

28.04.2023

Junior to counsel for appellant present.

Muhammad Jan, learned District Attorney for respondents present.

Learned Member Executive (Mr. Muhammad Akbar Khan) is on leave, therefore, case is adjourned. To come up for arguments on 15.06.2023 before D.B. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar



(Rozina Rehman)
Member (J)

Mutazem Shah

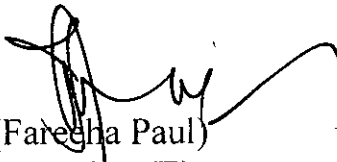
22.12.2022

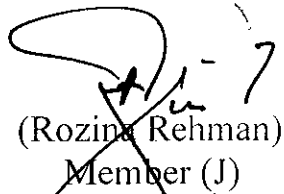
Counsel for the appellant present.

SCANNED
K.PST
Peshawar

Naseer Ud Din Shah learned Assistant Advocate General alongwith Abdul Jamil ADEO for respondents present.

Copy of judgment in service appeal No. 1455/19 was produced which was heard by bench comprising of Mr. Salah Ud Din learned Member (Judicial) and Mr. Ateeq Ur Rehman learned Member (Executive). Learned counsel requested for fixation of the instant Service Appeal before bench comprising of Mr. Salah Ud Din learned Member (Judicial). As identical nature case of Muhammad Naeen EX-PST had been decided by the bench headed by above mentioned learned Member (Judicial), therefore, this case is sent to Worthy Chairman with a request to entrust the instant service appeal to the said bench for disposal. Learned counsel is directed to appear before the said court on 06.01.2023.


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

6-1-23

Profer DB is not available
Therefore case is adjourned
to 28/4/23


Rozina


13.12.2022

Appellant alongwith counsel present.

Naseer Ud Din Shah learned Assistant Advocate General alongwith Abdul Jamil ADEO for respondents present.

Parties were ready for arguments and to some extent arguments were heard and request was made for adjournment in order to produce copies of the judgment in identical nature cases. Adjourned. To come up for arguments on 15.12.2022 before D.B.

(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)


15.12.2022

Appellant alongwith counsel present.

Naseer Ud Din Shah learned Assistant Advocate General alongwith Abdul Jamil ADEO for respondents present.

Learned counsel for the appellant requested for adjournment in order to produce relevant judgement in identical nature cases. Adjourned. To come up for arguments on 22.12.2022 before D.B.

(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

27th July 2022

Miss. Rabia Muzaffar, junior of learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 23.09.2022 before the D.B.



(Salah-Ud-Din)
Member (J)

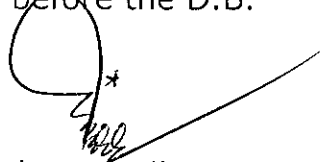


(Kalim Arshad Khan)
Chairman

23.09.2022

Ms. Rabia Muzaffar, Advocate, junior of learned counsel for the appellant present. Syed Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 13.12.2022 before the D.B.



(Mian Muhammad)
Member (Executive)



(Salah-Ud-Din)
Member (Judicial)

12.07.2021

Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.

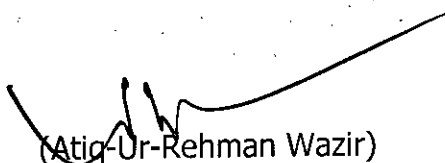

Chairman

Stipulated period passed reply not submitted.

25.01.2022

Clerk to counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for respondents present.

Clerk to counsel for the appellant requested for adjournment on the ground that counsel for the appellant is not available today, due to general strike of the Bar. Adjourned. To come up for arguments before the D.B on 12.05.2022


(Atiq-Ur-Rehman Wazir)
Member (E)


Chairman

12-5-22

Proper DB not available the case is adjourned on 27-7-22


*Spencer,
Redder*

28.05.2021

Counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days of the receipt of notices positively. If the written reply/comments are not submitted within the stipulated time, the office is directed to submit the file with a report of non-compliance. File to come up for arguments on 27.09.2021.

Appellant Deposited
Security & Process Fee


03/6/21


Chairman

27.9.21

DB is on Tons case to come up
For the same on dated 25.1.22



B.
Rendrar

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 4527 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	02/04/2021	<p>The appeal of Mr. Ibrar Hussain presented today by Mr. Fazal Shah Mohmand Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	26/05/21	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>28/05/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No: 4527 /2021

Ibrar Hussain.....Appellant

V E R S U S

DEO and Others.....Respondents

I N D E X

S.No	Description of Documents	Annexure	Pages
1.	Service Appeal		1-4
2.	Copy of Press Clipping	A	5
3.	Copy of Application & Letters	B & C	6-8
4.	Copy of Letter dated 30-10-2018, Office Order dated 05-12-2018, Charge Report, Inquiry report, Show causes Notices & replies	D, E, F, G & H	9-23
5.	Copies of Applications & Notification dated 15-03-2019	I & J	24-29
6.	Copy of Order dated 21-05-2019	K	30
7.	Copy of departmental appeal & Letter dated 29-03-2021	L & M	31-32
8.	Copy of Letter dated 27-08-2019	N	33
9.	Vakalat Nama		34

Dated:-01-04-2021

Through

Appellant


FAZAL SHAH MOHMAND
ADVOCATE,
SUPREME COURT OF PAKISTAN

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841
Email:- fazalshahmohmand@gmail.com

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No _____/2021.

Ibrar Hussain S/O Hazrat Hussain R/O Qutab Garh Tehsil Takht-Bhai
District Mardan.....**Appellant**

V E R S U S

1. Director, Elementary and Secondary Education, Govt. of Khyber Pakhtunkhwa, Peshawar.
2. District Education Officer (Male) Mardan.
3. Secretary, Elementary and Secondary Education, Govt. of Khyber Pakhtunkhwa, Peshawar.....**Respondents**

APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE LETTER DATED 29-03-2021 WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT FILED AGAINST THE ORDER DATED 21-05-2019, HAS BEEN REJECTED.

PRAYER:-

On acceptance of this appeal the impugned Order of respondent No 1 communicated to the appellant vide Letter dated 29-03-2021 and order dated 21-05-2019 of respondent No 2 may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits.

Respectfully Submitted:-

1. That the appellant was appointed as Primary School Teacher on 28-03-2012 and was posted to Govt. Primary School Gul Mir Kalli, he was then transferred to Govt. Primary School Qutab Garh, thereafter was transferred to Govt. Primary School Latif Abad and was lastly transferred to Govt. Primary School Quatb Garh. Since appointment the appellant performed his duties with honesty and full devotion and to the entire satisfaction of his high ups.
2. That the appellant while lastly posted to Govt. Primary School Qutab Garh, the School Building was badly damaged and this matter was time and again reported to respondent No 2, however no action was taken which at last collapsed and resultantly six students got injured, the matter was widely reported in press and social media and the appellant actively brought the same into the notice of the high ups and hands in affairs. **(Copy of Press Clipping is enclosed as Annexure A).**

3. That the appellant had qualified his M. Phill Degree and wanted to improve his qualification to PhD, therefore, in November 2017, he requested respondent for "No Objection Certificate" (NOC). Finally in July 2018, the admission of the appellant was confirmed for PhD in China where after the appellant requested for 4 years study leave vide application dated 20-08-2018. Application of the appellant was duly forwarded by his high ups and then by the Sub Divisional Officer however respondent No 2 being reluctant due to the said incident was delaying to forward request of the appellant; lastly the same was forwarded by respondent No 2 on 24-09-2018, the date on which the appellant had to precede abroad. The appellant also requested respondent No 1 for sanctioning of study leave who told the appellant that he may proceed abroad for study as his request is genuine and his classes are also going to be missed, the appellant therefore having no time accordingly proceeded for classes abroad. **(Copy of Application & Letters is enclosed as Annexure B & C).**
4. That vide letter dated 30-10-2018 the Head Teacher forwarded report to the high ups and vide Office Order dated 05-12-2018, Mr Abdul Khaliq ASDEO (Male) Lundkhwar was nominated as Inquiry Officer who submitted his report. The appellant keeping in view the biased attitude of respondent No 2 came back to Pakistan after four months and resumed duties on 24-01-2019. On 02-02-2019 Show cause Notice was issue to the appellant which the appellant replied in detail on 17-03-2019 refuting the allegations. **(Copy of Letter dated 30-10-2018, Office Order dated 05-12-2018, Charge Report, Inquiry report, Show causes Notices & replies are enclosed as Annexure D, E, F, G & H).**
5. That the appellant again repeatedly approached respondents where upon finally vide Notification dated 15-03-2019, Mr. Alamgir Khan Principal GHS Hathian was nominated as inquiry officer however again absent report was forwarded by the Head Teacher and again Show cause Notice was issued to the appellant on 09-05-2019 for deduction of one day salary which was also replied by the appellant refuting the allegations. **(Copies of Applications & Notification dated 15-03-2019, is enclosed as Annexure I & J).**
6. That finally the appellant was awarded the penalty of removal from service by respondent No 1 vide Office Order dated 21-05-2019, copy of which was received by the appellant on 26-07-2019. **(Copy of Order dated 21-05-2019 is enclosed as Annexure K).**
7. That the appellant filed departmental appeal before respondent No 2 on 20-08-2019 which was finally rejected and order

communicated to the appellant vide Letter dated 29-03-2021.
(Copy of departmental appeal & Letter dated 29-03-2021 is enclosed as Annexure L & M).

8. That the impugned order of respondent No 1 communicated to the appellant vide Letter dated 29-03-2021 whereby departmental appeal of the appellant has been rejected and order dated 21-05-2019 of respondent No 2 is against the law, facts and principles of justice on grounds inter alia as follows:-

GROUND S:-

- A. That the impugned orders are illegal and void ab-initio.
- B. That mandatory provisions of law and rules have badly been violated by the respondents and the appellant has not been treated according to law and rules and the appellant did nothing that amounts to misconduct.
- C. That under the rules governing the subject the appellant was entitled to the requested leave being his fundamental right as under the Constitution and law of the land education and career progression is the fundamental right, thus the appellant has not been treated according to law and rules.
- D. That the impugned orders are not tenable as the appellant duly requested for study leave which application was forwarded and the appellant was even told by respondent No 1 that he may proceed on study leave as his request is genuine.
- E. That the appellant was entitled to study leave as per rules on the subject and his request for the purpose was never refused, thus the impugned orders are liable to be set aside.
- F. That the appellant duly replied the Show Cause Notice application and in such eventuality proper proceedings under the law were mandatory, which has not been done for reasons other than fair and bonafide.
- G. That no charge sheet was communicated to the appellant nor any proper inquiry was conducted in the matter, thus the impugned orders are void.
- H. That the appellant was not afforded opportunity of personal hearing.

- I. That the fact of study leave was duly in the knowledge of respondents and as such the proceedings taken were not warranted in law.
- J. That the appellant did nothing that amounts to misconduct.
- K. That no prior notice as required under Section 9 of the rules was sent to the appellant, nor the publications were made in the leading Newspapers, thus too the impugned orders are not tenable in the eyes of law.
- L. That the malafide of respondent No 2 is proved from the fact that respondent No 1 vide letter dated 27-08-2019 addressed to the inquiry officer namely Alamgir Khan for submission of inquiry report but the appellant was already removed from service, which speaks of anything but not fair and bonafide. **(Copy of Letter dated 27-08-2019 is enclosed as Annexure N).**
- M. That the appellant has more than seven years of service with unblemished service record with no previous complaint of the sort and is jobless since his illegal removal from service.
- N. That the appellant seeks the permission of this honorable tribunal for further/additional grounds at the time of arguments.

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal.

Dated:-01-04-2021

Through

Appellant


FAZAL SHAH MOHMAND
ADVOCATE,
SUPREME COURT OF PAKISTAN

"A"

-5-

MBER 10, 2018

(4)



پشاور میں سکول کی عمارت لرزے سے تباہ ہو گئی

حادثہ پڑھائی کے دوران پیش آیا جس سے طلباء میں اچانک بھگدڑ مچ گئی

عمارت بوسیدہ ہو چکی ہے، یاد دہانی کے باوجود اقدامات نہیں ہوئے، ہیڈ ماسٹر

شیرگڑھ (نمائندہ ایکسپریس) تحصیل تخت برائی کے ام گاؤں قلب گڑھ میں گزشتہ پانچ سالوں سے پرائمری سکول کی بوسیدہ عمارت کی چھت کے ٹپے حصے سے ایک بڑا ٹکڑا چھارم جماعت کے طلباء پر پڑھائی کے دوران جاگرا جس سے کلاس روم میں خوف و ہراس اور بھگدڑ کے باعث چھ طلباء شدید زخمی ہوئے۔

حادثہ کے بعد ہیڈ ماسٹر نے سکول کی عمارت کو تباہ کرنے سے روکا اور طلباء کو محفوظ جگہ پر منتقل کر دیا۔

اطلاع عام
برگاہ خاص و عام کو مطلع کیا جاتا ہے کہ پلاٹ نمبر 406 سکٹر 10/4-G اسلام آباد بجوالہ چیمپی نمبر No. CDA/EM/R-10/4/501/406/79 منجانب CDA اسلام آباد مورخہ 10-07-1979 تمام مقام الدین قریشی کو ذرا سفر شدہ ہے۔ مقام الدین قریشی ولد ظہیر الدین قریشی ساکن کراچی نے دفتر ذرا سفر اطلاع دی ہے کہ مذکورہ پلاٹ کا اصل ڈرائنگ لائنم ہو گیا ہے اور ایک حصہ قسٹ (CFC) حاصل کرنے کیلئے دفتر

5 طلباء زخمی اور خستہ حال ہے اور اس ضمن میں بار بار بار مگر تعمیر کے اعلیٰ افسران اور حکومتی اداروں کے تحریری طور پر اطلاع دی گئی ہے۔ گزشتہ روز معمول کے مطابق سکول میں پڑھائی جاری تھی اور جماعت چھارم میں استاد ابراہیم حسین بچوں کو پڑھا

رہے تھے کہ اچانک ایک زوردار دھماکہ کے ساتھ کلاس روم کی چھت کا ٹپا حصہ بچوں پر جا کر جس کے باعث ایک طالب علم شایان ولد ہدایت اللہ ساکن کولٹے کا سر چھت گیا اور شدید زخمی ہو گیا جب خوفناک آواز اور کلاس روم میں گرو و فہار کے کپکپ جانے سے طلباء خوف زدہ ہو کر ادھر ادھر بھاگنے لگے۔ بھگدڑ کے باعث بچے ایک دوسرے پر گر گئے جسکے باعث مزید پانچ بچے بھی شدید زخمی ہو گئے ہیں کو فوری طبی امداد کیلئے قریبی ہسپتال منتقل کر دیا گیا۔

6 اعتراضات مسترد

کری فوری بند کی جائے، انہوں نے حکومت سے مطالبہ کیا کہ فوری طور پر بچی کے قاتلوں کو گرفتار کر کے خوار چوک میں پھانسی دی جائے۔ مظاہرین نے کہا کہ اگر بد امنی نہیں روکی گئی تو خوار بازار اور عمارت کے بازار میں احتجاجی دھرنے دیں گے، مظاہرین نے سینئر افسران کا رونا دھرنہ کیا اور کہا کہ بچوں کے قاتلوں کی گرفتاری کے

Scanned with CamScanner

The DEO, Mardan - ایجوکیشن آفیسر مردان

Application for STUDY LEAVE

جناب عالی:

گزارش ہے کہ بندہ آپکے معزز آفس کی زیر نگرانی پرا لمری سکول کا
ٹیچر ہے اور سکالرشپ کے ذریعے اعلیٰ تعلیم (پی ایچ ڈی) کے لیے عوامی جمہوریہ
چین جا رہا ہے جس کے لیے آپکے معزز آفس کا جاری کردہ اجازت نامہ اور چھٹی کی
منظوری درکار ہے۔

لہذا آپ صاحبان مہربانی کر کے بندہ کو

24 ستمبر 2018 سے 30 ستمبر 2022 تک (From 24-09-2018 to 30-09-2022)

Encl. No 595

Musa
Head Master
G.P.S
Qutub Garh

رخصت کے احکامات جاری فرما کر مشکور و ممنون فرماویں۔
عین نوازش ہوگی۔

العارض

Musa
20-8-18

دستخط و تاریخ

ابزار حسین پی ایس ٹی، آپکا مخلص،

GPS قطب گڑھ، سرکل شیرگڑھ۔ 03459291092

Forwarded to SDEO (M)

T. Bhai for study leave

w.e.f 24.9.18 to 30.9.2022.

Musa

28/8/18

A.S.D.O. (M) Takhil Bhai
Q. Bhai Garh

"C" 2



OFFICE OF THE
SUB-DIVISIONAL EDUCATION OFFICER
(MALE) TAKHT BHAI
EMAIL :- SDED.M.T.BHAI@GMAIL.COM

-7-

No. 118

Date 01/09/2018

To

The District Education Officer,
(Male) Mardan.

Subject:

APPLICATION FOR STUDY LEAVE

Memo:

Approved (10/9/18)
17/09/2018

With reverence an application regarding on the subject noted above, in respect of the following govt. servant received to this office.

So it is submitted along with the original service book of the concerned to your good office for guidance and further order please.

1: Mr. Ibrar Hussain, B.S. PST
GPS Qutqb Garh.

W.e from 24/09/2018 to 30/09/2018 (06 years)

u282
17-9-18

SUB-DIVISIONAL EDUCATION OFFICER,
(Male) TAKHT BHAI

Endst: _____

Copy forwarded to the:

- 1: A.S.D.E.O, concerned.
- 2: Local Accountant for doing the needful after sanctioning please. P No- 00 688515.

SUB-DIVISIONAL EDUCATION OFFICER,
(Male) TAKHT BHAI.

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Finance Department, Peshawar.

-8-

Subject: - APPLICATION FOR GRANT OF STUDY LEAVE.

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith application alongwith relevant documents in respect of Mr.Ibrar Hussain PST GPS Qutab Garh Takht Bhai Mardan who has requested for grant of study leave for Ph.D History at the College of International Cultural Exchanges Northwest University China w.e.f 24-09-2018 to 30-09-2022 (1460 days) as he has been selected for admission in the said course by the said University.

It is requested that the request of Mr.Ibrar Hussain PST GPS Qutab Garh Takht Bhai Mardan for grant of study leave abroad w.e.f 24-09-2018 to 30-09-2022 (1460 days) may kindly be considered at your end.

Encl: as above
(In original)

Yours faithfully,


HASIMATULLAH
SECTION OFFICER (ACCOUNTS)

SO(FR)

Put up immediately.

14/9/18

صبا (مردانہ) سسرکل جلال آباد

بخدمت جناب ای. ایس. ڈی. ای. او

Reminder.

درخواست برائے ملل غیر وافر رپورٹ

گزارش خدمت افسر میرا یہ کیجانی ہے کہ ابرار حسین P.S.T 4PS قلع گڑھ

China

P.O.H.D کی ڈگری حاصل کرنے کیلئے 24/09/2018 پر تین سال کے لیے چائینا جا

چکا ہے۔ جائے وقت دہرا ڈیپارٹمنٹ سول ہزارہانہ اسٹیٹ جیسی کے بارے

میں معلومات کی تو اس نے جواب میں دہرا ڈیپارٹمنٹ کو کہا کہ میری جیسی

دفتر سے منقول ہو چکی آپ کو بہت جلد مل جائیگی۔ لہذا جناب والا

تمام سول ہزارہانہ ابرار حسین کی جیسی حوصلہ نہ ہوسکی

بے رپورٹ پیش خدمت ہے۔

آداب

4.P.S قلع گڑھ.
Forwarded to A.S.D.E.O
(Mole) circle Jalala.

P.S.H.T قلع گڑھ
اپنا تابع فرمان حاجی محمد اسحاق

Head Master
G.F.S
Quatab Gath

No: 612

Forwarded to S.D.E.O
Mardan



Sanction of leave
received at management office
30/10/18

A.S.D.E.O
Circle Shergarh
Mardan



-10-

OFFICE OF THE
SUB-DIVISIONAL EDUCATION OFFICER
(MALE) TAKHT BHAI

EMAIL - SDEO.M.T.BHAI@GMAIL.COM

No. 599 /

Dated: 17/11 /2018

(Handwritten initials)

To

District Education Officer,
(Male) Mardan.

Subject:-

PSHT report regarding teacher absentseem

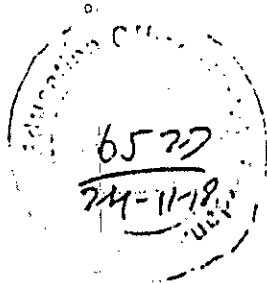
Memo;

With reverence a self explanatory application/report on the subject noted above in respect of Mr. Ibrar Hussain PST GPS Qutab Garh duly forwarded by the ASDEO circle concerned.

He states that the said teacher has left for china.

So it is submitted to your good office in original for further necessary action please.

Encl: AS ABOVE;



(Handwritten signature)
SUB DIVISIONAL EDUCATION OFFICER,
(MALE) TAKHT BHAI

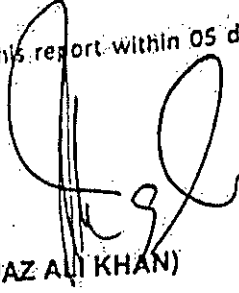
*ADLSD(P)
N 4374*

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MARDAN

OFFICE ORDER

Mr. Abdul Khaliq ASDEO(M) circle Lund Khwar is nominated as inquiry officer to conduct inquiry in the light of absence report submitted by SDEO(M) Takht Bhai in r/o Mr. Ibrar Hussain PST GPS Qutab Garh circle Shergarh.

The inquiry officer is directed to conduct inquiry in the case and submit his report within 05 days to proceed further in the case.

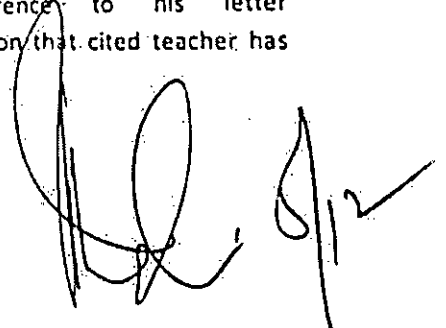


(IJAZ ALI KHAN)
DISTRICT EDUCATION OFFICER
(MALE) MARDAN

Endst:No. 9431-32 /P.F//Dated: 5-12 /2018

Copy forwarded to the:-

1. Director E&SE Khyberpakhtunkliwa Peshawar with reference to his letter No.10527/F.No.141/PST(M) Mardan dated 30-10-2018 for information that cited teacher has left station without approval.
3. ASDEO(M) circle Lund Khwar to conduct inquiry.



DISTRICT EDUCATION OFFICER
(MALE) MARDAN

"F"

#

12- سر پبلیک سیکونڈری اسکول - PSH 2 - P.S. - 1997

مقام انکوائری آفیسر

مذکورہ مہتری ابراہیم حسنی PSH 2 سکول حیدر آباد کی تقرری

تخلیہ تسلیم 2012ء 29.3 کو ہوئی تھی۔ ابراہیم حسنی سکول

حیدر آباد سے 2018ء 24.9 سے PSH 2 سکول حیدر آباد

اس نے بھی مکمل کر فرماستے ہوئے 28.8.18

کو process کیا ہے۔ اگر اس کی بھی منظر

نہی ہوئی ہے اور اسے سکول حیدر

آفیسر 2018ء 24.9 سے عہدہ حیدر

تصور کیا جائے - عہدہ 2018/12/2

Head Master
G.P.S
Quab Garh

ABDUL KHALID
Principal
G.P.S. Quab Garh

Office of ACPD Circle Dindur Khera

-13-

The DCPM, Mardan

Sub: Submission of Enquiry Report

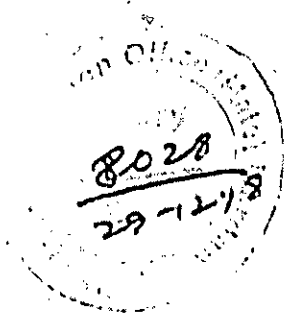
Sir,

(Signature)

Enquiry Report IRD Jinnar Hussain Pst
Gps Qataki Gash along with relevant
documents are hereby submitted for
onward proceedings.

Date 26/12/18

(Signature)
ABDUL KHALIQ



ADDED CP
25/28/12

page

2

in

(1)

Enquiry report against Ibrar Hussain Pst
Cps Qutub Garh -14-

Enquiry officer:- Abdul Kadir, Asst. District Officer
Date of Enquiry:- 22-12-18

Introduction:- The cited above teacher has proceeded for Ph.D to China w.e.f 24.9.18. In his absence case the DDO (M) Mardan nominated the undersigned for enquiry vide order No-936-61 dated 5-12-18. The following facts are the conclusion of my enquiry:-

Findings:- (1) The said teacher is leaving in Edy Department w.e.f 29.3.12

- (2) He has proceeded for Ph.D without taking prior permission for ESE Department. He also has not processed his application being regular employee.
- (3) The teacher has violated the Immigration Act and has hidden his Govt. Job. He has not shown himself Govt. employee while making his passport, which is a clear cut violation of passport, Act

12

The is a part from July 1918.

The reason concerning the possession of the
application for leave was sent to the
Director of the Bureau of Investigation

on April 22, 1918. The Bureau of Investigation
has been requested to give the order
No. 118 dated July 18, 1918 to the Bureau of Investigation

There is a picture of the

of the leave that was not given
from the competent authority. There is
no copy of the original document

July 18, 1918

Keeping in view the above facts it
is recommended

Recommendation of the Director of the Bureau of Investigation

leave, specific action concerning the same
cases which are being followed from Bureau is
recommended under 8/2 rules
Note: All the relevant documents are attached

[Handwritten signature]

F/1

"F/1"
-16-

چارچ رپورٹ

تصدیق کیجاتی ہے کہ مہی ابرار حسین PST نے آج بحورضہ
24 جنوری 2019 (24-01-2019) صبح اسمبلی ٹائم ایسے
اپنے عہدے کا چارج سنبھال کر ڈیوٹی کا دوبارہ آغاز کر دیا۔

چارچ لینے والا
24-01-2019

چارچ دینے والا

Head Master
G.P.S
Quah Garh
24/01/2019

C/NO: 633

رجسٹر حاضری مدرسین GPS QUTAB GARH

2019		JANUARY		ایستاد:	
		ASIF ALI		IBRAR HUSSAIN	
		CHOWKIDAR (۱۰)		PST (۹)	
تاریخ	روز	نام	نوع	تاریخ	روز
1		Asif Ali			
2		Asif Ali			
3		Asif Ali			
4		Asif Ali			
5		Asif Ali			
6		Asif Ali			
7		Asif Ali		ABSENT	
8		Asif Ali		DOA	
9		Asif Ali		DOA	
10		Asif Ali		DOA	
11		Asif Ali		DOA	
12		Asif Ali		DOA	
13		Asif Ali		DOA	
14		Asif Ali		DOA	
15		Asif Ali		DOA	
16		Asif Ali		DOA	
17		Asif Ali		DOA	
18		Asif Ali		DOA	
19		Asif Ali		DOA	
20		Asif Ali		DOA	
21		Asif Ali		DOA	
22		Asif Ali		DOA	
23		Asif Ali		DOA	
24		Asif Ali		DOA	
25					
26					
27					
28					
29					
30					
31					

USMAN = IMU →

~~ASIF ALI~~
23/1/19
Shirpur

S/so Ibrar



-18- "G"
 Government of Khyber Pakhtunkhwa
 Office of the District Education Officer Male
 MARDAN



~~18~~
9

File No: 976/1 /IMU/EMIS
 Dated: 01-Feb-2019
 02

To,

Ibrar Hussain, (PST)
 GPS QUTAB GARH, PIR SADDU, TAKHT BHAI, MARDAN

Subject: - SHOW CAUSE NOTICE

I am directed to refer to the subject noted above and to enclose herewith a copy of Show Cause Notice wherein the Competent Authority District Education Officer, Male, MARDAN, Khyber Pakhtunkhwa has tentatively decided to impose upon you the major penalty of "Removal from service" under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 in connection with the charges leveled against you.

2. You are therefore directed to furnish your reply to the Show Cause Notice as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

3. Your reply should reach to this Department **within Seven (07) days** of the delivery of this letter otherwise action under the Rules shall be taken against you.

District Education Officer
 (Male) Mardan

Encl: As Above

Endst: Even No. & Date

Copy of the above is forwarded to the: -

- i. Sub Divisional Education Officer (Male) Takht Bhai, Mardan
- ii. ADO Establishment (Primary) Local Office

- 52 -
 District Education Officer
 (Male) Mardan

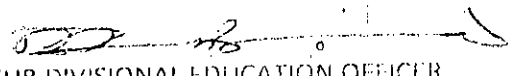
-18/A-

OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER (MALE) TAKHT BHAI.

Endst: No. 1130/6 dated: 09 / 02 /2019.

Copy forwarded to the;

1. District Education Officer Male Mardan for information please.
2. ASDEO circle Concerned for doing the needful please.


SUB DIVISIONAL EDUCATION OFFICER
(MALE) TAKHT BHAI.

9, 2, 19.

سید محمد سرور

Received on 15/2/2019.

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MARDAN

No. 1034-35 /P.F/ Dated: 07-02-2019

- 19 -

SHOW CAUSE NOTICE

I Zulfqar ul Mulk, District Education officer, (Male) Mardan as Competent Authority under the Khyber Pakhtunkhwa government servants (Efficiency & Discipline) Rules, 2011, do hereby serve you Mr. Ibrar Hussain PST GPS Qutab Garh Takht Bhai, show cause notice as follows:

- You found absent w.e.f 24-09-2018 till the date as per report of SDEO (M)Pry Takht Bhai. An inquiry has been conducted against you who proved your absence from duties and you proceeded abroad without permission/approval from competent authority.
- In exercise of the power conferred by the KPK Govt:servant (Efficiency & Discipline) Rules, 2011, I being Competent Authority is pleased to serve upon you with the instant show cause notice regarding your willful absence and misconduct from duty with the direction to submit your defense in writing within 07 days of the issuance of this notice as to why the major penalty of Rule 4(b) of the said rules should not be imposed upon you and also intimate whether you desire to be heard in person.
- In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defense to offer and ex-parte decision will be taken against you.

(Zulfqar ul Mulk)

DISTRICT EDUCATION OFFICER
(MALE) MARDAN

To Mr. Ibrar Hussain PST GPS Qutab Garh Takht Bhai ✓

Copy to the:

- SDEO(M) Takht Bhai to submit report about pay status of cited teacher. Furthermore issue the absence notice upon the official home address also.


DISTRICT EDUCATION OFFICER
(MALE) MARDAN

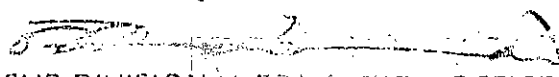
-19/A-

OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER (MALE) TAKHT BHAI.

Endst: No. 1131/4^o / dated: 09 / 02 /2019.

Copy forwarded to the;

1. District Education Officer Male Mardan for information please.
2. ASDEO circle Concerned for doing the needful please.
3. A/c Local office for n/a.


SUB DIVISIONAL EDUCATION OFFICER
(MALE) TAKHT BHAI.

9.2.19

سید محمد
پسر

Receive Date = 16/2/19

Time 12.40 PM No 648

سید محمد
پسر

SHOW CAUSE NOTICE

-20-

I, District Education Officer, Male, MARDAN, Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, M Abrar Hussain (PST) as follows:

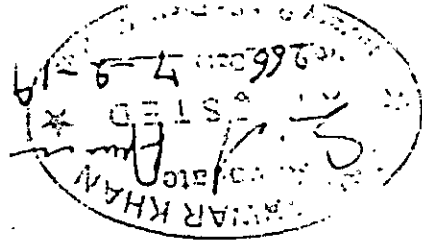
i. That as confirmed by the IMU monitoring report you were found absent from duty on 08-Jan-2019, 14-Dec-2018 and 08-Oct-2018 without lawful authority in sheer violation of the rules, the material or record and other connected papers under Rule-5 (i) (a) read with Rule-7 of the said Rules, I am satisfied that you have committed the following acts/omissions specified in Rule-3 of the rules ibid:

- a. Inefficient
- b. Misconduct

1. Therefore, I, as competent authority, have tentatively decided to impose upon you the penalty of Removal from service under rule 4 of the said rules.
2. You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
3. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.


District Education Officer Male, Mardan
COMPETENT AUTHORITY

150344-298275

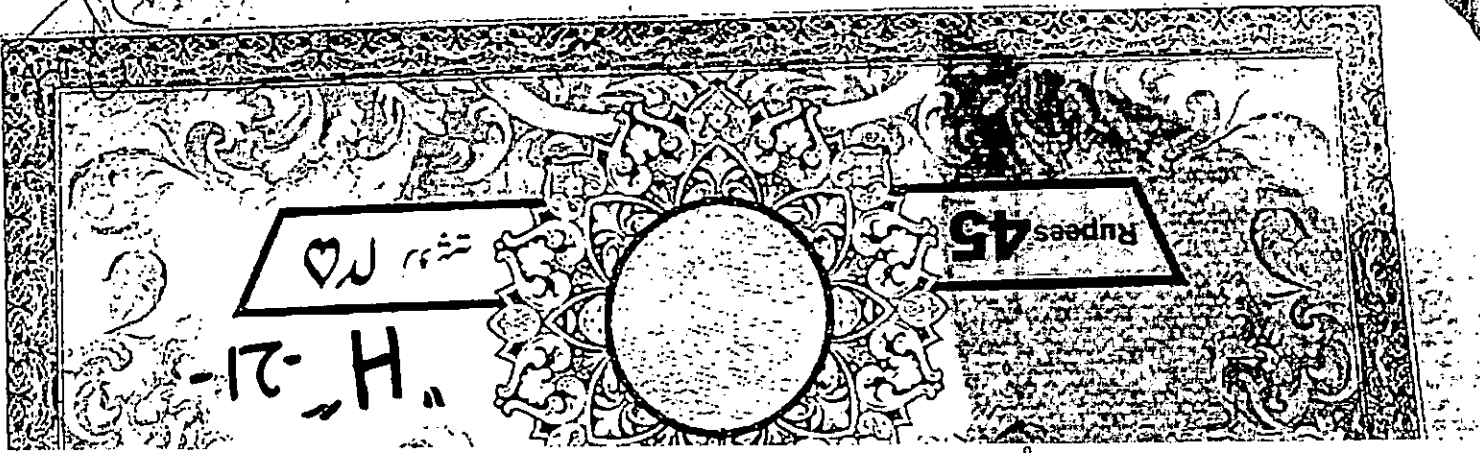


07/02/2019: (روز)

امریکی ڈیولپمنٹ بینک
کی طرف سے

امریکی ڈیولپمنٹ بینک کے ذریعے
 امریکی ڈیولپمنٹ بینک کے ذریعے امریکی ڈیولپمنٹ بینک کے ذریعے
 امریکی ڈیولپمنٹ بینک کے ذریعے امریکی ڈیولپمنٹ بینک کے ذریعے
 امریکی ڈیولپمنٹ بینک کے ذریعے امریکی ڈیولپمنٹ بینک کے ذریعے
 امریکی ڈیولپمنٹ بینک کے ذریعے امریکی ڈیولپمنٹ بینک کے ذریعے
 امریکی ڈیولپمنٹ بینک کے ذریعے امریکی ڈیولپمنٹ بینک کے ذریعے
 امریکی ڈیولپمنٹ بینک کے ذریعے امریکی ڈیولپمنٹ بینک کے ذریعے
 امریکی ڈیولپمنٹ بینک کے ذریعے امریکی ڈیولپمنٹ بینک کے ذریعے
 امریکی ڈیولپمنٹ بینک کے ذریعے امریکی ڈیولپمنٹ بینک کے ذریعے
 امریکی ڈیولپمنٹ بینک کے ذریعے امریکی ڈیولپمنٹ بینک کے ذریعے
 امریکی ڈیولپمنٹ بینک کے ذریعے امریکی ڈیولپمنٹ بینک کے ذریعے

امریکی ڈیولپمنٹ بینک کے ذریعے امریکی ڈیولپمنٹ بینک کے ذریعے



"9" -24-

خدمت جناب ڈائریکٹر صاحب ESSE پشاور

(156)

اپیل

C-103

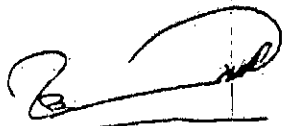
ڈائریکٹر صاحب Study Leave Application

گزارش ہے کہ میں ایک عدد

آف ایجوکیشن پشاور میں DEO سردان کے ذریعے Submit کیا گیا
 نام مجھے ابھی تک کوئی نوٹیفکیشن موصول نہیں ہوا۔ چونکہ مجھے
 اپنے study کیلئے وقت پر پہنچنا ہے اسلئے صبر پائی کر کے
 اسلئے صبر سے پہلے پہلے Sanction عطا فرما کر مشکور و ممنون

فرماویں۔

العارض۔


 14-2-2019

ایگزیکٹو پست فوٹو گریڈ ضلع سردان



Reminder

DIRECTORATE OF ELEMENTARY & SECONDARY
EDUCATION KHYBER PAKHTUNKHWA,
PESHAWAR

-25-

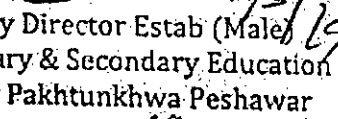
No. Wh 9 /F.No. 141/PST (M) Mardan.
Dated: 1 / 3 /2019.

To

The District Education Officer
(Male) Mardan.

Subject: - STUDY LEAVE

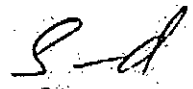
I am directed to refer to your letter No. 510527 dated 30-10-2018 (copy attached) on the subject cited above and to ask once again to provide the requisite documents regarding study leave in respect of Mr. Ibrar Hussain PST GPS Qatab Garh Takht Bhai District Mardan for further necessary action.


Deputy Director Estab (Male) 1/27/19
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst No. _____

Copy of the above is forwarded to: -

1. PA to Director E&SE local Office.
2. Master File.


Deputy Director Estab (Male)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

مخدمت جناب وزیر/مشیر تعلیم خیبر پختونخوا

-26-

الضامے

دفعات عداد
مؤدبانہ گزارش ہے کہ چار وہیوں سے پیری درخواست دفتر
DEO مردان کے سرد خانوں میں پڑی ہوئی ہے۔

جناب عالی! میں غریب PST ہوں اور اپنی ترقی کیلئے مشکل PAD سکاڑھ
ماہل کیا ہے تاہم DEO صاحب مجھے جانے کئی اجازت نہیں دیتے
اور مجھے استغنیٰ دینے کیلئے مار چیر کر رہے ہیں۔
برائے مہربانی جو تحریک کیا تو الضامہ کر کے مجھے فوری
طور جانے کی اجازت دی جائے پیری پڑھائی متاثر
ہو رہی ہے۔

DIRLECT
Kindly look into this
case and resolve
the issue as desired
by Ato to CM.

الفاروق

PST
قطب گڑھ
مردان

PRIVATE SECRETARY
Advisor to Government
Ministry of Secondary Education
Khyber Pakhtunkhwa

ADSD/اشام
13/3/19

17/7/17
Pst
13/3/19



NOTIFICATION

Consequent upon the approval of the competent Authority, Mr. Alamgir Khan Principal (BS-19) GHS Haatian Village Sher Garh District Mardan, is hereby nominated as Inquiry Officer to conduct enquiry into the self-explanatory appeal submitted by Mr. Ibrar Hussain PST Qutab Garh, Tehsil Takht Bhai, District Mardan. The inquiry officer shall submit his report, possessing facts/ findings with recommendations, within a week to this Directorate for further necessary action.

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

4773-75
Endst: No. / F.No.141 PST (M) Mardan Dated Peshawar, 15/3/2019

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

1. Mr. Alamgir Khan Principal (BS-19) GHS Haatian Village Sher Garh District Mardan.
2. DEO (M) Mardan.
3. P.A to Director Elementary and Secondary Education Local office.

Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

15/3/2019

28-

محترم جناب اے. ایس. ڈی۔ ای۔ او جناب (سر دائرہ)

درخواست برائے اطلاع غیر حاضری و رپورٹ

جناب عالی:

گزارش خدمت اقدس میں یہ کیجاتی ہے۔

کہ ایڈار میں P.S. آ. پ. س. قلعہ گڑھ 19/03/2019 کو واپس

چاہیئے جا چکا ہے آج کل وہ سکول ہڈاء میں اپنا

غرض سنیں سر انجام دینے سے غیر حاضر ہے۔

اسی لئے رپورٹ پیش خدمت ہے۔

15/1

ایکتاب مع فرمان حاجی محمد اسی ق. آ. پ. س. قلعہ گڑھ۔

forwarded to A.S.D.E.O
Circle Jalala.

Hood Master
G.P.S
Quatab Garh

Forwarded to SDED

M. T. Bhir please.

19/3/19

A.S.D.E.O (M)
Circle Shergarh
Mardan



Government of Khyber Pakhtunkhwa
Office of the District Education Officer (Male)
MARDAN

File No: 5078/6 /IMU/EMIS
Dated: 08/05/2019
09

-29-

Show-cause Notice for Salary Deduction

I, ZULFIQAR UL MULK, the District Education Officer (Male) MARDAN, as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 do hereby serve upon you (Ibrar Hussain, PST, GPS QUTAB GARH(EmisCode:28546)) this show cause as follows.

1. That as per IMU monitoring report you were found absent from duty on 11/04/2019 without prior permission of the competent authority.
2. And that as per the material and other connected papers on record under Rule-5 (i) (a) and to dispense with the inquiry in accordance with Rule-7 of the aforementioned rules, I, the competent authority, am satisfied that you have committed acts/omissions specified in Rule-3 (d) i.e. "guilty of habitually absenting himself from duty without prior approval of leave".
3. Now, therefore, I as the Competent Authority have tentatively decided to deduct one-day salary in accordance with Rule-4 (a) (ii) and the Finance Department Notification No. So (FR)/FD/5-14/2014 dated 16-12-2014.
4. You are, therefore, required to show cause as to why the aforementioned penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
5. If no reply to this show cause is received within 7 days of its delivery, it shall be presumed that you have no defense to put in and in that case an Ex-Parte decision shall be taken against you.

(ZULFIQAR UL MULK)

District Education Officer (M) Mardan

Endst: Even No. & Date

Copy of the above is forwarded to the: -

1. SDEO Takht Bhai for necessary action under intimation to this office within 7 days.
2. Ibrar Hussain, PST, GPS QUTAB GARH(EmisCode:28546), PIR SADDU, TAKHT BHAI, MARDAN
3. Dealing asst concerned with the direction to maintain complete record in the P/F of the Officer/Official.

District Education Officer (M) Mardan

By do.mardan - Warning Letter


-29/A-

OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER (MALE) TAKHT BHAI.

Endst: No. 1647 dated: 18/5/2019.

Copy forwarded to the:-

1. District Education Officer Male Mardan for information please.
- 2; ASDEO Circle concerned for compliance please.
- 03; Official Concerned.


SUB DIVISIONAL EDUCATION OFFICER
(MALE) TAKHT BHAI

Registered

-30-

"K"

b

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MARDAN

OFFICE ORDER

WHEREAS, Mr. Ibrar Hussain PST GPS Qutab Garh Takht Bhai remained willful absent from duty with effect from 24-09-2018 till date, without approval of the Competent Authority as per report of the SDEO concerned.

AND WHEREAS, a departmental inquiry was conducted vide this office order No.9431-32 dated 05-12-2018 in the light of absence report submitted by SDEO(M) Takht Bhai vide his letter No.599 dated 17-11-2018 and inquiry officer proved his absence from duties and recommended him for disciplinary action under E&D rules.

AND WHEREAS, a show cause notice regarding his willful absence from duty was served upon him vide this office Memo No.1034-35 dated 07-02-2019, wherein Major penalty was tentatively proposed under rules 4(b) of Khyber Pakhtunkhwa Govt servants Revised Efficiency and Disciplinary Rules 2011.

AND WHEREAS he was called for personal hearing vide this office letter No.2818 dated 21-03-2019.

AND WHEREAS, another absent report was submitted by SDEO concerned vide letter No.1431 dated 03-04-2019 and as per Head Teacher and ASDEO report he has gone abroad.

AND WHEREAS, his absence notice was also published in daily newspaper on 18-04-2019 to resume his duties within 15 days but he failed to resume his duty.

AND WHEREAS, he is found guilty of gross misconduct, absents himself under the Khyber Pakhtunkhwa Govt servants E&D rules 2011.

Now in exercise of the power conferred under Khyber Pakhtunkhwa Govt servants E&D rules 2011, the undersigned being Competent Authority is pleased to impose the major penalty of Removal from Service upon Mr. Ibrar Hussain PST GPS Qutab Garh Takht Bhai with immediate effect.

Note: Pay and other benefits for the absence period i.e. w.e.f 24-09-2018 till the date of issuance of this order will not be claimed at any stage.

(Zulfiqar ul Mulk)
District Education Officer
(Male) Mardan

Endst No. 5582/K /P/F Dated 21-5-2019

copy forwarded for information and necessary action to the:-

1. Director E&SE Education KPK, Peshawar.
2. SDEO(M) Takht Bhai with the remarks to made entry in his service book.
3. Mr. Ibrar Hussain PST GPS Qutab Garh Takht Bhai (Registry)


District Education Officer
(Male) Mardan

خدمت جانب ڈائریکٹر صاحب ایگزیکٹو اینڈ سیکنڈری ایجوکیشن کیشن

درخواست عباد: اپیل خلاف Removal Service

صاحب عالی! مودبانہ گزارش ہے کہ فدوی ایک طرف سے PST تہنات ضلعوردان میں نے PhD Abroad کیلئے Study Leave Application باقاعدہ Reminders نے بار بار

طوری آپکے معزز آفس میں پہنچائی تھی تاہم DEO متعلقہ نے بار بار Letter کا اٹھی تک جواب نہیں دیا۔ اسی وجہ سے یاد بود آپکے آفس کے کسی بھی ایک غیر جانب دارانہ انکوائری کی درخواست کی تھی جسکے لیے آفسر بھی مقرر ہوئے تھے اور DEO مردان کو ایک کافی بھی موصول ہوئی تھی۔ پھر مذکورہ DEO صاحب نے حقوق و کسٹ پرستی کس بنا پر اور آپکے انکوائری رپورٹ کا انتظار کیے بغیر فدوی کے Removal From Service کے احکامات جاری فرما دیے ہیں۔

صاحب عالی! متعلقہ DEO نے فدوی کو بار بار میں گائیڈ کر دیا کہ ہر دفعہ اپنی ذاتی و سیاسی بعض نکاتی ہے اور ہر جگہ اپنے نمائندوں کے ذریعے فدوی کو کہنا ہے کہ کی ممبر پور کوشش میں ہے۔

میں آج بحرحضہ 21 اگست 2019 کو بذات خود آپکے معزز دفتر میں حاضر ہوا ہوں آپ صاحبان صہرمانی کر کے سہرا بعد عا سماعت فرمائیے اور میرے ساتھ کی ہوئی یا الہامی کا نوٹس لیں۔ عین نوازش ہوگی۔

DIA mi

23/8/19

21-8-2019
03459291091
ibrar.hussain.PhD@uof.edu.pk

آپ کا خط، ابرار حسین PST جی پی ایس و طلب گرو

1246
23/8/19

انسداد
630
26.8.19



"M"
-32-

**DIRECTORATE OF ELEMENTARY & SECONDARY
EDUCATION KHYBER PAKHTUNKHWA,
PESHAWAR**

No. 340 / F.No. 141/PST(M) Mardan.
Dated: 29/3 /2021.

To

The District Education Officer
(Male) Mardan.

Subject: - **REMOVAL FROM GOVT. SERVICE IN RESPECT OF MR. IBRAR HUSSAIN EX: PST
GPS QUTAB GARH DISTRICT MARDAN**

I am directed to refer to your letter No. 2156 Dated 12.03.2021, on the subject cited above and to ask you that appeal in respect of Mr. Ibrar Hussain Ex: PST GPS Qutab Garh District Mardan, under Rule (17) (2)(a) of E&D Rules-2011, has been rejected.

I am further directed to ask you to inform the appellant concerned accordingly under intimation to this office.

Endst No. 3411

Copy of the above is forwarded to:-

1. Mr. Ibrar Hussain Ex: PST GPS Qutab Garh District Mardan.
2. PA to Director E&SE local Office.
3. Master File.

alc
for
29/3/2021

Assistant Director Estab (Male)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

alc
for
29/3/2021

Assistant Director Estab (Male)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

REMINDER

DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

No. 3462 /F. No.141/PST (Male)
Mardan.
Dated Peshawar the 27/3 /2019.

To,

Mr. Alamgir Khan
Principal (BS-19) GHS Haatlan Village
Sher Garh District Mardan.

Subject: - **SUBMISSION OF INQUIRY REPORT.**

Memo:-

I am directed to refer to this office notification issued under Endst: No. 4773-75 dated 15.03.2019, wherein you nominated as inquiry officer to conduct inquiry in the light of appeal submitted by Mr. Ibrar Hussain PST GPS Qutab Garh Tehsil Takht Bahi District Mardan, and submit inquiry report finding and recommendation within a week, but after lapse of more than five months the requisite inquiry report has not yet submitted in this Directorate.

I am further directed ask you once again to submit the requisite inquiry report without further delay enabling this Directorate to proceed further in the matter.

Endst: No. _____

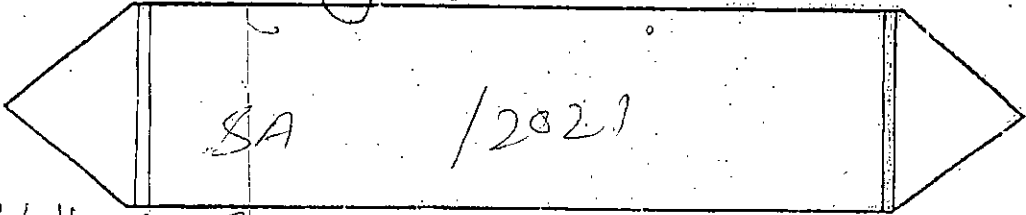
26/8/2019
Assistant Director (Estab :)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar.
10/10

Copy forwarded to the:-

1. P.A to Director Elementary and Secondary Education local office.

26/8/2019
Assistant Director (Estab :)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar.
10/10

بعدالت بدروس لٹریچر



2018ء منجانب البرار حسین

البرار حسین بنام DE و عمرہ

موزعہ
مقدمہ
دعویٰ
پرم

باعث تحریر آئندہ

رابعہ مکلفہ
الدولت

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ
آئین مقام کے لئے فیصل بندہ مندرجہ ASC + رابعہ مکلفہ
مقررہ کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راجحی نامہ کرنے و تقرر ثالثیت و فیصلہ برحلف دینے جو جواب دہی اور اقبال دعویٰ اور
بناوہت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضعی دعویٰ اور درخواست ہر قسم کی تصدیق
زر اس پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی براندگی اور منسوخی
نیز دائرہ کرنے اپیل گمرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لایا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا سہلت
پر واخذہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ درجہ التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے کہ پیروی
مذکور کریں۔ لہذا ادکالت نامہ لکھ دیا کہ سند ہے۔

البرار حسین

المرقوم ۵/۱ ماہ مارچ 2021

العید _____ واہ العید _____

لئے منظور ہے۔

سید

بمقام

Attested & Accepted
(Adv) سید

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No: 4527/2021

Ibrar Hussain Ex PST, S/O Hazrat Hussain R/O Qutab Garh Tehsil Takht Bhai,
District Mardan.

(Appellant)

Versus

The Director of (E & SE) Education, KPK Peshawar, & Others.

(Respondents)

INDEX

S.NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGES	
1.	Para wise comments along with affidavit		01	05
2.	Copy of Letters of SDEO	"A"	06	---
3.	Copy of Office Order	"B"	07	---
4.	Copy of Inquiry	"C"	08	11
5.	Copy of Show cause Notice	"D"	12	---
6.	Copy of Personal Hearing	"E"	13	--
7.	Copy of Publication	"F"	14	15
8.	Copy of order of Removal	"G"	16	--
9.	Copy of Rejection order	"H"	17	18

Respondent

[Signature]
District Education Officer
(Male) Mardan

[Handwritten]
26/07/2021

②

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Service Appeal No: 4527/2021

Ibrar Hussain Ex PST, S/O Hazrat Hussain R/O Qutab Garh Tehsil Takht Bhai,
District Mardan.....(Appellant)

Versus

The Director of (E & SE) Education, KPK Peshawar, & Others... (Respondents)

Para Wise Comments On Respondents 1 to3

Respectfully Sheweth,

PRELIMINARY OBJECTIONS:

1. That the appellant has got no cause of action as well as locus standi to file the instant appeal.
2. That the instant appeal is badly time barred.
3. That the appellant has concealed the material facts from this Honorable Tribunal, hence the appeal is liable to be dismissed.
4. That the SDEO (Male) Takht Bhai has submitted a letter to the respondent No 2, regarding the absent teacher ,Ibrar Hussain (appellant).
The ASDEO Circle Concerned States that the said teacher has left for china.
(Copy of Letter is as Annexure A)
5. The respondent No 2 has nominated as inquiry officer to conduct inquiry in the light of absence report submitted by the SDEO (Male) Takht Bhai, and That the inquiry officer has submitted the inquiry report on 26/12/2018 to the respondent No 2, regarding the absent teacher i-e Ibrar hussain.
(Copies of Office Order & Inquiry are as Annexure B & C)
6. That the Respondent No 2 issued a Show cause to the appellant, and the respondent No 2 has directed to the appellant to attend the office for personal hearing, in the light of Show Cause Notice dated 07/02/2019.
(Copies of Show Cause & personal hearing are as annexure D & E)
7. That the respondent No.2 has issued absence Notice through the Newspaper Daily Sarhad dated 18/04/2019. (Copy of publication is as Annexure F)
8. That after fulfillment of all the codal formalities, the appellant was removed from service vide order Tindst No 5582//G dated 21-05-2019 in accordance with law. The appeal of the appellant has rejected dated 29/03/2021 by the respondents.(Removal & Rejection of appeal are as Annexes G & H)

FACTS:

- 3
1. Para No 1 pertains record to the extent of his transfer & appointment, the remaining para is incorrect, baseless, against facts as the appellant has been found absent, hence denied.
 2. Para No 2 is incorrect, baseless, against facts, irrelevant para and is not related to the instant case, as the appellant is will full absent from duty due which respond after fulfillment all the formalities, the appellant was removed from service vide order No 5582/G Dated 22-05-2019 in accordance with law, hence denied.
 3. Para No 3 is incorrect baseless against facts & law, as the leave application of the appellant was not sanction by the respondent. The appellant has gong to abroad for study without NOC (No Objection Certificate), hence denied.
 4. Para No 4 pertains to record, however the Ex Pakistan Study leave of the appellant, has not signed by the respondent, and The appellant has gong to abroad for study without NOC (No Objection Certificate). The attitude of respondent No 2 is being a responsible Govt officer acted accordance with law, hence needs no comment.
 5. Para No 5 Pertains to record, hence need no comments.
 6. Para No 6 Pertains to record, hence need no comments.
 7. Para No 7 is incorrect as the appellant was removed from service vide order No 5582/G Dated 22-05-2019 in accordance with law. The respondent Mentioned in the removal order that Pay and other benefits for the absence period i.e w.e.f 24-09-2018, till the date of issuance of this order will not be claimed at any stage, hence denied.
 8. Para No 8 is incorrect baseless against facts & law, as the appeal of the appellant has rejected dated 29/03/2021 in accordance with law by the respondents, hence denied. The detail grounds as under:

GROUND:

- A. Para No A is incorrect, baseless as the action is taken against the appellant according to law and rules, the orders are legal and is not void ab- initio, hence denied.
- B. Para No B is incorrect, baseless as proper show cause notice as well as publication was made in respect of the appellant, and after fulfillment of all codal formalities, the appellant was removed from service in accordance with law, hence denied.
- C. Para No C is incorrect, baseless as that the service of appellant is less than ten years and the study leave of the appellant is not sanction by the respondent, hence denied.
- D. Para No D is incorrect, baseless as the orders are tenable and the study leave is not grant to the appellant, hence denied.
- E. Para No E is incorrect, baseless as the respondent being a responsible Govt Officer acted according to law, hence denied.
- F. Para F is incorrect, baseless, and against facts as the showcase Notice was communicated to the appellant through publication leading Newspapers, and proper proceedings has done by the respondents hence denied.


- 6
- G. Para No G is incorrect, baseless as the appellant has not condemned unheard, proper inquiry has conducted and the appellant has treated according to law and rules, but the appellant has gone to abroad without permission of the respondent Department, hence denied.
- H. Para No H is incorrect, baseless as the respondent No2 has directed to the appellant to attend the office for personal hearing, in the light of Show Cause Notice dated 07/02/2019.

(Copy of personal hearing is as annexure E)

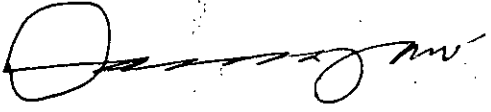
- I. Para I is incorrect, as the leave is not sanction by the respondent
- J. Para J is incorrect, as the appellant has done misconduct because he has not obeyed the order of the respondent hence denied.
- K. Para K is incorrect, baseless, and against facts as the showcase Notice was communicated to the appellant through publication leading Newspapers, and proper proceedings has done by the respondents hence denied.
- L. Para L pertain to record, hence needs no comments
- M. Para M is incorrect, as the appellant has not followed the orders of superior / respondents hence denied.
- N. That the respondents seek permission to raise additional grounds at the time of arguments.

It is therefore humbly prayed that in the light of above facts, the appeal may please be dismissed with cost.

Respondents


District Education Officer
(Male) Mardan

26/07/2021


DIRECTOR OF (E & SE) EDUCATION
OF K.P.K, PESHAWAR.


SECRETARY (E & SE) EDUCATION
OF K.P.K, PESHAWAR

5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No: 4527/2021

Ibrar Hussain Ex PST, S/O Hazrat Hussain R/O Qutab Garh Tehsil Takht Bhai,
District Mardan.

(Appellant)

Versus

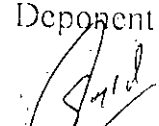
The Director of (E & SE) Education, KPK Peshawar, & Others.

(Respondents)

AFFIDAVIT

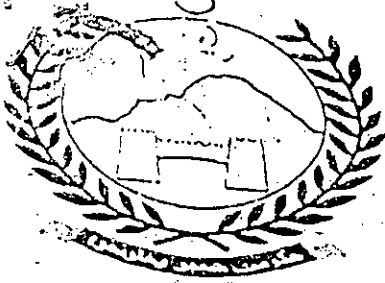
I, Mr. Sajid Khan Litigation Officer Education Department Mardan do hereby solemnly affirm and declare that the contents of Para Wise Comments submitted on behalf of respondents are true to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

Deponent


Sajid Khan

161.01-6005318-5

Annexure A (6)



OFFICE OF THE
SUB-DIVISIONAL EDUCATION OFFICER
(MALE) TAKHT BHAI

EMAIL - SDED.M.T.BHAI@GMAIL.COM

No. 599

Dated: 17/11/2018

(6)

To

District Education Officer,
(Male) Mardan.

Subject:-

PSHT report regarding teacher absentseem

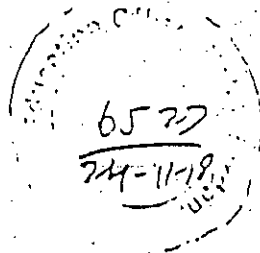
Memo;

With reverence a self explanatory application/report on the subject noted above in respect of Mr. Ibrar Hussain PST GPS Quab Garh duly forwarded by the ASDEO circle concerned.

He states that the said teacher has left for china.

So it is submitted to your good office in original for further necessary action please.

Encl: AS ABOVE:



[Signature]
SUB-DIVISIONAL EDUCATION OFFICER,
(MALE) TAKHT BHAI

ADSD (P)
N 4314

Annexure B-⑦
-13-

"B"

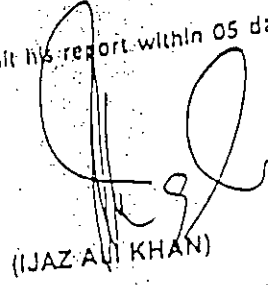
③

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MARDAN

OFFICE ORDER

Mr. Abdul Khaliq ASDEO(M) circle Lund Khwar is nominated as Inquiry officer to conduct inquiry in the light of absence report submitted by SDEO(M) Takht Bhai in r/o Mr. Ibrar Hussain PST GPS Qutab Garh circle Shergarh.

The inquiry officer is directed to conduct inquiry in the case and submit his report within 05 days to proceed further in the case.

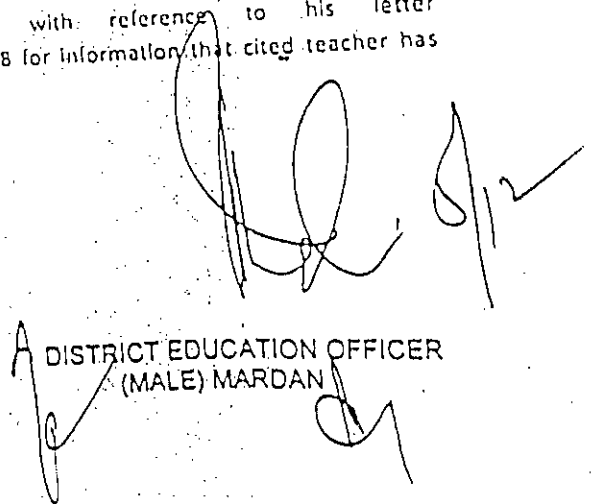


(IJAZ ALI KHAN)
DISTRICT EDUCATION OFFICER
(MALE) MARDAN

Endst: No. 9431-32 / P.F./Dated: 5-12 2018

Copy forwarded to the:-

1. Director E&SE Khyberpakhtunkhwa Peshawar with reference to his letter No.10527/F.No.141/PST(M) Mardan dated 30-10-2018 for information that cited teacher has left station without approval.
3. ASDEO(M) circle Lund Khwar to conduct inquiry.



DISTRICT EDUCATION OFFICER
(MALE) MARDAN

Annexure - 10

Office of A.S.P. Circle Dind Shikri

No

-13-

The D.D.M.,
Mardan

Sub: Submission of Enquiry Report

(Signature)

Sir,

Enquiry Report IRo Jinnar Hussain P.S.P

G.P.S. Quetchi Gush along with relevant documents are hereby submitted for onward proceedings.

Dated 26/12/18

(Signature)
ABDUL KHALIQ

2028
29-12-18

Handwritten notes and signature

phoye
d
in

(1) (9)

Enquiry report against Abrar Hussain Pst
CSPS Qutub Garh -14-

Enquiry officers - Abdul Kadir, Asad Kundichwa

Date of Enquiry: 22-12-18

Introduction:- The cited above teacher has proceeded for Ph.D to China w.e.f. 24.9.18. In his absence case the DED (M) Mardan nominated the undersigned for enquiry vide order No. 936.-61 dated 5-12-18. The following facts are the conclusion of my enquiry.

Findings:-

- ① The said teacher is leaving in Edu. Department w.e.f. 25.3.12
- ② He has proceeded for Ph.D without taking prior permission for ESE Department. He also has not processed his application being regular employee
- ③ The teacher has violated the Immigration Act and has hidden his Govt. Job. He has not shown himself Govt. employee while making his passport, which is a clear cut violation of passport, Act

~~Signature~~

He is absent from duty w.e.f 24.9.18.

⑤ The teacher concerned has processed his application for leave w.e.f 24.9.18 to 30.9.18

for 01 years. The SDO concerned (T. Shree) has forwarded the leave case vide order No. 118 dated 19.9.18 to DDO (M) Marudan.

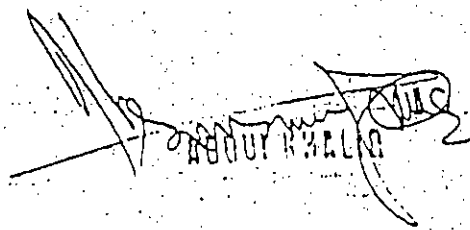
⑥ True picture of case

If his leave has not been approved from the competent authority. Then he may be considered absent from duty w.e.f 24.9.18.

Keeping in view the above facts it is recommended

Recommendation:- In case of non approval of leave, drastic action comprising on show cause notice and removal from service is recommended under E/D rules.

Note:- All the relevant documents are attached.



11
12- سرٹیفکیٹ سیکرٹری اسٹریٹ - PSH 2 - P.S. - 7

بناؤ انکوائری آفیسر

سرٹیفکیٹ سیکرٹری اسٹریٹ - PSH 2 - P.S. - 7
مخبرہ لعلیم 29.3.2012 کو لکھی گئی تھی۔ اسرار حسین سکول
کے بارے میں جاننے کے لیے اس سے 24.9.2018

28.8.18 اس نے تحقیق کرنے کے لیے درخواست عورم
کے process کیا ہے۔ آئر اس کی تحقیق منظر
نہی ہوئی ہے اور اسے سکول حذا
سے عورم 24.9.2018 سے غیر حاضر

تصویر کیا جاوے - عورم 2/12/18

Head Master
G.P.S
Qurban Garh

ABOUL KHALIQ

Annexure D (12)

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MARDAN

No. 1034-35 / P.F./ Dated: 07-02-2019

- 19 -

SHOW CAUSE NOTICE

I Zulfqar ul Mulk, District Education officer (Male) Mardan as Competent Authority under the Khyber Pakhtunkhwa government servants (Efficiency & Discipline) Rules, 2011, do hereby serve you Mr. Ibrar Hussain PST GPS Qutab Garh Takht Bhai, show cause notice as follows:

- You found absent w.e.f 24-09-2018 till the date as per report of SDEO (M) Piry Takht Bhai. An inquiry has been conducted against you who proved your absence from duties and you proceeded abroad without permission/approval from competent authority.
- In exercise of the power conferred by the KPK Govt: servant (Efficiency & Discipline) Rules, 2011, I being Competent Authority is pleased to serve upon you with the instant show cause notice regarding your willful absence and misconduct from duty with the direction to submit your defense in writing within 07 days of the issuance of this notice as to why the major penalty of Rule 4(b) of the said rules should not be imposed upon you and also intimate whether you desire to be heard in person.
- In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defense to offer and ex-parte decision will be taken against you.

(Zulfqar ul Mulk)

DISTRICT EDUCATION OFFICER
(MALE) MARDAN

To Mr. Ibrar Hussain PST GPS Qutab Garh Takht Bhai ✓

Copy to the:

- SDEO(M) Takht Bhai to submit report about pay status of cited teacher. Furthermore issue the absence notice upon the official home address also.


DISTRICT EDUCATION OFFICER
(MALE) MARDAN

-19/A-

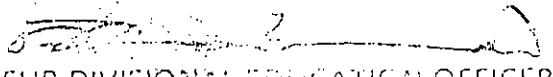
OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER (MALE) TAKHT BHAI.

Endst. No. 1131/4

dated: 09 / 02 / 2019.

Copy forwarded to the;

1. District Education Officer Male Mardan for information please.
2. ASDEO circle Concerned for doing the needful please.
3. A/c Local office for -/.


SUB DIVISIONAL EDUCATION OFFICER
(MALE) TAKHT BHAI.

9.2.19

سرکاری دستاویز
پر
م

Receive Date - 16/2/19

Time 12.40 PM No 648

حسن علی
11/11

Annexure E (13)

Registered

(4)

OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) MARDAN

No. 2818 /Dated 21-3-2019

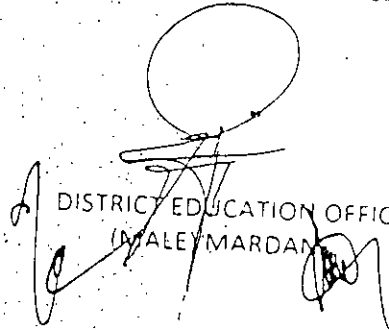
37
/

Mr. Hussam PSF
GPS Qatab Garh Takht Bhai

PERSONAL HEARING

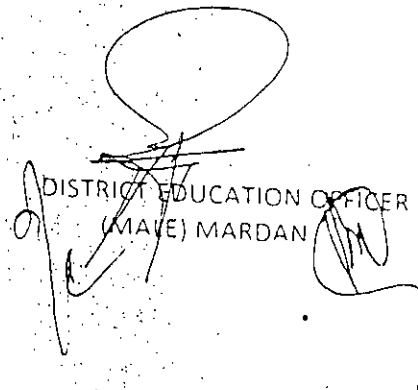
In view of your reply submitted to this office in the light of show cause notice issued to you under No. 1034-35 dated 07.02.2019.

In this connection you are directed to attend the office of the undersigned for Personal Hearing on 17.03.2019.


DISTRICT EDUCATION OFFICER
(MALE) MARDAN

No. 2819 /P.F./Dated. 21-3-2019

Forwarded to Mr. Takht Bhai to inform the cited teacher and issue notice on his home address also under intimation to this office.


DISTRICT EDUCATION OFFICER
(MALE) MARDAN

S. A. H.
266 7-2-191

نوٹس غیر حاضری کے

24
(26)

آپ درج ذیل ملازمین اپنی ملازمت سے بغیر کسی تحریری اطلاع کے غیر حاضر ہیں۔ آپ کی غیر حاضریوں کی وجہ سے آپ کی خلاف اتکوائریاں منعقد کی گئیں جن میں اتکوائری آفیسران نے آپ کی غیر حاضری کی تصدیق کی۔ آپ کو آپ کے اسکولوں کے پتوں پر شوکاژ نوٹ بھیجے گئے۔ جس میں آپ کو اپنی غیر حاضریوں کی معقول وجہ بتانے اور اپنی ملازمتوں پر حاضر ہونے کا کہا گیا تھا۔ لیکن آپ تا حال مقررہ وقت میں اپنی ملازمت پر حاضر ہونے میں ناکام رہے۔

لہذا آپ کو بذریعہ نوٹس اخبار ہذا مطلع کیا جاتا ہے کہ آپ اس نوٹس کی اشاعت کے پندرہ دن کے اندر اپنی ملازمت پر حاضر ہو کر مجاز حکام کو اپنی غیر حاضریوں کی معقول وجہ بتائیں۔ بصورت دیگر آپ کے خلاف کارکردگی و انتظامی رولز مجریہ 2011 (E&D Rules) کے تحت یکطرفہ کارروائی عمل میں لا کر آپ کو نوکری سے برخواست کیا جاسکتا ہے۔

نمبر شمار	نام	عہدہ	اسکول کا نام	تاریخ غیر حاضری
1.	محمد نعیم	پی ایس ٹی	جی پی ایس پیر انو بانڈہ کائنگ	24/09/2018
2.	ابراہیم حسین	پی ایس ٹی	جی پی ایس قطب گڑھ	24/09/2018

(ذوالفقار الملک)

ڈسٹرکٹ ایجوکیشن آفیسر مردانہ
ضلع مردان

24

پیشاپوش کی طرف سے جاری کیا گیا ہے

آپ کو اس بارے میں مزید جاننے کے لیے اس سے رابطہ کیا جاسکتا ہے۔ اس کے تحت آپ کو اس کے بارے میں مزید جاننے کے لیے اس سے رابطہ کیا جاسکتا ہے۔

سے	تک	مقام	تاریخ
1	24-09-2018	پشاور	24-09-2018
2	24-09-2018	پشاور	24-09-2018

INF(MR)57

MEMBER
APNS
CPNE

پشاور اخبار کا 49 ویں سال

سورہ شوریٰ 24:18

ABC
CERTIFIED

پشاور

پشاور پبلشرز

اور نام

اس کی

پیشاپوش

کچھ لکھتے

(البشران)

پشاور پبلشرز

پشاور

پشاور

49 ویں سال 18 اپریل 2019ء، برطانیہ 12 شعبان 1440ء، شمارہ 93

پشاور پبلشرز آف پاکستان کی طرف سے جاری کیا گیا ہے۔ اس کے تحت آپ کو اس کے بارے میں مزید جاننے کے لیے اس سے رابطہ کیا جاسکتا ہے۔

Annexure G 16

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MARDAN

OFFICE ORDER

WHEREAS, Mr. Ibrar Hussain PST GPS Qutab Garh Takht Bhai remained willful absent from duty with effect from 24-09-2018 till date, without approval of the Competent Authority as per report of the SDEO concerned.

AND WHEREAS, a departmental inquiry was conducted vide this office order No.9431-32 dated 05-12-2018 in the light of absence report submitted by SDEO(M) Takht Bhai vide his letter No.599 dated 17-11-2018 and inquiry officer proved his absence from duties and recommended him for disciplinary action under E&D rules.

AND WHEREAS, a show cause notice regarding his willful absence from duty was served upon him vide this office Memo No.1034-35 dated 07-02-2019, wherein Major penalty was tentatively proposed under rules 4(b) of Khyber Pakhtunkhwa Govt servants Revised Efficiency and Disciplinary Rules 2011.

AND WHEREAS he was called for personal hearing vide this office letter No.2818 dated 21-03-2019.

AND WHEREAS, another absent report was submitted by SDEO concerned vide letter No.1431 dated 03-04-2019 and as per Head Teacher and ASDEO report he has gone abroad.

AND WHEREAS, his absence notice was also published in daily newspaper on 18-04-2019 to resume his duties within 15 days but he failed to resume his duty.

AND WHEREAS, he is found guilty of gross misconduct, absenting himself under the khyberPakhtunkhwa Govt servants E&D rules 2011.

Now in exercise of the power conferred under khyberPakhtunkhwa Govt servants E&D rules 2011, the undersigned being Competent Authority is pleased to impose the major penalty of Removal from Service upon Mr. Ibrar Hussain PST GPS Qutab Garh Takht Bhai with immediate effect.

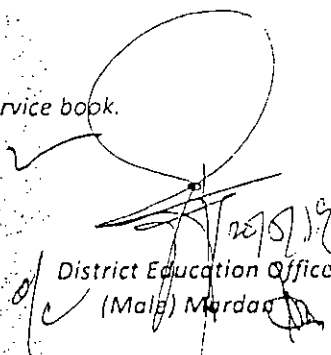
Note: Pay and other benefits for the absence period i.e w.e.f 24-09-2018 till the date of issuance of this order will not be claimed at any stage.

(Zulfiqar ul Mulk)
District Education Officer
(Male) Mardan

Endst No. 5582/6 /P/F. Dated: 27-5-2019

copy forwarded for information and necessary action to the:-

1. Director E&SE Education KPK, Peshawar.
2. SDEO(M) Takht Bhai with the remarks to made entry in his service book.
3. Mr. Ibrar Hussain PST GPS Qutab Garh Takht Bhai. (Registry)


District Education Officer
(Male) Mardan

Annexure H - 17

24

"A"

-32-



**DIRECTORATE OF ELEMENTARY & SECONDARY
EDUCATION KHYBER PAKHTUNKHWA,
PESHAWAR**

No. 360 / F.No. 141/PST(M) Mardan.
Dated: 29/3 /2021.

To

The District Education Officer
(Male) Mardan.

Subject: - **REMOVAL FROM GOVT. SERVICE IN RESPECT OF MR. IBRAR HUSSAIN EX: PST
GPS QUTAB GARH DISTRICT MARDAN**

I am directed to refer to your letter No. 2156 Dated 12.03.2021, on the subject cited above and to ask you that appeal in respect of Mr. Ibrar Hussain Ex: PST GPS Qutab Garh District Mardan, under Rule (17) (2)(a) of E&D Rules-2011, has been rejected.

I am further directed to ask you to inform the appellant concerned accordingly under intimation to this office.

Endst No. 3611

Copy of the above is forwarded to:-

1. Mr. Ibrar Hussain Ex: PST GPS Qutab Garh District Mardan.
2. PA to Director E&SE local Office.
3. Master File.

[Signature]
Assistant Director Estab (Male)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar
29/3/2021

[Signature]
Assistant Director Estab (Male)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar
29/3/2021

خدمت جانب ڈائریکٹر صاحبہ ایگزیکٹو ایجنڈ سیکنڈری ایجوکیشن کمیشن

اپیل خلاف Removal Service

درخواست نمبر:

صاحب عالی! مودبانہ گزارش ہے کہ فدوی ایک غریب PST تعینات ضلع مردان

PhD Abroad کے لیے Study Leave Application باقاعدہ

Reminders اور ایک مقرر آفس میں پہنچائی تھی تاہم DEO متعلقہ نے بار بار

کے باوجود آپ کے آفس کے کسی بھی Letter کا اہم تک جواب نہیں دیا۔ اسی وجہ

سے فدوی نے آپ کے مقرر آفس سے ایک غیر جانب دارانہ انکوائری کی درخواست

کی تھی جس کے لیے آفس میں مقرر ہوئے تھے اور DEO مردان کو ایک کافی

بھی موصول ہوئی تھی۔ پھر مذکورہ DEO صاحب نے صفحہ 3 کسٹ پر مبنی

کس بنا کر اور آپ کے انکوائری رپورٹ کا انتظار کیے بغیر فدوی کے

Removal From Service کے احکامات جاری فرما دیے ہیں۔

MANAGER

صاحب عالی! متعلقہ DEO نے فدوی کو بار بار اس کا کیڈ کروا کر ہر دفعہ اپنی

ذاتی سیاسی نفس کشی سے اور ہر جگہ اپنے ماموں کے زلیے فدوی کو جھسانے

کسی

کے

کی ممبر پور کوشش میں ہے۔ میں آج بحرحہ 21 اگست 2019 کو بذات خود آپ کے صدر دفتر میں

حاضر ہوا ہوں آپ صاحبان سے ہر ماہی کر کے سیرا مدعا سماعت فرمایا

اور سیرا مدعا کی سچائی یا البانی کا نوٹس لیں۔ میں نوازش ہوئی۔

DIA

ص

21-8-2019

03459291091
ibrahim.hussain.Phd@Ucd.edu.Pk

آپ کا قلم، ابرار حسین PST جی پی ایس قلم گرو

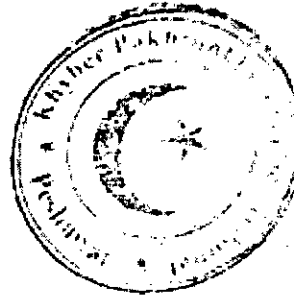
1246
23/8/19

630
26.8.19

Same order.

9/15/16 Same Motte

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.



Service Appeal No. 1488/2019

Date of Institution ... 26.12.2019

Date of Decision ... 08.09.2021

Muhammad Naeem, Ex-PST, R/O Baghy Haram, Moti Band,
P/O Lowand Khot Tehsil Takht Bai.

... (Appellant)

VERSUS

The Director E&SE Khyber Pakhtunkhwa Peshawar and another.

... (Respondents)

SYED NOMAN ALI BUKHARI,
Advocate

--- For appellant.

MR. MUHAMMAD RASHEED,
Deputy District Attorney

--- For respondents.

MR. SALAH-UD-DIN
MR. ATIQ-UR-REHMAN WAZIR

--- MEMBER (JUDICIAL)
--- MEMBER (EXECUTIVE)

JUDGMENT:

SALAH-UD-DIN, MEMBER:-

Precise facts forming the background of the instant service appeal are that the appellant joined Education Department as PST in the year 2016 and was regularized on 20.03.2018. Upon getting admission on the basis of Scholarship in Julin University of China in June 2018, the appellant submitted application on 15.08.2018, seeking leave with effect from 03.09.2018 till 31.07.2020. The appellant was, however, proceeded against departmentally on the allegations of willful absence and he was removed from service vide order dated 21.05.2019. The

ATTESTED

Secretary
Khyber Pakhtunkhwa
Services Tribunal
Peshawar

departmental appeal of the appellant was not responded within the statutory period of 90 days, therefore, he filed the instant service appeal for redressal of his grievance.

2. Notice was issued to the respondents, who submitted their comments.

3. Learned counsel for the appellant has contended that the appellant had submitted application for study leave and had proceeded abroad for higher education, however he was wrongly and illegally removed from service by the competent Authority. He further argued that the impugned order of removal of the appellant was passed in utter violation of the procedure prescribed in rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. He next contended that whole of the proceedings were conducted at the back of the appellant, without providing him any opportunity of personal hearing or self defense. He further argued that the impugned order being wrong and illegal is liable to be set-aside.

4. On the other hand, learned Deputy District Attorney for the respondents has contended that the application submitted by the appellant for leave without pay was rejected by the competent Authority on 06.09.2018 as the length of service of the appellant was less than 10 years, therefore, he was not entitled to avail leave without pay with effect from 03.09.2018 till 31.07.2020. He further contended that another application of the appellant for long leave was also dismissed by the competent Authority vide order dated 13.10.2018. He further argued that the appellant remained absent without any obtaining leave from the competent Authority, therefore, he was proceeded against on the allegations of willful absence and was rightly removed from service. He further argued that all legal and codal formalities were complied with and after conducting of proper inquiry the appellant was removed from service. Reliance was placed on 2009 SCMR 1121.

5. Arguments heard and record perused.

6. A perusal of the record would show that the appellant was proceeded against on the ground of willful absence, therefore, the

ATTENDED

[Handwritten signature and notes]

authority was required to have followed the procedure as laid down in Rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, which is reproduced as below:-

"9. Procedure in case of willful absence: Notwithstanding anything to the contrary contained in these rules, in case of willful absence from duty by a government servant for seven or more days, a notice shall be issued by the competent authority through registered acknowledgement on his home address directing him to resume duty within fifteen days of issuance of the notice. If the same is received back as undelivered or no response is received from the absentee within stipulated time, a notice shall be published in at least two leading newspapers directing him to resume duty within fifteen days of the publication of that notice, failing which an ex-parte decision shall be taken against the absentee. On expiry of the stipulated period given in the notice, major penalty of removal from service may be imposed upon such Government servant."

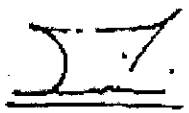
7. In view of the above mentioned reproduced rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the competent Authority was required to have issued notice to the appellant through registered acknowledgement on his home address, however copy of show-cause notice available on the record would show that the same was sent to the appellant on his school address despite the allegations that he was already absent from his duty. Moreover, the show-cause notice would show that copy of the same was forwarded to SDEO (Male) Katlang for issuance of absence notice upon the home address of the appellant, however nothing is available on the record, which could show that notice was issued to the appellant on his home address through registered acknowledgement, therefore, the impugned order of removal of the appellant from service is illegal and void ab-initio, hence not sustainable in the eye of law.


8. Vide admission notice dated 15.06.2018 addressed to the appellant by Jilin University, the appellant was offered admission for Master in Programme of International Relation to be completed in the period from September 2018 to July 2020. The

date of registration was from September 04, 2018 to September 05, 2018, therefore, the appellant submitted an application on 15.08.2018 for obtaining leave with effect from 03.09.2018 till 31.07.2020. The application of the appellant remained pending and was ultimately declined vide order dated 06.09.2018 by District Education Officer (Male) Mardan to ASDEO Circle Balzai. The decision on leave application of the appellant was unnecessarily delayed and nothing is available on the record to show that the outcome of the same was conveyed to the appellant. Moreover, the service of the appellant was though less than ten years, however in view of rule-12 sub-rule (1) of Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981, it is within the competency of the leave sanctioning Authority to grant extra-ordinary leave without pay for maximum period of two years even if the civil servant has not completed ten years of continuous service. The appellant was admittedly proceeding abroad for higher education, therefore, the departmental Authority should have exercised its discretion in granting leave to the appellant but the request of the appellant for leave was declined without any plausible reason.


9. As a sequel to the above discussion, the appeal in hand is accepted by setting-aside the impugned order dated 21.05.2019 and the appellant is reinstated in service. The period of his absence from duty may be treated as extra-ordinary leave without pay. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
08.09.2021


(SALAH-UD-DIN)
MEMBER (JUDICIAL)


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

Certified to be true copy


Atiq-ur-Rehman Wazir
Secretary

1602
18/5
4/15
21/15

11-10-21