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

**SERVICE APPEAL NO. 521/2023**

**Ibrar-Ud-Din .....Appellant**

**Secretary Education Department & others..... Respondents**

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*Next date  
7/7/2023  
Place of hearing  
Peshawar*

*[Signature]*  
District Education Officer,  
(Male) Peshawar

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

**SERVICE APPEAL NO. 521/2023**

**Ibrar-Ud-Din .....Appellant**

**Secretary Education Department & others..... Respondents**

**PARA WISE COMMENTS BEHALF OF RESPONDENTS 1 to 7.**

Respectfully Sheweth:-

**PRELIMINARY OBJECTIONS.**

1. That the appellant has got no cause of action / locus standi.
2. That the appellant has not come to this Hon'ble Tribunal with clean hands.
3. That the instant appeal is malicious/vexatious, and has been filed on frivolous grounds.
4. That the appellant is estopped by his own conduct to file the instant appeal.
5. That the instant appeal is bad for mis-joinder and non-joinder of the necessary parties.
6. That the instant appeal is barred by law.
7. That the instant appeal is not maintainable in its present form.
8. That the appellant has concealed material facts from this Hon'ble Tribunal.
9. That the instant appeal is badly time barred.
10. That the instant appeal has been filed with mala fide intentions.

**ON FACTS**

1. That Para No.1 Pertains to record, to
2. That Para No.2 also Pertains to record,
3. That Para No.3 is incorrect, misleading and against the facts. The Appellant was appointment on chowkidar post and according to law he is bound to look after the school building, ensure the safety of the said building and to look after the valuable assets of the school.
4. That Para No.4 is incorrect, misleading and against the facts. The appellant was not take interest in his duty and always absent from his duty and this regard the Concerned school Head Master and PTC (Parents Teachers Council) members Lodged several complaints against the appellant but the appellant did not mind his militating attitude towards his duty.

The Assistant Sub Division Education Officer Circle Mathra visited the

school complaint of Head Master and PTC Member and the appellant was found absent from his duty. The Assistant Sub Division Education Officer was contacted by making respected phone calls but the appellant did not make any response. The SDEO from the report Sub Division Education Officer forwarded the absented report of the appellant to the District Education Officer (Male) Peshawar issued Show cause to the appellant and conducted inquiry, the inquiry officer inquired the matter and submitted his recommendation. In light of inquiry recommendation the components authority imposed the said penalty on the appellant.

(The complaints of Head Master and PTC member, inquiry report and Notification are Annexes as Annexes A,B & C).

5. That Para No.5 is incorrect, misleading and against the facts. The school contains valuable assets and needs the presence of chowkidar therefore, the presence of chowkidar is very important in the school.

6. That Para No.6 is correct. Appellant habitually remains absent from his duty therefore, he was served show cause notice but he did not mend his militating attitude towards his duty.

7. That Para No.7 is incorrect, misleading and against the facts. The reply of Appellant was not satisfactory and could not explained the reasons for his willful absent from his duty.

8. That in reply to Para No.8 it is submitted that appellant was warned repeatedly to perform his duty as school chowkidar but he did not obey the orders of competent authority therefore, his monthly salary was stopped.

However when the Appellant resumed his duty on 17/03/2023 and the concerned Head Master reported the Appellant has present on duty therefore his monthly salary was started from the same date by the competent authority.

(Pay Release Order is attached as Annex-D)

9. That Para No.9 is incorrect, misleading and against the facts. The reply of Appellant was not satisfactory and could not shown cogent reasons for his willful absent from his duty.

10. That Para No.10 is incorrect, miss leading and against the facts. Government Primary School has 01 sanctioned post of chowkidar therefore, the appellant has to watch/look after the school for day & night.

The Appellant was well aware that a primary school chowkidar has to perform the duty for 24 hours. In spite of this fact, the appellant accepted the post of chowkidar therefore, the appellant has either to perform his duty for full time

(24 hours) or has to resign from the post of chowkidar.

11. That Para No.11 is incorrect, miss leading and against the facts. Detail reply has given the above Para.

12. That Para No.12 is incorrect, misleading and against the facts. The Departmental appeal of the Appellant is not justified therefore, the same was not reply.

13. That Para No.13 is incorrect, misleading and against the facts. Appellant has no cause of action/locus standi to file the instant appeal before this Hon'ble Tribunal.

**GROUNDS.**

A. That ground-A is incorrect, misleading and against the facts. The Appellant has to perform his duty as school chowkidar.

B. That ground-B Incorrect, misleading and against the facts. The Respondents have acted according to law, Rules and Policy.

C. That ground-C is incorrect, misleading and against the facts. The respondent No.7 is not authorized to give such kind of permission because the chowkidar has to look after the school for 24 hours.

D. That ground- D is incorrect, misleading and against the facts. As replied in the Para above.

E. That ground-E is incorrect, misleading and against the facts. Detail reply has been given in the above Para.

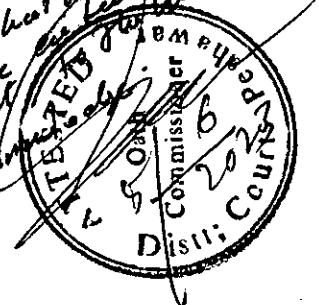
F. That in reply to ground-F, it is submitted that appellant was not performing his duty. He was warned for several times but he did not perform his duty as chowkidar therefore, his monthly salary was stopped.


G. That ground-G is incorrect, misleading and against the facts. Detail reply has been given in the above Para

H. That Respondents also seek leave of this Hon'ble Tribunal to raise additional

It is therefore, most humbly prayed that on the acceptance of this reply, the appeal in hand may very kindly be dismissed with cost.

*It is stated in above that the concern my subject is*



  
District Education Officer  
(Male) Peshawar



To

The District Education Officer (Male)  
Peshawar.

**Subject: PROXY OF NON-TEACHING STAFF BY EMA MONITER DURING THE MONTH OF AUGUST 2022.**

**BACKGROUND**

1. The DCMA (EMA) visited GPS Azam Abad on 22/08/2022 at 10:15.52 am & reported that Mr. Lumber Khan has been working as a proxy chowkidar instead of Mr. Ibrar Ud Din Chowkidar.. In the light of the above report, your office ordered the undersigned to enquire the matter vide your office No.1558 Dated. 13/09/2022.

**PROCEEDINGS:**

Incompliance of the Notification No.1558 Dated. 13/09/2022, on the subject noted above, the undersigned visited GPS Azam Abad along with ASDEO (M) Circle Mathra on 14/09/2022 at 09: 30 am. A questioner to the PSHT of the school has been served, as the chowkidar Mr. Ibrar Ud Din was absent, to probe into the matter.

**FACTS:**

- Mr. Sher Shah PSHT GPS Azam Abad submitted the following statement. (Annexure-A)
1. He has been appointed as a teacher on 28/06/1997 and working as PSHT at GPS Azam Abad since 01/04/2022.
  2. He also has 8 years tenure in the school as SPST.
  3. He submitted that the chowkidar was not performing his duties.
  4. He directed the said chowkidar through order book on 14/2/2022 and 7/3/2022. (Annexure-B)
  5. He accepted that Mr. Lumber Khan was there in the school on 22/08/2022 during the visit of DCMA.
  6. The Ex; PSHT Mr. Shamshad Khan allowed Mr. Lumber Khan to attend the school.
  7. He further stated that he instructed time and again the absent chowkidar to attend his duties but he was unable to attend the school and creating hurdles for him.

**FINDINGS:**

During the course of investigations, the following has been found;

1. This office submitted a detail report of the said chowkidar vide this office No. 546 Dated. 15/07/2022. (Annexure-C)
2. Your office served a show cause notice to the said chowkidar, vide your office No. 4777 Dated. 15/08/2022 which was endorsed to ASDEO (M) Circle Mathra Vide this office No. 779 Dated. 25/08/2022 & intimated your office vide No. 780 Dated. 25/08/2022. (Annexure-D)
3. The ASDEO (M) Circle Mathra visited the school on 19/05/2022, 28/04/2022, 22/03/2022 & 24/11/2021 etc but failed to report the absent chowkidar. (Annexure-E)
4. Mr. Sher Shah PSHT has been taken the charge as in charge Head Teacher on 08/06/2021 after the retirement of Mr. Shahshad Khan PSHT on 08/06/2021.

3298  
19/22

ADD SPST

Issue suspension of PSHT & conduct class IV along with Absent 02.10.2021 to Subj. Hdr.

5. The said chowkidar marked his attendance during the tenure of the present PSHT (Annexure-E).
6. The PSHT of the school unable to report the duty status of the chowkidar well in time proceed him.
7. The said chowkidar has been appointed on 12/12/2012.
8. The PSHT regularly noted his name in the staff statement. (Annexure-F)
9. This office asked ASDEO all circles via Email on 22/06/2022 to check the listed staff and verify the listed staff and a hard copy shall be submitted to this office. (Annexure-G)
10. ASDEO (M) Circle Mathra verified the said chowkidar at S No. 67 on 16/07/2022 (Annexure-H)

**CONCLUSION;**

During the course of investigations and from the statement of all concerned, the following has been noted.

- a. It's evident that Mr. Ibrar Ud Din Chowkidar was absent on 22/08/2022 and Mr. Lumber Khan was a proxy chowkidar on the same day & the report was based on facts.
- b. The said chowkidar has been absent 28/03/2022 till date.

**Recommendations;**

1. Major penalty under the ibid rules 04. b(i) may be imposed on the accused chowkidar.
2. Recovery of the absence period may be ordered w.e.f. 28/3/2022 till date,
3. ASDEO Circle and PSHT (concerned) may be directed to report the absentee of the staff immediately as they shows layman excuses in the instant case.

ENQUIRY BY MR. IBRAR UD DIN  
 (Signature)

(Signature)  
 14/09/2022  
 (Muhammad Aftab)  
 Sub Div. Education Officer (Male)  
 Town-II Peshawar

Anwar - '02

P-8  
29

Registered

OFFICE OF THE DISTRICT EDUCATION  
OFFICER (MALE) PESHAWAR.

No. 4777 / P/F.No. 148

Dated 15/08 /2022

To.

The SDEO (M) Town-II  
Peshawar.

Subject


SHOW CAUSE NOTICE.

Memo

I am directed to refer to the subject cited above and you are directed to serve the enclosed show cause notice upon Mr. Ibrar Ud Din Chowkidar of your School and submit a copy in token having received the notice to this office for ready reference and record please.

Reply to show cause notice should be furnished within the stipulated time period.



BY  District Education Officer  
(Male) Peshawar.

c/c

Annexure - 40

OFFICE OF THE SUB DIV. EDUCATION OFFICER (M) TOWN-II PESHAWAR

No. 546

P-9 ✓

Dated the 15 / 7 / 2022

sdeomalepeshawar@gmail.com

To

District Education Officer  
(Male) Peshawar.

Subject;

COMPLAINT AGAINST THE ABSENTEEISM OF CHOWKIDAR G PS AZAM ABAD PESHAWAR.

Memo;

Enclose please find herewith a report of ASDEO (M) Circle Mathra against the subject chowkidar regarding his absenteeism from duty, for your perusal & initiation of departmental proceeding please.

Handwritten signature and date: 14/07/22

SUB DIVISIONAL EDUCATION OFFICER  
(MALE) TOWN-II PESHAWAR

Handwritten signature: del

Endst. No. \_\_\_\_\_ / Dated Peshawar the \_\_\_\_\_ / 2022.

Copy of the above is forwarded to the,

- 1) The ASDEO (M) Circle Mathra Peshawar for information.
- 2) Office file.

Handwritten signature and stamp: SUB DIVISIONAL EDUCATION OFFICER (MALE) TOWN-II PESHAWAR

Handwritten signature and number: 1520

Handwritten date: 18/07/22

Handwritten signature and date: Bakhtair 18/7/22



R-10

7

OFFICE OF THE PRINCIPAL GOVT. SHAHEED OSAMA ZAFAR CENTENNIAL  
MODEL HIGHER SECONDARY SCHOOL NO.2 PESHAWAR CITY

Date: 06/12/2022

No. 1892

To  
The District Education Officer  
(Male) Peshawar

Subject: Submission of Inquiry Report in r/o Mr. Sher Shah (PSHT)  
GPS Azam Abad Peshawar.

P-66/File

Memo,  
Reference to your letter No.1346-49/G/File No.72-Leave/ESB-1/C-IV dated:26-10-2022, on the subject cited above the inquiry conducted in R/O Mr. Sher Shah (PSHT) of Govt. Primary School Azam Abad Peshawar, is submitting for further necessary action. (Inquiry Report is attached.)

2736  
06/12/22  
ADCO (P)  
06/12

*[Handwritten signature]*

*[Handwritten signature]*  
VICE PRINCIPAL  
Mamraiz Khan  
GSOZCMHSS No.2  
Peshawar City  
Vice Principal  
GSOZCMHSS NO.2 PESHAWAR CITY

R-10

7

OFFICE OF THE PRINCIPAL GOVT. SHAHEED OSAMA ZAFAR CENTENNIAL  
MODEL HIGHER SECONDARY SCHOOL NO.2 PESHAWAR CITY

No. 1892

Date: 06/12/2022

To

The District Education Officer  
(Male) Peshawar

Subject:

Submission of Inquiry Report in r/o Mr. Sher Shah (PSHT)  
GPS Azam Abad Peshawar.

Memo,

P-66/File

Reference to your letter No.1346-49/G/File No.72-Leave/ESB-1/C-IV dated:26-10-2022, on the subject cited above the inquiry conducted in R/O Mr. Sher Shah (PSHT) of Govt. Primary School Azam Abad Peshawar, is submitting for further necessary action. (Inquiry Report is attached.)

2786  
06/12/22  
A.E.O (P)  
06/12

*[Handwritten signature]*

*[Handwritten signature]*  
VICE PRINCIPAL  
GSOZCMHSS No.2  
Peshawar City  
Vice Principal

GSOZCMHSS NO.2 PESHAWAR CITY

History of the case:

P-10-11

(77)

The chowkidar of GPS Azam Abad Circle Mathra Peshawar who being the owner of the land as well, does not perform the duties at day time and takes shelter of the order of Peshawar High Court regarding the eight hours duty but unable to produce the order in black and white form.

Procedure of the inquiry:

I personally visited and met the school Head Teacher, discussed all the details about the case, who handled over the statements including the chowkidar, his own and the order book issued to the concerned chowkidar from time to time.

Conflict of the case:

The issue in the case is that the visiting officers of the department demand the duty of the concerned chowkidar from the Head Teacher, who has already informed, intimated and warned him many times but in vain.

Conclusion:

The crux of the case is crystal clear that the chowkidar is openly violating the rules of E&D by being providing this in his statement that he is not responsible and answerable for the school and its assets except the eight hours.

Recommendations:

As per the statement of the chowkidar, he openly violates the E&D rules, therefore he may be issued the final show cause notice and be treated as the E&D rules state the punishment of such cases.

Note:

All the supporting documents including chowkidar statement, Head Teacher statement and notices issued through order book.

Mamraiz Khae  
VICE PRINCIPAL  
(Inquiry officer)  
VIP GSOZCHMSS No. 2  
Peshawar City



NO: 816

DATE: 05/07/2022

To

SDEO (Male) Town II  
Peshawar.

Subject: Complaint Against The Absenteeism Of Chowkidar GPS Azam Abad.

Refer to your letter no 490 dated 01/07/2022 an inquiry report of the office of ASDEO (Male) circle Mathra may be submitted as under:

That a complaint against Mr. Ibrar ud din Chowkidar GPS Azam Abad has already been submitted by Mr. Sher Shah (PSHT) GPS Azam Abad to the office of SDEO (Male) Town II Peshawar through the office of ASDEO (M) circle Mathra.

The Concerned School was visited by ASDEO (M) Circle Mathra on the verbal and written orders of SDEO (M) Town II dated 02/07/2022, timing 9:25 am. The school chowkidar was found absent. He was contacted by making repeated phone calls but to no avail. In this regard a joint statement by the PSHT Mr. Sher Shah, his staff and PTC members were recorded. According to the statement recorded Since, the Chowkidar belongs to an affluent class therefore, he wants to resign his job sooner or later (PCT meetings minutes and complaint application are attached herewith)

**Suggestions / Recommendation:**

In light of the above mentioned facts and the joint statement given by the PSHT Mr. Sher Shah, Staff and PTC members, it is suggested / recommended that Mr. Ibrar Ud Din Chowkidar GPS Azam Abad, may be served upon a showcase notice and the matter is forwarded to SDEO (M) Town II Peshawar for further necessary action under the rules.

*J. Ullah*  
Asstt. Sub. Div. Edu. Officer (Male)  
Circle Mathra Warsak Road Peshawar

05-07-2022  
ASSISTANT SUB DIVISIONAL  
Edu Officer (M) Mathra  
(ESSE) Peshawar

1-12

**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PESHAWAR**

**PAY RELEASE ORDER**

Consequent upon the report of the PSHT of Govt. Primary School Azam Abad, Peshawar, Dated 17/03/2023, Mr. Ibrar Ud Din, (Chowkidar) GPS Azam Abad, Peshawar, has resumed his duty w-e-f 17-03-2023 (F.N), the competent authority is pleased to release the pay w-e-f 17-03-2023.

**Note:** Necessary entry to this effect should be made in his Service book.

**DISTRICT EDUCATION OFFICER  
(MALE) PESHAWAR**

Endst: No: 9736-42 /File No.72-C/SEB-1 Dated 17 / 5 /2023

Copy of the above is forwarded to the :-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Registrar Khyber Pakhtunkhwa Service Tribunal, Peshawar, w/r to Service Appeal No.521/2023, titled Ibrar Ud Din Vs Govt. of Khyber Pakhtunkhwa and others.
3. SDEO (Male) Town – II, Peshawar.
4. ASDEO (Male) Circle concerned.
5. PSHT GPS Azamabad, Peshawar
6. Chowkidar concerned
7. Office File.

  
**DY: DISTRICT EDUCATION OFFICER  
(MALE) PESHAWAR**

