

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

DERA ISMAIL KHAN CAMP

SERVICE APPEAL No 7619-D/2021

Wasim Akram **Son of** : Malik Rab Nawaz
Ex-Chowkidar : GGCMS Wanda Balochan {SDEO (F), D.I.Khan.}

VS Government of Khyber Pakhtunkhwa, District Education Officer (F) D.I.Khan

REPLY ON BEHALF OF RESPONDENT

S.No.	Description of Documents	Pages
1	Para-Wise Comments on Behalf of Respondent	1 – 3
2	Affidavit	4
3	Authority Letter	5
4	Annexure A	6
5		
6		
7		
8		
9		
10		
11		



DEPONENT
Dr. Muhammad Imran Shah
Senior Subject Specialist (BS 18)
Working as
Litigation Officer
Office of DEO (F), D.I.Khan
12101-2797412-1
03480934707

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

DERA ISMAIL KHAN CAMP


SERVICE APPEAL No 7619-D/2021

Wasim Akram **Son of** : Malik Rab Nawaz
Ex-Chowkidar : GGCMS Wanda Balochan {SDEO (F), D.I.Khan.}

VS Government of Khyber Pakhtunkhwa, District Education Officer (F) D.I.Khan

COMMENTS ON BEHALF OF RESPONDENTS

Preliminary Objections:

1. That the Appeal is barred by *Doctrine of Laches* due to the final order of termination has already been passed vide this office Order No. 6896-6901, dated: 5.6.2017; This Appeal, may kindly be dismissed. **(Termination Order: Annexure A)**
2. The appellant got his appointment at GGCMS Wanda Balochan, D.I.Khan, without recommendation of the DSC, vide piece meal order No.4444-46, dated 21.05.2014; following discrepancies have been observed, which is clearly against the natural law of justice and merit policy of the Government of Khyber Pakhtunkhwa.
 - a. Appellant has been appointed WITHOUT vacant post at the said school.
 - b. Appellant has been appointed WITHOUT recommendation of the DSC.
 - c. Appellant has been appointed vide PIECE MEAL ORDER.
 - d. The Appellant **did not show his presence for duty even for a single day.**
 - e. That the said school comes under the sole jurisdiction of SDEO, yet she did not even endorse the appointment order nor did she sign the source form for release of his salary. Although GGCMS Wanda Balochan falls under the Sub-Division of SDEO (F), D.I.Khan.
 - f. That the concerned SDEO (F) did not make a single entry of his service book rather all the entries have been made bogus, with mala fide intent, in impersonation of the DEO (F), though, not competent for service book record keeping of the civil servants who fall in the jurisdiction of SDEO.
 - g. That salary of the Appellant was not released by the competent authority, The SDEO (F), D.I.Khan and all the procedure adopted for his appointment and salary opening was fake and bogus.
3. That the Appellant has got no cause of action/ Locus Standi. 
4. That the Appeal may kindly be dismissed because the Appellant has **concealed the material facts.**
5. That the Appellant has filed the instant Appeal just to pressurize the respondents.
6. That the Appellant was not aggrieved in light of the Article 199 of the Constitution of Islamic Republic of Pakistan; hence Appeal finds no grounds to be litigated in this Honorable High Court and may be dismissed with cost.

Objections on Facts:

1. That the Appeal is barred by *Doctrine of Laches* due to the final order of termination has already been passed vide this office Order No. 6896-6901, dated: 5.6.2017; This Appeal, may kindly be dismissed. **(Termination Order: Annexure A)**
2. The APPELLANT got his appointment at GGCMS Wanda Balochan, D.I.Khan, without recommendation of the DSC, vide piece meal order No.4444-46, dated 21.05.2014; following discrepancies have been observed, which is clearly against the natural law of justice and merit policy of the Government of Khyber Pakhtunkhwa.
 - a. The Appellant has been appointed WITHOUT vacant post at the said school.
 - b. The Appellant has been appointed WITHOUT recommendation of the DSC.
 - c. The Appellant has been appointed vide PIECE MEAL ORDER.
 - d. The Appellant **did not show his attendance for duty even for a single day** after his first appointment.
 - e. That the said school comes under the sole jurisdiction of SDEO, yet she did not even endorse the appointment order nor did she sign the source form for release of his salary. Although GGCMS Wanda Balochan falls under the Sub-Division of SDEO (F), D.I.Khan.
 - f. That the concerned SDEO (F) did not make a single entry of his service book rather all the entries have been made bogus, with mala fide intent, in impersonation of the DEO (F), though, not competent for service book record keeping of the civil servants who fall in the jurisdiction of SDEO.
 - g. That salary of the Appellant was not opened by the competent authority, The SDEO (F), D.I.Khan and all the procedure adopted for his appointment and salary opening was fake and bogus.
3. **Strictly denied.** That the Appellant did not take charge of the post of his first appointment as Chowkidar, GGCMS Wanda Balochan, (termed as **actualization**). The question of corrigendum even does not rise.
4. **Strictly Denied.** That the Appellant was caught habitually ABSENT, red-handed; and that there has been found No Application for Leave on behalf of the Appellant in the office records of Diary No. register.
5. **Strictly Denied.** That the Appellant never arrived at this office rather had been a ghost employee, who usurped salaries from Government Ex-checker without performing duty anywhere.
6. **Strictly Denied.** As mentioned above in Para-5 of grounds. That the Appellant has been properly treated under the E&D Rules, 2011.

Objections on Grounds:

1. **Strictly denied.** The Appellant got his appointment at GGCMS Wanda Balochan, D.I.Khan, without recommendation of the DSC, vide piece meal order No.4444-46, dated 21.05.2014; following discrepancies have been observed, which is clearly against the natural law of justice and merit policy of the Government of Khyber Pakhtunkhwa.

- a. Appellant has been appointed WITHOUT vacant post at the said school.
- b. Appellant has been appointed WITHOUT recommendation of the DSC.
- c. Appellant has been appointed vide PIECE MEAL ORDER.
- d. The Appellant **did not show his attendance for duty even for a single day** after his first appointment.
- e. That the said school comes under the sole jurisdiction of SDEO, yet she did not even endorse the appointment order nor did she sign the source form for release of his salary. Although GGCMS Wanda Balochan falls under the Sub-Division of SDEO (F), D.I.Khan.
- f. That the concerned SDEO (F) did not make a single entry of his service book rather all the entries have been made bogus, with mala fide intent, in impersonation of the DEO (F), though, not competent for service book record keeping of the civil servants who fall in the jurisdiction of SDEO.
- g. That salary of the Appellant was not opened by the competent authority, The SDEO (F), D.I.Khan and all the procedure adopted for his appointment and salary opening was fake and bogus.

2. **Strictly Denied.** That the Appellant has been properly terminated vide this office Order No. 6896-6901, dated: 5.6.2017; and that the Appellant has been properly treated under the E&D Rules, 2011.

3. **Strictly Denied.** As mentioned above in Para-2 of grounds.

4. That the Learned Counsel for the Respondent may graciously be allowed to raise further grounds during the course of arguments.

It is therefore, humbly prayed that the Appeal may be dismissed and the Removal from Service Order No. 6896-6901, dated D.I.Khan the 5.6.2017 may be allowed stay in field.

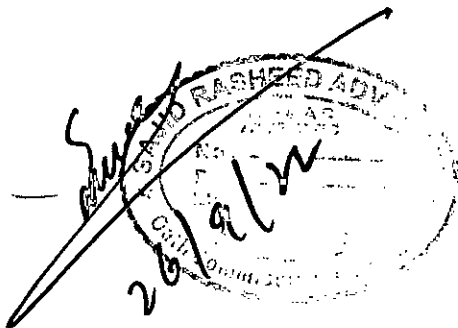

DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

AFFIDAVIT:

It is solemnly stated on oath that the above statement is true to the best of my knowledge and that nothing has been deliberately concealed from this Honourable Tribunal in the above stated service appeal / execution petition.

The Humble Respondent


DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN



BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR,

DERA ISMAIL KHAN CAMP

SERVICE APPEAL No 7619-D/2021

Wasim Akram **Son of** : Malik Rab Nawaz
Ex-Chowkidar : GGCMS Wanda Balochan {SDEO (F), D.I.Khan.}

VS Government of Khyber Pakhtunkhwa, District Education Officer (F) D.I.Khan


AUTHORITY LETTER

I, District Education Officer (Female), D.I.Khan, do hereby authorize **Dr. Muhammad Imran Shah, Subject Specialist BS 18, GHSS Muryali, D.I.Khan, Litigation Officer** of the District Education Office (Female), D.I.Khan, to attend the Honourable Khyber Pakhtunkhwa Service Tribunal, Camp Court D.I.Khan, on my behalf in connection with submission of Para-wise comments/ Reply/ Attendance till the decision of the above titled Service Appeal.

RESPONENT


**DISTRICT EDUCATION OFFICER
(FEMALE), D.I.Khan**

DEPONENT

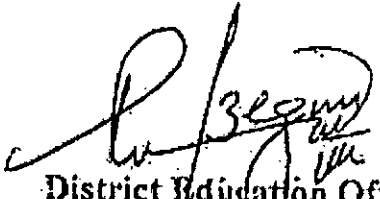

**Dr. Muhammad Imran Shah
Senior Subject Specialist (BS 18)
Working as
Litigation Officer
Office of DEO (F), D.I.Khan
12101-2797412-1
03480934707**

(A) (6)

**OFFICE OF THE DISTRICT EDUCATION
OFFICER (FEMALE) DERA ISMAIL KHAN**

ORDER:

1. WHEREAS Mr. Waseem Akram Chowkidar appointed vide order No: 4444-46 Dated: 21-05-2014.
2. WHEREAS during scrutiny of service book it was sort out that you were appointed at GCCMS Wanda Balochan in Sub-Division DIKhan,
3. WHEREAS his service book, Source form-I and Charge report was signed by DEO (F) which is illegal.
4. WHEREAS there is no sanctioned post at GCCMS Wanda Balochan and the post were already filled.
5. WHEREAS SDEO endorse all appointment order under her jurisdiction.
6. WHEREAS you know all entries are made by competent authority SDEO.
7. WHEREAS service verification is the whole responsibility of SDEO.
8. WHEREAS SDEO has to endorsed/verified your service in service book.
9. WHEREAS SDEO is DDO of SDEO (F) Office and pay and drawl are make through SDEO.
10. WHEREAS there is no competency of District Education officer to signed service book, Source form-I and charge report which shows that all service record signed by yourself not by competent forum i.e SDEO(F) DIKhan.
11. WHEREAS your all entries in service book is beyond the authority.
12. WHEREAS you passed through doubtful process and adopted irregular procedure that in contrary to law.
13. WHEREAS you committed Fraud /bogusity.
14. WHEREAS I Parveen khatak being competent authority and satisfied that you have the committed the acts/omissions and proved yourself as Guilty of corruption and fraudulent.
15. Hence Services of Mr. Waseem Akram is hereby null and void from the date of taking over charge.


District Education Officer
(Female) Dera Ismail Khan
Dated DI Khan the 5/6 /2017

Undst. No. 6896-6501

Copy of the above is forwarded for information to the:-

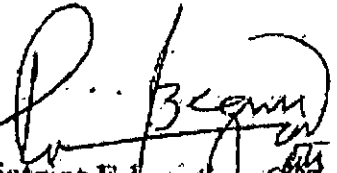
1. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. District Accounts officer DI Khan.
3. Deputy Commissioner DI Khan.
4. SDEO (F) Pry DIKhan.
5. Assistant Director Anti-Corruption DIKhan.
6. Official Concerned.

OFFICE OF THE S.E.O(F) D.I. KHAN

Undst. No. 627-26 / Dated 12-06-2017

Copy of the above is forwarded to :-

1. District Education officer (F) DIKhan
2. A.S.D.B. Circle.
3. Headmistress GCCMS, W/Balochan
4. Waseem Akram Chowkidar -d-


District Education Officer
(Female) Dera Ismail Khan

(Stamp)