

BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 726/2023

Wakeel Khan S/O Saeed Ullah Khan PSHT Govt. Primary School Rega, District Buner
_____ (APPELLANT)

Versus

1. District Education Officer Male District Buner
2. Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
3. Secretary, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar

_____ (RESPONDENTS)

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DEPONENT

15101-0882586-3

①

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(RESPONDENTS)

Written Reply/Para wise Comments for & on behalf of Respondents No. 1, 2 & 3

Preliminary Objections

1. That according to the judgment of the honorable Khyber Pakhtunkhwa Service tribunal in Service Appeal No. 1678/2022, the instant appeal is not maintainable.
2. That the appellant has no vested right to continue or hold a particular post at a particular place, thus is liable to be transferred anywhere in exigencies of service, hence the suit is not maintainable.
3. That the remedy of departmental appeal against the impugned order is available to the appellant, which he did not avail, hence the instant appeal is not maintainable.
4. The Appellant has no cause of action/locus standi to file the instant declaration of right.
5. The Appellant has concealed the material facts from this honorable court, hence liable to be dismissed.
6. That the ^{appeal} suit is wholly incompetent, misconceived and untenable.
7. That the ~~suit for declaration is wrong, baseless and not maintainable~~, it shows no strong cause to be taken for adjudication, therefore, the same is liable to be rejected/ dismissed.
8. That the instant ^{appeal} suit is unjustifiable, baseless, false, frivolous and vexatious. Hence the same is liable to be dismissed with the order of special compensatory cost in favor of respondent.
9. That the instant ^{appeal} suit is not maintainable in the present form and also in the present circumstances of the issue.
10. The Appellant has not come to this honorable court with clean hands.
11. The Appellant has filed the instant ^{appeal} just to pressurize the respondent.
12. The appellant has filed the instant suit on mala-fide motives.
13. The instant litigation is against the prevailing law and rules.
14. The appellant has been estopped by his conduct to file the appeal.
15. That every Government servant is bound to perform his duties anywhere in the best interest of public service.

Facts

1. Incorrect and hence denied. The ^{appellant} plaintiff has never ever performed to the satisfaction of the competent authority. He frequently remains either absent or arrives the school very late, for which he was proceeded against on various occasions. He plays taunts with his duty and the future of small kids. He also resorts to frequent proxy and "French Leave". As per rules of this department, a Government Servant is required to seek prior approval of Casual Leave from his immediate boss/ officer. Since, the appellant is a Primary School Head Teacher and his immediate officer is ASDEO/SDEO, therefore, he should have got/sought sanction of Casual Leave from them, which he has never done. There does not exist any provision in any rules that enshrine in a Government Servant the power to give himself leave. Apart from his absence and proxy, the appellant enjoys leave without any approval from his officers, which is not only illegal but is akin with the inefficiency and misconduct on the part of the appellant. **(Statement of the SDEO and ASDEO is attached to that extent as annexure "A")**.

Furthermore, promotion of a primary school teacher is not based upon evaluation of performance rather primary school teachers get promotion on the basis of required qualification and seniority. Thus, the stance of the appellant of promotion to a higher grade on the basis of good performance is baseless.

2. Incorrect and hence strongly denied. The ^{Respondent No 1} undersigned has remained as Deputy District Education Officer (BS-18) and District Education Officer (BS-19) of district Buner. Furthermore, the respondent is a public servant and has always performed his duty in the public interest. During the tenure of the ^{Respondent No 1} undersigned in the district and with the blessings of Allah, district Buner always falls amongst the top five (05) best performing districts in Education at provincial level competition. Being a DEO, it is the duty of the respondent to take action against those who are playing sports with the future of small kids; who are not performing their duty and those who remain absent and mostly resort to proxy and "French Leave". The appellant frequently remains absent from his duty, for which he is liable to be proceeded under the rules. The respondent found him absent on many occasions, for which deduction was made from his salary. Being the competent authority, in case of absence of the appellant, it is the duty of the respondent to take action against him, which also includes deduction of salary or transfer him to some other school. **(Transfer order of the appellant is attached as Annexure "B")**

3. Incorrect and hence denied. The post of PSHT, BPS-15, is a district cadre post and not a union council-based post. Under the **Khyber Pakhtunkhwa Appointment, Deputation, Posting and transfer of teachers, Lecturers, Instructors and Doctors Regulatory Act 2011 (KP Act No. XII of 2011)**, only PST, BPS-12, is a union council-based post, which cannot be transferred out from his/ her union council, while SPST BSP-14 and PSHT BPS-15 are district cadre posts. They can be posted anywhere in the district. Thus, the appellant, under the said act, has no

right to claim his posting within his own union council. If such was the case then the school, i.e., GPS No. 1 Rega, from where the appellant has been transferred is not in the Union Council of his domicile as he belongs Union Council Gagra while he has been rendering his service in UC Rega since long.

The transfer order in respect of the appellant is legal and lawful. As per rules, the competent authority can transfer a civil servant serving in Elementary & Secondary Education Department anywhere within his cadre, post and district. Civil servant could not stay at a place of his choice unless operation of transfer order stayed, which is not the position in the case. Such view of the issue, according to the Service Tribunal, if affirmed, would give license to every Civil Servant to file a representation against order of transfer and stay at place from which he did not want to move; as such the same would create administrative chaos. **Same is reported in 2006 SCMR 443.** Similarly, Civil Servant could not disobey transfer order. **Same is reported in 2003 PLC (CS) 104.** The appellant has not only committed non-compliance of official order but also violated of the dictums laid down by the August Supreme Court of Pakistan. Going ahead, Service Tribunal had also found after appraisal of material available before it, that transfer order made for administrative reasons in public interest is valid and not for extraneous considerations. Employees was liable to be transferred anywhere in exigencies of service, having no vested right of his choice for a specific place. **Reliance is placed on 1998 SCMR 293.**

Furthermore, the transfer order in respect of the appellant has no legal infirmity, and is therefore, complete in all respects. His post is a district cadre post and he is required to serve anywhere in the district where the competent authority transfers him in the public interest. As per rules, a civil servant is required to relinquish charge immediately after he is transferred to some other station and he is not allowed to use delaying tactics thereof. Similarly, Civil Servant could not disobey transfer order. **Same is reported in 2003 PLC (CS) 104.** In addition, since transfer of a civil servant is no punishment, therefore, it does not require any personal hearing or opportunity of being heard. **Section-10 of Civil Servants Act, 1973** provides sufficient clearance which reads as follow:

"Posting and transfer: - Every civil servant shall be liable to serve anywhere within or outside Pakistan, in any equivalent or higher post under the Federal Government, or any Provincial Government, or local authority, or a corporation or body set up or established by any such Government."

The appellant or his counsel stance, to adopt the procedure of the Government Servants (Efficiency & Discipline) Rules 2011 and 1973 in transfer matters, is just his lack of knowledge and the result of speculations and conjecture. Transfer on administrative ground is allowed, which has also endorsed by the court of Service Tribunal, and it does not require any personal hearing or specific procedure. When transfer is not a penalty or punishment, then, under what rule can we drag the aforementioned rules for the purpose, to which these rules have nothing to do at all.

(4)

4. Incorrect and hence denied. The Director E & SED Khyber Pakhtunkhwa has nominated inquiry officers for inquiring into the irresponsible behavior of the appellant which is still in the pipeline. Furthermore, the appellant is resorting to baseless allegations, and the only purpose of the appellant to pressurize the respondents to cover his inefficient and irresponsible behavior. Moreover, the appellant is creating hurdles in the inquiry proceedings against him, and the allegations of the appellant in his applications against the nominated inquiry officers by the directorate and this office speak volumes regarding his behavior. **(Application of the appellant against the nominated inquiry officers of the this office is attached as Annexure "C and D")**

5. Incorrect and hence denied. The appellant has been transferred from GPS No. 1 Rega, where he has a long tenure/ stay of about **Five (05) years and Nine (09) months**, on disciplinary grounds to GPS Tora Patay. The appellant has not complied with the transfer orders, and he is absent from GPS Tora Patay since his transfer. The SDEO concerned has also marked and reported him absent. In addition, the appellant has forcefully seized all the official record of his old place of duty, GPS No. 1 Rega, and has not handed it over to the new under-transfer head teacher. Due to his absence and misconduct, his salary has been stopped and an inquiry has been initiated against his absence, non-compliance and blatant use of social media against the undersigned and department as whole. **(Notification of inquiry committee are attached as Annexure "E")**

The appellant is not obeying the orders of the Competent Authority and the same is reported in the August Apex Court of India which goes ahead to the extent of holding that an employee is to obey the transfer order before he earns right to challenge the same in ***Gujarat State Electricity Board versus Atma Ram Sunagomal Poshni (1989) 2 SCR 357*** and further that even if there be non-compliance with the provisions of the posting norms, order of transfer will be not vitiated;

"2. Transfer of a government servant appointed to a particular cadre of transferable posts from one place to the other is an incident of service. No government servant or employee a public undertaking his legal right for being posted at any particular place. Transfer from one place to other is generally a condition of service and the employee has no choice in the matter; transfer from one place to other is necessary and public interest and efficiency in the public administration whenever a public servant is transferred, he must comply with the order, but if there be any genuine difficulty and proceeding on transfer, it is open to him to make representation to the competent authority forced a modification or cancellation of their transfer order if the order of transfer is not stayed modified or cancelled, the concerned public servant must carry out the order of transfer. In the absence of any stay of transfer order of a public servant has no justification to avoid are aware the transfer order merely on the ground of having made a representation or on

the ground of his difficulty in moving from one place to the other. If he fails to proceed on transfer in compliance to the transfer order, he would expose himself to disciplinary action under the relevant rules as has happened in the instant case. The respondent lost his service as he refused to comply with the order of his transfer from one place to the other."

In the present appeal when the appellant is not performing his duty at the place of his posting, the Government of Khyber Pakhtunkhwa **Finance Department (Regulation Wing) Notification No. SO (FR)/FD/5-14/2014 dated 16-12-2014** on the subject of **"Deduction of Salary from Government Employees in case of Absenteeism"** and decision of the Khyber Pakhtunkhwa Service Tribunal Peshawar in the service appeal No. 1689/2010 as **"No work, No pay"** provide ample clearance about the stoppage of salary of a government servant.

- 6. Pertains to the record. The Director Elementary and Secondary Education Khyber Pakhtunkhwa has already nominated an inquiry officer for inquiring into the instant matter, and the inquiry proceedings against the appellant are in progress.

Furthermore, the appeal is not justified and accordance with rules and policy, therefore, the instant service appeal may be set aside on the following grounds:

Grounds:

- a. Incorrect hence strongly denied. The mentioned transfer order has been made in accordance with the law, rules and policy. There is no legal infirmity. In this regard Section 10 of the Civil Servants Act 1973 provides sufficient clearance which reads as follows:

"Posting and transfer: - Every civil servant shall be liable to serve anywhere within or outside Pakistan, in any equivalent or higher post under the Federal Government, or any Provincial Government, or local authority, or a corporation or body set up or established by any such Government."

In addition, disciplinary proceedings have already been initiated against the appellant by issuing charge sheet and statement of allegations. Furthermore, the notification of formal inquiry has already been issued which is in accordance with the law, rules and policy. **(Charge sheet, statement of allegations and notification of inquiry committee are attached as Annexure "E, F and G")**

The instant transfer order was issued in the public interest. The **Service Appeal No. 1678/2022 titled Mst. Parveen Begum, DEO (F) Karak, Versus Provincial Government** was dismissed by the Honorable Service Tribunal Khyber Pakhtunkhwa on 05-01-2023 on the grounds that the appellant was transferred on the administrative reasons. In the mentioned appeal, the appellant had prayed for **'Declaring the impugned order of respondent No. 2 bearing Endst; No. SO(MC) E&SED/ 4-16/2022PT/TC dated 20-10-2022 as illegal, unlawful, without lawful authority, against the posting transfer policy of Khyber Pakhtunkhwa and set aside the same.'**

Regarding the present appeal, the appellant has a long tenure in GPS No. 1 Rega. He has been serving in the school since 11-02-2017 (5 years, 9 Months and 10 days) which exceeds his normal tenure of three years. It is not his vested right to claim for a specific station to remain there for such a long period. Same is reported in 1999 SCMR 2155 (C), 1999 PLC 132 (C). The transfer of the appellant has been made under Section 10 of NWFP Civil Servants Act, 1973. The judgments of the Supreme Court of Pakistan are very much clear in this regard. Some reported judgments of Supreme of Pakistan are 1999 PLC 655, 1999 SCMR 755 etc. Similarly, transfer and posting could not be claimed as matter of right, only the Government could determine as to which officer was suitable for which place. Same is reported in 2013 PLC (C.S) 864. The appellant is shirker and frequently remains absent, due to which not only the educational environment but also the discipline and attendance of the subordinate teachers are at the verge of disaster and ruination. Absenteeism, proxy and abetment in absenteeism have been promoted by the appellant, which is being imitated by the rest of the staff. The respondent visited the school a couple of times and frequently found him absent. Subsequently, his explanation was called and deduction from his salary was made, however, the appellant has turned deaf ears on the directions and warnings of the competent authority and he did not mend himself, rather he feels pride in committing dishonesty, violating rules and sabotaging the future of small kids. The school, where he is serving is the main and center school located in village Rega, where an irresponsible and shirker teacher can cause much damage to kids' career. Therefore, the respondent has decided to take disciplinary action against him, however, at the foremost level, he was transferred to light school, where enrolment of students is lesser as compared to GPS Rega. To fulfill the gap and to vanish the chaos created by the appellant at the school, the respondent has transferred another Head Teacher, namely Sardar Ahmad PSHT, who has already taken charge of his duty on 30/11/2022, in compliance with this office Order No. 5943-46 dated 28-11-2022. (Transfer Order and Charge report of the newly transferred PSHT are attached as annexure "H and I")

b. Incorrect and hence denied. The appellant or his counsel stance, to adopt the procedure of the Government Servants (Efficiency & Discipline) Rules 2011 and 1973 in transfer matters, is just their lack of knowledge and the result of speculations and conjecture. Transfer on administrative ground is allowed, which has also been endorsed by the Honorable court of Service Tribunal, and it does not require any personal hearing or specific procedure. When transfer is not a penalty or punishment, then, under what rule can someone drag the aforementioned rules for the purpose, to which these rules have nothing to do at all. The transfer order in respect of the appellant is legal and lawful and the same is already explained in para 3 of the facts in detail.

The mentioned procedure of E&D Rules 2011 has been adopted against the appellant for his non-compliance of official order, inefficiency, misconduct and

absence by issuing a show cause notice under the rules. The appellant and his brother, who is a lawyer in local courts Dagger, exert unfair pressure and threats to influence the actions and official business of this office and thereby attain their personal vested interests and gain undue favor in posting/transfers and absence for the appellant. They fall back on/recourse to trifling sophistry and exert unfair pressure to give the appellant free hand to remain either absent or perform duty according to his wish and whim.

In addition, an inquiry has already been initiated against the appellant by issuing him charge sheet and statement of allegations, which is still in the pipeline. **(Charge sheet, statement of allegations and notification of inquiry committee are already attached as Annexure "E, F and G")**

- c. Incorrect and hence denied. The transfer order in respect of the appellant is under the relevant rules and policies which is already explained in para 3 of the facts.

In the instant case, the appellant had not only refused to obey the order of the competent Authority by not assuming the charge on the new assignment for quite long time but also presented himself as undisciplined official.

Furthermore, the appellant had been trying to create hurdles in smooth official business by not obeying the transfer order issued by the Competent Authority, thus, such a trespass in the government office brought a bad name and reputation for the department as a whole and would encourage the other officers to follow his footsteps.

In addition, the appellant has committed misconduct and has been violative of rules by not handing over official record/ registers etc. to the newly transferred Head Master and has forcefully seized/ grabbed all the record of the school with him which has created very embarrassing situation not only for the school but for the office as well. **(Application of the Head Teacher of GPS Rega regarding illegally keeping the record of GPS Rega and the consequent letter No. 1119/ Estab; Primary dated 06-03-2023 of the respondent department for leaving the school are attached as Annexure "J and K")**, so the conduct of the appellant by not complying with the orders of the Competent Authority and his prima facie absence from duty have disintitiled the petitioner to the desire relief at least prayed in this petition. Reliance is placed on **2000 a CMR 1117 titled "Akhtar Hussain versus Commissioner Lahore" regarding disentitlement of a party for the conduct of the party**. Thus, keeping in view the factual position, the proceedings against the appellant are lawful.

- d. Incorrect and hence denied. Being the competent authority, the Respondent has been empowered by rules to exercise the power, conferred upon him, within the jurisdiction. Posting/transfer is one of the powers which the respondent exercised in the public interest and for securing the rights of small kids.

The post of PSHT is a district cadre post and not a union council-based post. Under the **Khyber Pakhtunkhwa Appointment, Deputation, Posting and transfer of teachers, Lecturers, Instructors and Doctors Regulatory Act 2011**

(KP Act No. XII of 2011), only PST, BPS-12, is a union council-based post, which cannot be transferred out from his/ her union council, while SPST BSP-14 and PSHT BPS-15 are district cadre posts, and they can be posted anywhere in the district. Thus, the appellant, under the said act, has no right to claim his posting within his own union council. If such was the case then the school, i.e., GPS No. 1 Rega, from where the appellant has been transferred is not in the Union Council of his domicile as he belongs Union Council Gagra while he has been rendering his service in UC Rega since long. The transfer order in respect of the appellant is legal and lawful. As per rule, the competent authority can transfer a civil servant serving in E&SED anywhere within his cadre, post and district. Civil servant could not stay at a place of his choice unless operation of the transfer order stayed, which was not the position in the case. Such view of the issue, according to Service Tribunal if affirmed, would give license to every Civil Servant to file a representation against order of transfer and stay at place from which he did not want to move; as such the same would create administrative chaos. **Same is reported in 2006 SCMR 443.** Similarly, Civil Servant could not disobey transfer order. **Same is reported in 2003 PLC (CS) 104.** The appellant has not only committed non-compliance of official order but has also violated the dictums laid down by the August Supreme Court of Pakistan. Going ahead, Service Tribunal had also found after appraisal of material available before it, that transfer order made for administrative reasons in public interest is valid and not for extraneous considerations. Employees was liable to be transferred anywhere in exigencies of service, having no vested right of his choice for a specific place. **Reliance is placed on 1998 SCMR 293.**

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When transfer is not a penalty or punishment, then, under what rule can we drag the aforementioned rules for the purpose, to which these rules have nothing to do at all.

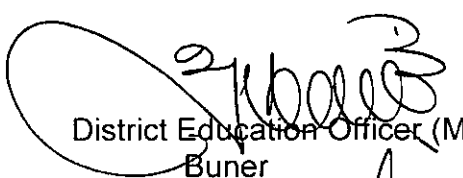
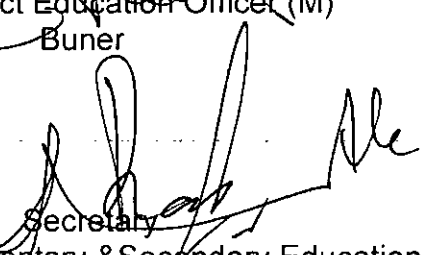
Furthermore, the central administrative tribunal- Delhi in the case of **Jawahar Thakur versus Union of India held on 19 June, 2015**, that it is more than stare decisis that transfer is an incidence of service and it is for the executive administration to decide how to and where to use its employees, subject to the conditions of their appointment, in the best interest of the organization and public service. It is not always possible and feasible to record strong reasons for allowing an officer to continue at a particular station for a few years or more or less.

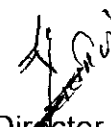
The honorable Supreme Court in **Mrs Shalpa Bose and others vs State of Bihar and others 1991 Supp (2) SCC 659** went into in the issue of guidelines and has upheld the authority of the employers to transfer the employee in the following words;

"In our opinion the courts should not interfere with a transfer order which are made in public interest and for administrative reasons unless the transfer orders are made in violation of any mandatory statutory rule or on the ground of mala fide, A government servant holding a transferable post has no vested right to remain posted at one place or other, he is liable to be transferred from one place to the other. Transfer orders issued by the competent authority do not violate any of his legal rights even if a transfer order is passed in violation of executive instructions or orders, the courts ordinarily should not interfere with the order instead affected party should approach the higher authorities in the department. If the courts continue to interfere with day-to-day transfer orders issued by the government and its subordinate authorities, there will be complete chaos and the administration which would not be conducive to public interest. The High Court over looked these aspects and interfering with the transfer orders."

e. The respondent also seeks permission of this Honourable Court to rely on additional grounds at the time of arguments.

In view of the above noted submissions, it is humbly requested that this Honourable Court may very graciously be pleased to dismiss the instant suit with cost in favour of the respondents.


District Education Officer (M)
Buner

Secretary
Elementary & Secondary Education
Peshawar.


Director
Elementary & Secondary Education
Peshawar

BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 726/2023

Wakeel Khan S/O Saeed Ullah Khan PSHT Govt. Primary School Rega, District Buner
_____ (APPELLANT)

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 3. Secretary, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
- _____ (RESPONDENTS)

AFFIDAVIT

I, Ubaid ur Rahman, Superintendent BPS-17, District Education Office (Male) Buner, do hereby solemnly affirms and state on oath that the whole contents of the Service Appeal are true and correct to the best of my knowledge and belief, and nothing has been concealed from this Honorable Court.



Deponent

15101-0882586-3



OFFICE OF THE SUB DIVISIONAL EDUCATION
(M) GAGRA DISTRICT BUNER

No 913 /Dated: 02/12/2022

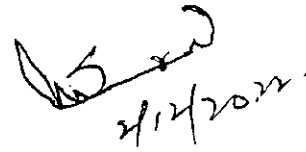
CERTIFICATE

It is certified that Mr. Wakil Khan (PSHT) GPS Rega No.1 has so far not taken any formal sanction in a bid to observe Casual Leave. As a matter of fact, the Head teacher is supposed to take Casual Leave duly signed from the concerned Sub Divisional Education Office. Taking formal sanction for leave has invariably been overlooked by the official concerned.


2/12/2022

**A.S.D.E.O MLAE
GAGRA**

Asstt; Sub Divnl; Edu
Office: (M)
Gagra Buner


2/12/2022

**S.D.E.O MALE
GAGRA**

**SDEO Male
Gagra Buner**



Impugned Order
 OFFICE OF THE DISTRICT EDUCATION OFFICER
 (MALE) DISTRICT BUNER
 PHONE & FAX NO. 0939-510468
 EMAIL: edobuner@gmail.com



Page 1

TRANSFER ORDER

Consequent upon surprise visits by the undersigned on various dates to GPS Rega, the Competent Authority has been pleased to transfer Mr. Wakeel Khan PSHT, GPS Rega to GPS Tora Patay Tehsil Chagharzi on disciplinary grounds due to his absence, inefficiency, slackness, shirkness and day to day aggravating situation of school, in the best interest of public service with immediate effect.

Note:-

Necessary entries to this effect should be made in their service books.

(IFTIKHAR UL GHANI)
 DISTRICT EDUCATION OFFICER
 (MALE) BUNER

Endst: No. 5815-20 Dated: 22/11/2022
 Copy of the above is forwarded to:

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. DAO Buner.
3. DMO, (EMA) Buner.
4. SDEOs Concerned with the directions to SDEO (M) Gagra to relieve him immediately.
5. Officials Concerned.
6. Master File.

[Signature]
 DISTRICT EDUCATION OFFICER
 (MALE) BUNER

[Signature]
 22/11/22

انجمن صوفیہ (جناب ڈی ای او صوبہ تعلیم (سرحدانہ) ضلع کوٹلی) ①

عنوان :- انکوائری کمیٹی پر عدم اعتماد اور تبدیلی
جناب عالی!

نہایت احترام کے ساتھ عرض کی جاتی ہے کہ ضلع دفتر تعلیم کے جانب سے Back date میں لکھی ہوئی انکوائری نمبر 1470 مورخہ 28-03-2023 کی آفس آرڈر 09 مئی 2023 کو موصول ہوا جس کے ساتھ چارج شیٹ اور Allegations statement کے مدغم اور missing کا پیمانہ منسلک ہیں جو ناقابل پڑھائی ہیں۔ انکوائری کمیٹی کے دونوں افسران صاحبان نان لوکل ہیں وہ حقائق سے ناشناختہ ہیں جن کو صاف انکوائری میں مشکلات درپیش ہونگے اور ضلعی تعلیم افسر کے ساتھ علاقائی تعلق بھی ہے ان میں محترم نیاز ولی خان صوبہ SDEO تحصیل چیغری کا تعلق ضلع صوابی سے ہے اور محترم ضلعی تعلیم افسر کا تعلق بھی ضلع صوابی سے ہے یعنی ایک فریق کی حیثیت رکھتا ہے جن سے شفاف اور انصاف پر مبنی انکوائری کی توقع نہیں کی جاسکتی ہے۔ اسلئے آپ صاحبان میری فرمائش ہے کہ درجہ ذیل کمیٹیوں میں سے ایک آزاد، خود مختار، ایماندار اور نیوٹرل کمیٹی کا انتخاب کرائے آفس آرڈر جاری فرمائیں تاکہ بغیر کسی اثر دباؤ کے اللہ تعالیٰ کو حاضر ناظر جان کر صاف و شفاف انکوائری کر سکیں۔

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13/5/23

1/2 P-T-0

ADEUCESIB pry
13/5/23

②

1- [① محترم گل فروش خان مہب پرنسپل GHSS گدیڑی
② محترم سید کریم مہب SS GHSS چنار]

2- [① محترم گل فروش خان مہب پرنسپل GHSS گدیڑی
② محترم نیاز ولی خان مہب SDEO تحصیل چغزری]

3- [① محترم سر مست خان مہب پرنسپل GHS ڈگرنبرج
② محترم سید کریم مہب SS GHSS چنار]

4- [① محترم گل فروش خان مہب پرنسپل GHSS گدیڑی
② محترم سر مست خان مہب پرنسپل GHS ڈگرنبرج]

جناب عالی!

ان افسران سے میرا کوئی رشتہ داری اور تعلق نہیں ہے بلکہ ضلع تعلیم افسر کے ماتحت اور زیر اثر ہیں اس لیے بلا کسی جھجک ایک کمیٹی کا انتخاب فرمائیں اور مجھے اصل چارج شیٹ اور Allegations Statement کمیٹی کے آفس آف ڈسٹریکٹ کے ساتھ رجسٹری فرمائیں تو بندہ بہت مشکور اور دعا گو رہیگا۔ فقط

نیل

Head Master
GPS No.1 Rega
Distt: Buner

الغرض

وکیل خان (PSHT)

جی پی ایس ریگنبرج

مورخہ 11 مئی 2023

نقول برائے

① ڈی ای مہب بونیر

② DMO چنار

③ سرورس ٹریننگ چنار

ADPCO (PSHT) P.S.Y.

15/5/23



OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DISTRICT BUNER
PHONE & FAX NO. 0939-555110
EMAIL: edobuner@gmail.com



No. 1470/Inquiry/Wakil Khan PSHT Dated 28/03/2023

OFFICE ORDER

The Competent Authority is pleased to constitute inquiry committee comprising of the following officers to conduct formal inquiry against Wakeel Khan PSHT, Ex-GPS Rega (Buner) under-transfer to GPS Tora Patay for the charges mentioned in the charge sheet and statement of allegations with immediate effect.

- i. Mr. Mr. Sarmast Khan, BS-18, Principal GHS No.2 Daggar. (Buner . . .)
- ii. Mr. Niaz Wali Khan, BS-17, SDEO (M) Chagharzi (Buner).


2. The inquiry committee shall submit recommendations/report to the Competent Authority within 15 days positively. (Copy of charge sheet and statement of allegations are enclosed)

(IFTIKHAR UL GHANI)
DISTRICT EDUCATION OFFICER
(MALE) BUNER

Endst. of even No. & Date:-

Copy forwarded to the:

1. Mr. Sarmast Khan, BS-18, Principal GHS No.2 Daggar. (Buner . (Copy of charge sheet & Statement of allegations are enclosed)
2. Mr. Niaz Wali Khan SDEO(M) Chagharzi. (Copy of charge sheet & Statement of allegations are enclosed)
3. Wakeel Khan PSHT, Ex- GPS Rega under-transfer to GPS Tora Patay. (Copy of charge sheet is enclosed)
4. Master File.


DISTRICT EDUCATION OFFICER
(MALE) BUNER

o/c

28/3/23



OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DISTRICT BUNER
PHONE & FAX NO. 0939-555110
EMAIL: edobuner@gmail.com



DISCIPLINARY ACTION


1. Mr. Ifikhar Ul Ghani, District Education Officer, as Competent Authority am of the opinion that Mr. Wakeel Khan PSHT, Ex-GPS Rega, under-transfer to GPS Tora Patay has rendered himself liable to be proceeded against, as he has committed the following act/omissions within the meaning of Rule -3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011.

STATEMENT OF ALLEGATIONS

1. That the undersigned during his surprise visit to GPS No.1 Rega, found him absent during most of his visits, which vindicates that he is habitual absentee and is not performing his duty honestly, inspite of the fact that he regularly takes his salary from Government exchequer.
2. That as per rule, he is required to obtain prior approval for casual leave from his immediate officers ASDEO/SDEO, however, he has never ever obtained any sanction/permission of casual leave from his immediate officers and enjoyed "French Leave" at his whims, apart from his routine proxies and late coming, which is not only considered as absence but also amounts to inefficiency and misconduct under E&D Rules 2011.
3. That he blatantly defames the DEO (M) Buner and disseminates perverse, defamatory and demoralizing posts/information through his facebook page on shaky and flimsy grounds, reprimanding, tongue-lashing and condemning official business of the Government, which issued his transfer order on disciplinary grounds after due process. This action of his is contrary to the rules (21), (24), (25) and (34-A sub-rules (1)(2) of the Conduct Rules 1987,
4. That he was transferred from GPS No.1 Rega to GPS Tora Patay due to day to day aggravating situation emerged due to his absence, proxy, inefficiency, vide order No. 5815-20 dated 22/11/2022, however, after a lapse of considerable time he is not relinquishing charge and locked all registers illegally and forcefully, not handing them over to the new under transfer Head Teacher, who in compliance of his transfer order No.5943-46 dated 28/11/2022 has taken over charge of his post at GPS No.1 Rega. His this act is contrary to the Conduct Rules 1987, and is punishable under Rule 3 (a) (b) defined in rules 2 (I) (i) (ii) (iii) (v) of the Khyber Pakhtunkhwa Servants (Efficiency and Discipline) Rules 2011.
5. That he exerts unfair pressure and threats to influence the actions and official business of this office and thereby attain his personal vested interests and gain undue favour in absence and proxy.
6. That he lacks official decorum, manners and grooming, using derogatory and inappropriate words to the high ups.
8. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry committee consisting of the following is constituted under Rule 10 (1) (a) of the ibid Rules.
 - i. Mr. Sarmast Khan, BS-18, Principal GHS No.2 Daggar. (Buner).
 - ii. Mr. Niaz Wali Khan, BS-17, SDEO (M) Chagharzi (Buner).

2. The inquiry officer/inquiry committee shall in accordance with the provision of the ibid rules provide reasonable opportunity of hearing to the accused, record its findings and make within fifteen days of the receipt of this order, recommendations as to punish or other appropriate action against the accused.

3. The accused and a well conversant representative of the Department shall join the proceedings on the date time and place fixed by the inquiry officer/inquiry committee.


(Ifikhar Ul Ghani)
DISTRICT EDUCATION OFFICER
(MALE) BUNER

Mr. Wakeel Khan PSHT
Ex-GPS Rega, presently GPS Tora Patay District Buner.

Amir Khan 67

17



OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DISTRICT BUNER
PHONE & FAX NO. 0939-555110
EMAIL: edobuner@gmail.com



CHARGE SHEET

- I, Mr. Iftikhar Ul Ghani, District Education Officer, as Competent Authority hereby charge you Mr. Wakeel Khan PSHT, Ex-GPS Rega under-transfer to GPS Tora Patay tehsil Chagharzi as follow:
That you while posted as incharge of the school, committed the following irregularities and misconduct:
1. That the undersigned during his surprise visit to GPS No.1 Rega, found you absent during most of his visits, which vindicates that you are habitual absentee and are not performing your duty honestly, inspite of the fact that you regularly take your salary from Government exchequer.
 2. That as per rule, you are required to obtain prior approval for casual leave from your immediate officers ASDEO/SDEO, however, you have never ever obtained any sanction/permission of casual leave from your immediate officers and enjoyed "French Leave" at your whims, apart from your routine proxies and late coming, which is not only considered as absence but also amounts to inefficiency and misconduct under E&D Rules 2011.
 3. That you blatantly defame the DEO (M) Buner and disseminate perverse, defamatory and demoralizing posts/information through your facebook page on shaky and flimsy grounds, reprimanding, tongue-lashing and condemning official business of the Government, which issued your transfer order on disciplinary grounds after due process. This action of yours is contrary to the rules (21), (24), (25) and (34-A sub-rules (1)(2) of the Conduct Rules 1987,
 4. That you were transferred from GPS No.1 Rega to GPS Tora Patay due to day to day aggravating situation emerged due to your absence, proxy, inefficiency, vide order No. 5815-20 dated 22/11/2022, however, after a lapse of considerable time you are not relinquishing charge and locked all registers illegally and forcefully, not handing them over to the new under transfer Head Teacher, who in compliance of his transfer order No.5943-46 dated 28/11/2022 has taken over charge of his post at GPS No.1 Rega. Your this act is contrary to the Conduct Rules 1987, and is punishable under Rule 3 (a) (b) defined in rules 2 (I) (i) (ii) (iii) (v) of the Khyber Pakhtunkhwa Servants (Efficiency and Discipline) Rules 2011.
 5. That you exert unfair pressure and threats to influence the actions and official business of this office and thereby attain your personal vested interests and gain undue favour in absence and proxy.
 6. You lack official decorum, manners and grooming, using derogatory and inappropriate words to the high ups.
 7. That you are guilty of absenteeism, professional dishonesty, abetment, inefficiency and misconduct under the Rule-3 (a) (b) and (d) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011.
2. By reasons of the above you appear to be guilty of abetment, inefficiency and misconduct under Rule -- 3 (a) (b) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011. and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Rules ibid.
 3. You are therefore required to submit your written defense to within seven days of the receipt of this charge sheet to the inquiry Officer/ inquiry committee in black and white as the case may be.
 4. Your written defense, if any, should reach the inquiry officer/inquiry committee within specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.
 5. Intimate whether you desire to be heard in person.
 6. A statement of allegations is enclosed.

Mr. wakeel Khan PSHT
Ex-GPS Rega (Buner) presently GPS Tora Patay.

(Iftikhar Ul Ghani)
DISTRICT EDUCATION OFFICER
(MALE) BUNER

28/11/23

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Journal



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Amce you "H"

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GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT EDUCATION OFFICER
MALE BUNER



Phone & Fax No.0939-555110

Email: edobuner@gmail.com

OFFICE ORDER:

The Competent Authority is pleased to Transfer Mr. Sardar Ahmad PSHT from GPS Kotkay to GPS Rega No.1 against vacant post on his own pay and scale in the best interest of public service with immediate effect.

Note: -

1. No TA/DA is allowed.
2. Charge report should be submitted to all concerned.

(HFTIKHAR UL GHANI)
DISTRICT EDUCATION OFFICER
MALE BUNER

Endst:No. 594346 / Dated: 28 / 11 / 2022

Copy is forwarded for information to the:-

1. District Monitoring Officer EMA at Buner.
2. District Accounts Officer Buner at Daggar.
3. SDEO(M) concerned.
4. Officials concerned.


DISTRICT EDUCATION OFFICER
MALE BUNER

28/11/22

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CHARGE REPORT

It is certified that Mr. SARDAR AHMAD PSHT GPS Kotkay has been transferred to GPS Rega No. 1 vide DEO (M) Buner order Endst: No. 5943-46 Dated: 28/11/2022. He took over charge of his duty on today 30/11/2022 afternoon.

Handwritten signature
30-11-2022
HEAD TEACHER
GPS REGA NO 1

خدمت صاحب ڈی ای او صاحب (مدیرانہ) ضلع لودھیانہ

جناب عالی! (98)

آداب! خود بخود گزارش کی جاتی ہے کہ مکمل PSHT کا تبادلہ جی بی ایس سے
 ریگا سے جی بی ایس تو رہے گا $22 \frac{11}{22}$ کو عمل میں لائی گئی ہے۔ اور اس کے بعد میرا
 تبادلہ جی بی ایس کو ملے گا سے جی بی ایس گزار گا کو ہو چکا ہے اور میں نے $30 \frac{11}{22}$ کو خود کو
 سکول میں اپنے عہدے کا چارج سنبھالا ہے۔ تنہا این فنڈ کے بارے میں ایس ڈی او
 اور ایس ڈی او صاحب بار بار فون کر رہے ہیں۔ اور اس کے بعد چھٹیوں میں سے
 روم کے بارے میں دفتر سے فون آیا جس میں بی ٹی سے مکس کا حیرت میں اور عثمان کا ہونا
 لازمی ہے۔ لیکن مذکورہ صاحبہ اب تک سکول میں موجود ہے۔ اور سکول کا نام
 ریکارڈ ایچ پاس بلا بند ہے۔ لہذا آپ صاحبان کے نوٹس میں یہ بات لانا چاہتا
 ہوں کہ اگر دفتر کے حکم عدولی ہوتی ہے۔ تو ایسے صبری حکم عدولی نہ سمجھا جائے۔ فقط

الغرض
 دارالہد PSHT
 Head Master
 G. A. P. S. Regd. Sch.
 D. Bhatt. B. H. P.

تاریخ 15/2/2023

Amesha "K"

21



GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DISTRICT BUNER

Phone & Fax No.0939-555110 Email: edobuner@gmail.com

NO. 1119 /Estab:Primary

Dated: 6/3 /2023

To

Wakil Khan PSHT
EX- GPS Rega No.1, Buner, Presently GPS Tora Patay.

Subject: REPORT AGAINST MR. WAKIL KHAN EX- PSHT GPS REGA NO. 01
DISTRICT BUNER

Memo,

As per report of the Head Teacher GPS Rega No. 1, Buner dated 15-02-2023, you have locked the attendance register & other relevant record of the school and forcefully putting your signature in the school attendance register illegally and not allowing the Head Teacher of the concerned school to put his signature in the attendance register, despite the fact that you have been transferred from the mentioned school on disciplinary grounds to GPS Tora Patay, Buner vide this office order Endstt: No. 6359-64 dated 16-12-2022 and have also been relieved by the SDEO concerned.

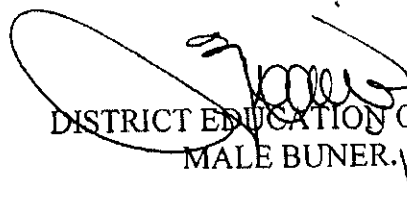
Consequent upon the above, you are directed to leave the school immediately, in-case of failure, this office will have no other option than to take up the case with law enforcing agencies.


DISTRICT EDUCATION OFFICER
MALE BUNER.

Dated: 6/3/23 /2023

Endst: No. 1120-25
Copy for information to the.

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Buner at Daggar.
3. District Police Officer, Buner.
4. S.H.O Gagra, District Buner.
5. SDEO Gagra/Chaghrzai Buner.
6. Master file.


DISTRICT EDUCATION OFFICER
MALE BUNER.



BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 726/2023


Wakeel Khan S/O Saeed Ullah Khan PSHT Govt. Primary School Rega, District Buner
_____ (APPELANT)

Versus

1. District Education Officer Male District Buner
 2. Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
 3. Secretary, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
- _____ (RESPONDENTS)

AUTHORITY LETTER

Mr. Ubaid Ur Rahman, Superintendent BPS-17, Office of the District Education Officer Elementary & Secondary Education Buner is hereby authorized to submit Para Wise Comments on behalf of the undersigned in connection with Service Appeal No. 726/2023 in case titled Wakeel Khan Versus District Education Officer Male Buner and Others in the Honorable Court of Service Tribunal Khyber Pakhtunkhwa Peshawar at Camp Court Swat.


DISTRICT EDUCATION OFFICER
MALE DISTRICT BUNER
27/5/23

← Search



Jehan Zeb is with Nasim Iqbal and 10 others.

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وہیل چے د لنگون نوے Translate into English
نو بلاریبده خہ نہ وی

May, 2023

1. Learned counsel for the appellants present. Mr Faraz Mohamand, Additional Advocate General for the respondents present.

2. After providing a number of opportunities to the respondents they least bother to submit reply there is no departmental representative before the tribunal. Learned AAG is, however, seeking some time to file reply. Adjourned on payment of cost of Rs. 10000/- Since nobody put appearance on behalf of respondents nor reply has been submitted which shows disinterest of the respondents, therefore, the operation of impugned order is suspended. To come up for written reply/comments as well as cost on 08.06.2023 before S.D at camp court, Swat. P.P given to the parties.

(Kalim Arshad Khan)
Chairman

Pen Ullah

ESTD

ESTD

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Most relevant ▾



Wakil Khan

The only one who is not belong to Buner but his duty in Buner & make relationship with them in an enquiry.

14h Like Reply



Jehan Zeb Wakil Khan your hints are littl...



Zubair Bangash

Sa nur detail war Sara k nu kedishi 6 cha pijandi xaka pa dai num hu ba der khalk yi

2h Like Reply



Jehan Zeb

Zubair Bangash da Kum dala barwa blackmailer corrupt The pti haza, zana kar Commionee, 2number Kone ' Kum zatha . Chy versera yarana da zan pajanee

2h Like Reply



Zubair Bangash

Jehan Zeb hahahaha bia hu yi munga adu pijano na. 😂😂

2h Like Reply

Handwritten signature: Aleslee
Handwritten signature: Othman



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Like Comment Share



 **Jehan Zeb**
2d · 


**“Challenging”
Requiring full use of your
abilities and resources.
Who knows غابده and
شميره sisters out of
district Buner.**

  9

5 comments

Like Comment Share

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