f 15-3-2012.

Sir, just after my availability, I reported for duty in office of the Dist: Education Officer Dir (L) on 16-5-2017 with the application for grant of extension in leave without pay from 15-3-2012 to 15-5-2017 (Annex:-D). However, after my repeated requests both in written and in person, the Department handed over me a copy of Show Cause Notice and Notification for Removal from service on 25-9-2017, reflecting dispatched Nos and Dates in 2012.

Sir, it is to bring in your kind notice that I have never been intimated any such Show Cause Notice as well as Notification for Removal from Service prior to the one handed over to me on 25-9-2017.

Therefore, keeping in view my excellent past twelve (12) Years service record, it is emphatically requested to kindly consider the period from 15-3-2012 to 15-5-2017 as leave without pay and restore my service as a special case. I will be grateful to you for this act of kindness. A photocopy of my service book duly signed by the competent authority is enclosed for your perusal and record please (Annex:-E).

Yours sincerely,

Muhammad Jamil Khan C.T BPS-15

Personal NO: 00267154.

Dated: 27-9-2017.

(C) to: District Education Officer Dir (L) at Timergara for information and sympathetic action with reference to his office Notification quoted under the reference above please.

TESTED

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DEPARTMENT OF ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUNKHWA, PESHAWAR

OFFICE ORDER

1. WHEREAS, The District Education Officer (Male) Dir Lower imposed major penalty of Removal from Service upon Muhammad Jamil Ex CT GHS, Adam Dehrai District Dir Lower vide notification No. 9342-45 dated 14-05-2017 for the charges of willful absent from duty w.e. from 15-03-2012 till the date of removal from servie.
2. AND WHEREAS, Muhammad Jamil Ex CT GHS, Adam Dehrai Dir Lower submitted an appeal to this office vide dated 03-10-2017.
3. AND WHEREAS, the appellate t authority asked the DEO (M) Dir Lower for comments vide letter No. 1230 dated 06-10-2017.
4. AND WHEREAS, the DEO (M) Dir Lower submitted the comments/report vide letter No. 14216 (dated 24-10-2017).
5. AND WHEREAS, the competent authority having considered the evidence on record and report of the District Education Officer (M) Dir Lower is of the view that the charges leveled upon Muhammad Jamil Ex CT GHS, Adam Dehrai Dir Lower has been proved.
6. In the light of the above mentioned facts, the appeal in respect of Muhammad Jamil EX CT GHS Adam Dehrai District Dir Lower is hereby rejected.

Endst: No. 3131-34 /F. No.1035/Vol-1/Appeal of CT/DM (M).

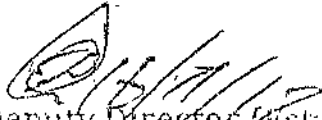
DIRECTOR

Dated Peshawar the 17/11 2017

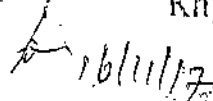
Copy of the above is forwarded for information & n/action to the:-

1. District Education Officer (M) Dir Lower.
2. District Accounts Officer Dir Lower.
3. Principal GHS, Adam Dehrai Dir Lower.
4. Ex Teacher concerned.
5. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
6. Master File.

ATTESTED


Deputy Director (Estab.)

e/c Elementary & Secondary Education
Khyber Pakhtunkhwa


16/11/17

Registered:

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

KHYBER PAKHTUNKHWA, PESHAWAR

Phone: 091-9210938, E-mail: complaintcellese@gmail.com

R (23)

No. 7199 /File: RTI/2/2017

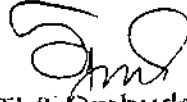
Dated Peshawar the: 29/01 /2018

Muhammad Jamil Khan
Mohallah Mondi village and P.O
Chakdara Tehsil Adenzai
District Dir Lower.
Cell. No: 03444220199.

PROVISION OF INFORMATION UNDER RTI ACT 2013.

I am directed to refer your application dated 14/11/2017, from RTI on the subject mentioned above. The relevant information are enclosed here with. It is hoped, these information will fulfill your desired goals.

(Enclosed, as above)



AD (RTI & Ombudsman)
Directorate of E&SE KPK

Copy No _____

Copy forwarded to the -

- 1. PA to Director E&SE Khyber Pakhtunkhwa, Peshawar.
- 2. Master File.

ATTESTED


AD (RTI & Ombudsman)
Directorate of E&SE KPK

VAKALAT NAMA

NO. _____/20

IN THE COURT OF Service Tribunal Peshawar

Muhammad Jamil (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Education Deptt (Respondent)
(Defendant)

I/We, Muhammad Jamil

Do hereby appoint and constitute **M. Asif Yousafzai, Advocate Supreme Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20

G. Mahm.
(CLIENT)

ACCEPTED

M. Asif Yousafzai
M. ASIF YOUSAFZAI
Advocate Supreme Court
Peshawar.

Taimur Ali Khan
Taimur Ali Khan
Advocate High Court

Asad Mahmood
Asad Mahmood
Advocate High Court

Syed Nauman Ali Bukhari
Syed Nauman Ali Bukhari
Advocate

OFFICE:

Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar
Cell: (0333-9103240)

BEFORE THE KHYBR PUKTHUN KHWA SERVICE TRIBUNAL, PESHAWAR.

SERVICE APPEAL NO. 307/2018.

Muhammad Jamil EX- CT, GHS Adam Dherai, Dir lower Appellant).

VERSUS

The Secretary Elementary & Secondary Education Department Khyber
Pakhtunkhwa, Peshawar & Others Respondents

PARA WISE COMMENTS / REPLY FOR AND ON BEHALF OF THE RESPONDENTS No:

1,2, &3.

Respectfully Sheweth:-

Preliminary objections

1. The appellant has no cause of action/locus standi.
2. The instant appeal is badly time barred.
3. The appellant has concealed the material fact from this Honourable Tribunal hence liable to be dismissed.
4. The appellant has not come to Honourable Tribunal with clean hands.
5. The present appeal is liable to be dismissed for mis-joinder/non-joinder of necessary parties.
6. The appellant has filed the instant appeal on malafide motives.
7. The instant appeal is against the prevailing laws & rules.
8. The appellant is estopped by his own conduct to file the present appeal.
9. The instant appeal is not maintainable in the present form & also in the present circumstances of the issue.

ON FACTS


1. Pertain to record therefore need no comments.
2. Incorrect. The appellant moved an application dated 15/03/2011, for leave without pay from w.e.f 16/03/2011 to 14/03/2012, and stated in his application that the father of appellant had pass away previous year, and performing of duty is difficult for him, and concealed his appointment as Research Officer from the respondents. And the respondents grant him leave without pay with a condition that the appellant will not join other organization during this leave period. (copies of application dated 15/03/2011 and office order are attached as Annexure A&B).

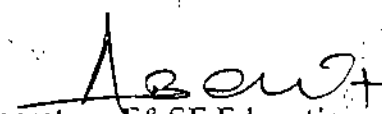
- 3. Not relate to replying respondents, hence need no comments.
- 4. Not relate to replying respondents, hence need no comments.
- 5. Not relate to replying respondents, hence need no comments.
- 6. Incorrect. The appellant failed to approach the respondent NO: 3 for any relief in due course of time.
- 7. Incorrect. The appellant failed to approach the respondent NO:2 for any relief in due course of time.
- 8. That the appellant has got no cause of action.


ON GROUNDS:

- A Incorrect, the order dated 17/11/2017 and 14/05/2012 are legal and according to law.
- B Incorrect, after observing all the codel formalities, the appellant was removed from service due to willful absent from duty from 15/03/2012.
- C Incorrect, according to law every opportunity had given to appellant, on expiry of leave the appellant was required to report for duty, but the appellant failed to do so. Hence show cause notice was served upon appellant vide this office no: 3834-35 dated 20/03/2012, but no response was received nor the appellant report for duty. (copy of show cause notice is attached as Annexure C).
- D show cause notice was communicated to appellant before passing the order of removal from service, which is according to law and rules.
- E Incorrect, the appellant concealed his appointment from respondents, detailed answer is given in Para no:2.
- F Incorrect, the appellant was willful absent from duty from 15/03/2012 to till date.
- G Incorrect, the penalty of removal from service is according to law.
- H Incorrect, according to law every opportunity had been given to appellant and treated according to law and rules.
- I Incorrect, the appellant himself concealed his appointment from respondents. And the penalty is according to law.
- J that the respondents would like to offer some other grounds during the course of arguments.

It is therefore, most humbly prayed that the appeal of appellant may be set aside with cost.


 Director E&SE
 kpk, Peshawar


 Secretary E&SE Education
 kpk, Peshawar


 District Education Officer Male
 E & SE District Dir (Lower)

خدمت جناب ای ڈی او صاحب (ای این ڈی ایس) دیر (پابن) بمقام ایگزیکٹو آفیسر

عنوان: ~~Extraordinary~~ Leave without pay
w.e.f 16-3-2011 to 14-3-2012

جناب عالی! مؤدبانہ گزارش ہے کہ

Is it a solution of the problem?
Process
Ammy

29/3/11

30⁰⁴
1999 میں حکم تعلیم میں

سے بحیثیت C.T خدمات انجام دے رہا ہوں۔ پچھلے سال میرے والد محترم فوت ہوئے۔ خاندان کے Elder Member ہونے کے ناظرے مجھ پر پورے خاندان کا بوجھ آن پڑا ہے۔ جس کی وجہ سے مجھے اپنے خزانہ منصبی ادا کرنے میں انتہائی مشکلات ہیں۔ آپ صاحبان کی خدمت اقدس میں گزارش ہے کہ مہربانی فرما کر مجھے 16-3-2011 سے 14-3-2012 تک ~~Extraordinary~~ Leave without pay دینے کے احکامات صادر فرمائیں۔

میں تادم دعا گوار ہوں گا۔

موقع - آداب

مورخہ: 15-3-2011

(Handwritten signature)

العارض: محمد جمیل خان C.T گورنمنٹ ہائی سکول آدم ڈھیری ضلع دیر (پابن)

No: 124 Date: 15-03-2011

Forwarded to The E.D.O (E.E.S.E) Dir(L) at Timergara for favourable Consideration please.

(Signature)
HEAD MASTER
Govt. High School
Adam Dheri Dir(L)

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No.307/2018

Muhammad Jamil

VS

Education Deptt:

.....
REJOINDER ON BEHALF OF APPELLANT
.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

(1-9) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

1. Admitted correct as the service record of the appellant is present with the department.
2. Incorrect. The appellant applied to the post of Research Officer through proper channel and did not conceal his appointment from the department.
3. Not specifically denied by the respondents, which means that para 3 of the appeal is correct.
4. Not specifically denied by the respondents, which means that para 4 of the appeal is correct.
5. Not specifically denied by the respondents, which means that para 5 of the appeal is correct.
6. Incorrect. The appellant filed proper application to respondent No.3 which is attached as annexure M with the appeal.
7. Incorrect. The appellant filed proper departmental appeal to respondent No.2 which is attached as annexure M with the appeal.
8. Incorrect. The appellant has good cause of action to file the instant appeal.


GROUND:

- A. Incorrect. The impugned order passed by the respondents are not accordance with law and rules and therefore not tenable liable to be set aside.

- B. Incorrect. No codal formalities were fulfilled by the respondent department before imposing the impugned order of removal from service.
- C. Not replied according to Para-C of the appeal moreover Para-C of the appeal is correct.
- D. Incorrect. The show cause notice was not issued to the appellant before passing the impugned order which is violation of law and rules.
- E. Incorrect. Detail reply has been given para no.2.
- F. Incorrect. The appellant did not remain absent from his duty but he joined other project after proper applying through proper channel.
- G. While Para-G of the appeal is correct.
- H. Incorrect. While para H of the appeal is correct.
- I. Incorrect. The appellant applied to the post of Research Officer through proper channel and did not conceal his appointment from the department and the penalty is too harsh as the appellant did not remain absent from his duty but he joined other project after proper applying through proper channel.
- J. Legal.

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

Through:

G. Malik
APPELLANT

(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT.

AFFIDAVIT

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

ATTESTED
G. Malik
DEPONENT
