


FORM OF ORDER SHEET

Court of _____

Appeal No. 1304/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/06/2023	<p>The appeal of Mr. Abdul Salam presented today by Mr. Umar Khitab Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHOON KHWA PESHAWAR.

Appeal No. 1304/2023

Abdul Salam C.T. Government High school Pandai Matta Swat..... Petitioner.

VERSUES.

2.The Secretary Elementary and Secondary Education K.P. Peshawar and others..... Respondents.

INDEX

S.No. Description of documents. Annex: Page

S.No.	Description of documents.	Annex:	Page
1.	Appeal		1-6
2	Affidavit		7
3	Memo: of addresses.		8
4	EX-Enquiry Report dated 3/7/2019	A	9-14
5	Application for De novo enquiry Dated 19/9/2019	B	15
6.	Recovery letter No,8522 dated 5/8/2018/ Better copy and Service appeal No, 275/2020	C & D	16-23
7	Removal from service dated 28/11/2019 and service appeal No, 1719/2020	E& F	24-31
8.	Judgment copy dated 15/9/22	G	32-36
9	Application dated 30/11/2022	H	37-40
10	Application dated 10/1/2023	I	41-43
11	Application dated 21/2/2023	J	44-45
12	Application dated 16/3/2023	K	46-47
13	Re instatement order dated 20/2/2023	L	48
14	Application dated 10/3/2023 and dated 13/3/2023	M& N	49-50
15	Recovery letter No, 8522 dated 5/8/19 and Impugned order No, 7716-21 Dated 20/2/2023	O & P	51-52
16	Letter Dated 19/9/2019	Q	53
17	Departmental appeal	W	54-57
18	Suspension application	X	58-59
19.	Waklatnama.		60

Abdul Salam.....Petitioner

Through

Umar Khitab Advocate High Court/
Darulqaza Mingora Bench.

Cell No. 0345- 9524854

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTOON KHAW PESHAWAR.

SERVICE APPEAL. 1304 /2023.

Abdul Salam C.T. Government High school
Paindai Matta Swat.....Appellant.

Versues.

1. Government Khyber Pukhoonkhw through Secretary Elementary and Secondary Education K.P.Peshawar.
2. Director Elementary and Secondary Education K.P. Peshawar.
3. District Education officer Male Swat .
4. Mr. Hazrat Rahman Principal Government Higher School Balogram Swat. (Chairman Enquiry committee)
5. Muhammad Javid Principal Government High School Ghailagai (Barikot) Swa. Member Enquiry committee.....Respondents.

Service Appeal Under section 4 of service Tribunal Act, 1974.

PRAYER.

On acceptance of the instant appeal against the Impugned Para,s where Abdul Salam EX PSHT GPS Chari Beha now C.T. GHS Paindai Matta Swat Removal from service vide order No, 5066- 72 dated 28/11/2019 and re instatement order No, 7716-21 dated 20/2/2023 after having considered the charges and evidence on record against the appellant as allegedly proved the intervening period with effect from 28/11/2019 to 19/2/2023 may kindly considered null and void and the Respondent No, 3 may be directed to consider the intervening period with full pay/ on duty and Remarks " Censure: may be deleted from re instatement order, No, 7716-21 dated 20/2/2023 and the recovery of Rs.2,00,000/- from the appellant is illegal be may graciously be declared as illegal, against the service rules and fundamental rights. Because the enquiry committee did not recorded the appellant statement the petitioner/appellant has not been given right of defense to opportunity and the enquiry report has not been completed in stipulated period(60 days) by direction of *Honorable Service Tribunal K.P Peshawar vide judgment on 15/9/2022.*

Respectfully Sheweth,

1. That the Petitioner performed was his duty as PSHT with effect from 14/11/2014 to 30/11/2017at GPS Chari Beha Matta Swat.
2. That the petitioner was promoted to C.T. and adjusted at GHS Beha Swat vide No. 13358 dated 28/2/2019.

3. That the Respondent No, 3 transferred the following budget to to the appellant school(GPS Chari Beha Swat) for the year 2014 to 2017 according the enquiry report, Bank statement .Detail are as under.

S.No.	Date of Debit.	Amount.	For which purpose.
	10/7/14	21,000/-	Petty Repair
2.	10/2/2014	21,000/-	Petty Repair.
3.	27/5/2015	5,62,000/-	For Boundary wall.
4.	18/3/2016	10,000/-	Stationary.
5.	31/3/2016	10,000/-	Stationary.
6.	9/1/2017	6,70,000/	(4,70,000/ for B/Wall (2,00,000/ for water supply)
7.	9/1/2017	1,60,000/-	Group Litrin.
Total.		14,54,000/-	

DETAILS OF DRAWAL.

S. No.	Date of drawl.	Amount.
1.	9/4/2015	42,000/
2.	27/7/2015	5,62,000/
3.	10/5/2017	0,18,000/
4.	17/10/2017	2,00,000/
5.	23/10/2017	2,00,000/
6.	26/10/2017	2,00,000/
7.	15//11/2017	1,00,000/
8.	28/11/2017	1,32,000/-
		14,54,000/-

That it evident from the record obtained by EX enquiry officer from NBP Matta Swat , and Respondent No,3 office which was to much crystal clear that the budget allotment was Rs , 14,54,000/- but the ex enquiry officer in his finding report inadvertently and miscalculated the budget allotment Rs.2070280 instead of Budget Rs. 14,54,000/-

Expenditure detail are as under.

<u>Expenditure by petitioner</u>	<u>Expenditure by Inayat Rahman PST</u>
932694/	5,83,280/-
10000/-	
42000/	
9,84,694/	5,83,280
5,83,280/	

Total. Expd.1567974/-

Detail Recovery

1 Recovery from Petitioner	4,20,586/
Recovery from Petitioner.	20,000/-
2.Recovery from Inayat Rahman	48,720/
3.Recovery from Awal khan Chow:	13,000/-
Total.	5,23,306/

Expdtr: 15,67,974 +Recovery.502306/ Total.20,70,974/-

(Enquiry Report dated 3/7/2019 as Annex : A)

4. That Respondent No.3 intentionally caused financial loss to appellant because the appellant submitted an application on 19/9/2019 to Respondent No, 3 for de novo enquiry, if the appellant de novo enquiry was held in 19/9/2019, the appellant would not have suffer financial loss. (Application for do nove enquiry dated 19/9/2019 as Annex: B)
5. That the petitioner /appellant denied from the illegal, un law full Impugned recovery order of Rs. 4,69,306/- vide letter No, 8522 Dated 5/8/2019. The petitioner/appellant challenge the impugned recovery order in the Honorable service Tribunal K.P. Peshawar vide appeal No, 275/2020. (Recovery letter/ Service appeal No, 275/2020 as Annex : C&D))
6. That the Respondent No, 3 issued the impugned order Removal from service of the petitioner /appellant vide No, 5066 dated 28/11/2019. The appellant also challenge the impugned order in Honorable service Tribunal K.P. Peshawar vide appeal No, 1719/2020. (Removal from Service order /service appeal No, 1719/2020 as Annex : E&F)
7. The Honorable service Tribunal K.P. Peshawar decided the both service appeals dated 15/9/2022 for do novo enquiry and directed the Respondent No, 3 to conduct de novo enquiry in the matter strictly in accordance with the law and rules in the prescribed manner and laid down procedure under K.P. Government servants (Efficiency and Discipline rule 2011 with the period of 60 days from the date of receipt of copy of this judgment and the petitioner/ appellant shall be fully associated with the inquiry proceeding by providing him fair opportunity of defending him self but the de novo enquiry not completed the in prescribed period (60) days by the direction of Honorable service Tribunal K.P. Peshawar. (judgment copy dated 15/9/2022 as Annex : G)
8. That the Respondent No, 3 nominated two senior officers Respondents No, 4 and 5 for de novo enquiry by direction Of Honorable Service Tribunal.
9. The appellant submitted an application to Respondent No.3 vide dairy No, 3198 dated 30/11/2022 for re instatement for the purpose of do novo inquiry and the appellant also requested to Respondent No, 3 to direct the Respondents No, 4,5(enquiry committee) to ensure the presence of the following main witnesses which were private Respondents in the both service appeals before the de novo enquiry committee.

1.Mr. Inayayut Rahman PST GPS Chari Beha Swat.2 .Awal Khan Chowkidar GPS Chari Beha Swat. 3. Mr. Shah Dawran PSHT GPS Mandoor Matta Swat. 4. Muhammaf Gul EX ASDEO Male Circle Matta Swat. But in vain. The DEO Male Swat issued the re instatement order of the petitioner/appellant for the purpose of only de novo Inquiry vide No, 5342-43 dated 5/1/2023.But the main witness (Muhammad Gul EX ASDEO Circle Matta Swat) is not summon and main witness was not produced before the de novo enquiry committee which against the service rules. (Application dated 30/11/2022 are Annex : H)

10. The Respondents No, 4,5 (enquiry committee) Informed the appellant through phone on 04/3/2023 for joining the de novo inquiry in the office of Respondent No, 3 Office on 6/3/2023 in P& D branch.
11. That the appellant also submitted an application to Respondents No, 4, 5 (enquiry committee members)vide Registry receipts No, 1765182047 dated 10/1/23 and receipt No, 1765182048 dated 10/1/2023 and request to summon and ensure the presence and produce(Muhammad Gul Ex ASDEO Circle Matta Swat and Shah Dawran PSHT GPS Mandoor Matta Swa before the enquiry committee. But the enquiry Committee not summon the main witness before the enquiry committee. The committee members directed all present participations to sign the attendance sheet and all the participations along with petitioner/appellant were signed the attendance sheet before the committee members on 6/3/2023 in the Respondent No, 3 Office in P&D Branch . (Applications dated 10/1/2023 are Annex: I)
12. That the appellant submitted an application vide office dairy No,4665 dated 21/2/2023 to Respondent No, 3 for re instatement in service with all back benefits , the Respondent No,3 issued the re instatement order vide No7716-21 dated 20/3/2023 before proceeding of de novo enquiry. (Application dated 21/2/2023 as Annex: J)
13. That the appellant submitted an application to Respondent No, 3 vide dairy No, 4933 dated 18/3/2023 for providing the photo copies recorded statements of the appellant and the others participants if the enquiry committee recorded but in vain. (Application dated 16/3/2023 as Annex: K)
14. The Respondent No, 3 issued the re instatement order vide No,7716-21 dated 20/2/23 of the petitioner/appellant but the intervening period 28/11/2019 to 19/2/2023 declared/considered with out pay before the Completion of de novo enquiry . It is pertained to be noted that the enquiry committee started procedure the enquiry proceeding on 6/3/2023. Which is clear shows from the signature of the attendee and evident from the signature of the petitioner/appellant because the petitioner/appellant had signed the attendance sheet on 6/3/2023 on the day de novo enquiry. Which is big proof against the respondents Departments.(Re instatement order dated 20/2/2023 as Annex: L)
15. The petitioner /appellant submitted an application to Respondent No,3 for dated 10/3/2023, dated 13/3/2023 and providing the enquiry report and attendance sheet of the participants of committee and photo copies of dispatch register dated 2/2/2023, 18/2/2023 and 26/2/2023 vide office dairy No, 4690 dated 22/2/2023 and No, 4903 dated 13/3/2023 but refused to give both proofs. These evidences Show that the cancellation of applications took place later on and the re instatement took place prior. The procedure offices is that the dispatch should always issue letters on serial numbers serial No, 7716-21 should be followed by 7722. Rather the number 7751 is mentioned in the dispatch register after 7716-21 dated 20/3/2023. (Application 10/3/2023 AND dated 13/3/2023 as Annex: M & N)

5

16. That the re instatement order of appellant No, 7716-21 dated 20/2/2023 written in dispatch register is fake. The letter No, 7716 mentioned in dispatch register on the address of Deputy Commissioner Swat dated 18/2/2023. Letter No, 7716-21 dated 20/2/2023 in the dispatch register on 26/2/2023. The letter No, 7751 after 7716-21 in the dispatch register. Which is proven. That the re instatement order has been issued prior the enquiry. Which was issued in the address of Deputy Commissioner Swat.
17. That the Ex inquiry officer recommended Rs. 4,20,586 recovery from the appellant vide No, 1502 dated 3/7/2019 and Respondent No, 3 issued the recovery letter vide No, 8522 dated 5/8/2019 Rs. 4,69,306/- from the appellant and new nominated committee for de novo enquiry recommended Rs.2,00,000/- from the appellant vide Respondent No,3 letter No, 7716-21 dated 20/02/2023 which is clear contradiction between the two enquiry committees. (Recovery letter Dated 5/8/2019 as Annex: O & P)
18. That no show cause notice was issued to appellant, which an essential part of the enquiry process, nor was the appellant informed of any charges.
19. That the statement is required from petitioner/appellant to be recorded as per service rules , but the enquiry committee members did not record the statement of petitioner/appellant which is totally un law full and against the service rules. Which is injustice under the Government service rules.
20. That if the Respondent No, 3 had ordered a de nove enquiry on the application of appellant dated 19/9/2019 the appellant would not have been Removal from service, and they suffer from mental torcher and neither would the appellant have suffered financial loss nor the period with effect from 28/11/2019 to 19/2/2023.(that the intervening period tread with out pay) (Application dated 19/9/2019 as Annexure Q)
21. That the appellant extremely aggrieved order No, 7716-21 dated 20/2/2023 filed an departmental appeal before the appellate authority but they intentionally failed to responce and this reason the appellant filed the instant service appeal before this Honorable service Tribunal. (Departmental service appeal as Annexure W)

GROUND.

1. That before issuance of the impugned order neither the appellant was In written shape nor any notice was issued to the appellant. Hence, the appellant was condemned un heard.
2. That the impugned para,s in the re in statement order against the Issued with mala fide just awarding undue punishment.
3. That the appellant is innocent, no proper procedure has been adopted by the concerned authorities before the impugned order thus the same para,s are illegal and void abnatio.
4. That no proper enquiry has been conducted in the case of appellant under service rules.

5. That the law on the subject is very much clear and enquiry against the appellant is baseless and on proof less ground, thus is against his legal and fundamental rights enshrined in the service laws. Rules, judgments of the superior courts and constitution of Islam Republic of Pakistan 1973.

6. That the appellant submitted an application vide office dairy No,4665 dated 21/2/2023 to Respondent No, 3 for re instatement in service with all back benefits, the Respondent No,3 issued the re instatement order vide No7716-21 dated 20/3/2023 before proceeding of de novo enquiry.

7. That if the Respondent No, 3 had ordered a de novo enquiry on the application of appellant dated 19/9/2019 the appellant would not have been Removal from service, and they suffer from mental torcher and neither would the appellant have suffered financial loss nor the period with effect from 28/11/2019 to 19/2/2023. that the intervening period tread with out pay.

8.. That the act Respondent No, 3 and enquiry committee procedure against the land law, against the service rules, and against the fundamental rights.

9. That the appellant extremely aggrieved filed an departmental appeal before the appellate authority but they intentionally failed to response and this reason the appellant filed the instant service appeal before this Honorable service Tribunal.

10. That further grounds with the leave of this Honorable Service Tribunal would be raised at the time arguments.

On acceptance of the instant appeal against the Impugned Para,s where Abdul Salam EX PSHT GPS Chari Beha now C.T. GHS Pindai Matta Swat Removal from service vide order No, 5066- 72 dated 28/11/2019 and re instatement order No, 7716 dated 20/2/2023 after having considered the charges and evidence on record against the appellant as allegedly proved the intervening period with effect from 28/11/2019 to 19/2/2023 may kindly considered null and void and the Respondent No, 3 may be directed to consider the intervening period with full pay/ on duty and Remarks " Censure: may be deleted from re instatement order, No, 7716-21 dated 20/2/2023 and the recovery of Rs.2,00,000/- from the appellant is illegal be may graciously be declared as illegal, against the service rules and fundamental rights. Because the enquiry committee did not recorded the appellant statement the petitioner/appellant has not been given right of defense to opportunity and the enquiry report has not been completed in stipulated period(60 days) by direction of Honorable Service Tribunal K.P Peshawar vide judgment on 15/9/2022.

Abdul Salam appellant

Through

Umar Khitab advocate High Court/
Darulqaza swat Bench Mingora
Cell No. 0345 9524854

7

BEFORE THE SERVICE TRIBUNAL KHYBER
PUKTHOONKHAWA PESHAWAR.

SERVICE APPEAL No., _____/2023.

Abdul Salam C.T. Government High School Pandai Matta
Swat. _____ Appellant.


VERSUES.

1. The Secretary Elementary and Secondary Education Khyber
Pukhoonkhawa Peshawar & others..... Respondents:

AFFADAVIT.

It is stated on oath that the contents of this appeal
are true and correct to the best knowledge and belief.
Moreover, no such like application is pending before this
Honorable Tribunal.


Abdul Salamappellant.


ATTESTED
AS. MIRHAS YOUSUFZAI
ADVOCATE
District Courts Swat
S.No. 10/6/2023
OATH COMMISSIONER

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTOONKHW
PESHAWAR.

Appeal No. _____/2022.

Abdul Salam C.T. GHS Pandai Matta Swat..... Appellant.

VERSUS


1.The Secretary Elementary and Secondary Education
KhyberPukhtoonkhw Peshawar and others..... Respondents.

MEMO OF ADRESSES OF THE PARTIES.

1. Abdul Salam C.T G.H.S. Pandai Matta SwatAppellant
Cell No. 0343-2451522

Addresses of Respondents.

- 1.The Secretary Elementary and Secondary Education Khyber
Pukhtoonkhw Peshawar.
- 2.The Director Elementary and Secondary Education Khyber
Pukhoonkhawa Peshawar.
- 3.The District Education Officer Male Swat.
4. Mr. Hazrat Rahman Principal GHSS Balogram Swat.
- 5.Muhammad Javid Principal G.H.S. Ghailegai SWAT.


Abdul SalamAppellant.
Through
Umar Khufab Advocate
High Cour/ Darul Qaza Swat.
Cell No, 0345-9524854

4 n x A
9

Office of the Enquiry Officer/ Principal GHS Kanju Swat.

NO 1502 /

Dated 3/7/2019


To

**The District Education Officer (M),
Distt; Swat.**

Subject: **Enquiry Report against Mr. Abdussalam Ex-PSHT
GPS Charai Beha .**

Sir,

Reference to your office Endst;No.2557/G.File/PTC dated 21-04-2019, the enquiry report against Mr. AbdusSalam Ex-PSHT GPS. Charai Beha presently working as CT at GHS Beha Swat , is here by submitted for your kind information/further necessary action please.


3/7/2019

Hamid Ul Haq
Enquiry officer / Principal
Govt; High School Kanju
Swat.

*My Report sb
put up on file
08/7/19*

ADDED COPY

Put up on file

*8-7-19
M/H
etc*

*Umar Khirab
Advocate High Court
District Swat*

*Umar Khirab
ADVOCATE*

ENQUIRY REPORT.

(Page 1/5)

Enquiry report in view of the DEO (M) Swat Endst: No 2557/G.File/PTC Dated 21-04-2019, against Mr. Abdusalam Ex- Head Teacher GPS Charai Beha Swat (Presently serving as CT at GHS Beha Swat)

1. Enquiry Officer:

Hamid ul Haq

Principal GHS Kanju Distt: Swat.

2. Date of Enquiry:

18-6-2019

3. Place of enquiry:

GPS Charai Beha Swat.

4. List of defense witnesses

1- Head Teacher GPS Charai Beha Swat.

2- Teacher of GPS Charai Beha Swat..

3- Ex-Chairman & members of PTC

1- Questionnaires from Abduslam Ex-

PSHT GPS Charai Beha Swat.

2- Statements of the Teachers,

Ex-Chairman & members of PTC.

3- Report of the School Head Teacher.

4- Bank Statement from July 2014 to April 2018.

5- Statement of the Bank Manager NBP Matta.

6- Statement of Chawkidar.

5. List of documents

In compliance with orders of the DEO (M) Distt: Swat. vide his office Endst: No 2557/G.File/PTC dated 21-04-2019 which was received on 14-06-2019. The enquiry was conducted on 18th of June 2019 at GPS Charai Beha Swat, in order to probe into the allegation leveled against Mr. Abduslam Ex-PSHT GPS Charai Beha Swat (Presently serving as CT at GHS Beha).

I, the undersigned paid visit to the said School on 18-6-2019 along with my school CT teacher Mr. Haider Ali, for which I had already informed all the persons concerned to ensure their presence. Mr. Liaqat Ali PSHT GPS Charai Beha Swat, Mr. Inayatur Rahman PST teacher of the School, Chawkidar of the School, Ex Chairman of PTC along with the members & present Chairman of PTC were present. While Mr. Abduslam Ex- PSHT GPS Charai Beha came late.

I gave questionnaires to Mr. Abduslam Ex-PSHT GPS Charai Beha (See page No.10), enquired from Mr. Muhammad Amin Ex- Chairman and other members of PTC GPS Charai Beha (For session 2014 to 2017) and took statements from them. (see pages No.14&15). I also enquired from present Head Teacher of the school Mr Liaqat Ali PSHT, Mr. Inayatur Rahman PST teacher of the school and Awal Khan Chawkidar of the School and took statements from them (See pages No.11to13). I also examined the Bank statement from 2014 to 2017 (During the stay of Mr. Abduslam Ex-PSHT at GPS Charai see pages No.7 & 8) and the construction at GPS Charai Beha by Mr. Abduslam.

ATC
Umar Ahmad
Advocate High Court
Darul Qaza Mingora Bench Swat.

Umar Akhbar
ADVOCATE

Principal
Govt. High School
Kanju Distt: S

the questionnaire / statements obtained from all of them, bank statement and in work. The findings for mentioned allegations are as under:

Abdulslam Ex-PSHT remained at GPS Charai Beha Swat from 14.11.2014 to 2.12.2017.

11

According to the bank statement the following amount has been allotted / given in this period from 10.11.2014 to 28.11.2017(See page No.7):

Date	Amount	Amount allotted for	Remarks
10.7.2014	Rs.21000/-	Petty repair	
10.2.2014	Rs.21000/-	Petty repair	
27.5.2015	Rs.562000/-	Boundary wall	Conditional grant
18.3.2016	Rs.10000/-	Stationary	
31.3.2016	Rs.10000/-	Stationery	
30.6.2016	Rs.335000/-		This amount has been re-transferd to GPS Chatikal Matta Swat. Account number 4085633343 on 29.9.2016. (see pages No.9)
9.1.2017	Rs.670000/-	Rs.200000/- for water supply. Rs.470000/- for B/wall	Conditional grant
9.1.2017	Rs.160000/-	Group Latrine	Conditional grant

Total amount according to the Bank statement = Rs. 1789000/-
 Amount re- transferred to GPS Chatikal Matta swat. = Rs. 335000/-
 Total Amount allotted to GHS Charai Beha = Rs. 1454000/-

3- Amount drowned:

S. No.	Date	Amount
1-	9.4.2015	Rs.42000/-
2-	27.7.2105	Rs.562000/-
3-	10.5.2017	Rs.18000/-
4-	17.10.2017	Rs.200000/-
5-	23.10.2017	Rs.200000/-
6-	26.10.2017	Rs.200000/-
7-	15.11.2017	Rs.100000/-
8-	28.11.2017	Rs.132000/-

Total amount drowned = Rs.145000/- (See pages No.7)

Umar Khitab
Advocate High Court/
Darul Oaza Mingora Bench Swat.

Umar Khitab
ADVOCATE

Principal,
Govt. High School
Kanjil, Distt. Swat

12

school doesn't have PTC record of that time. There is also neither cash book, voucher file, meeting minutes / proceedings register nor stock register. Some scattered bills were brought by Mr. Irayat Ur Rahman PST from his home, but there were no signatures on them. (see page. No.11)

5- According to the Ex- Chairman PTC committee, "I had been invited only for two meetings. Signatures were taken from me on all cheques, Mr. Awal Khan Chawkidar of the school would bring cheques to my home and would take signatures from me on the them. As I was illiterate, so I didn't know about the amounts on the cheques, neither I know about any construction nor have I any signatures on receipts or bills." (See page No.14)

6- According to PTC members, they were invited only for one meeting in which approval was given for the construction of bridge on the stream and then they were not invited for any other meeting and furthermore no consultation was done with them in any construction work. (See page No.15)

27/7/15
7- For the first time for boundary wall RS.562000/- were allotted/given on 27.05.2015, which were withdrawn on single cheque on 27.07.2017. A small bridge was built on a stream across the school from the fund which had been allotted for the boundary wall and on the rest of the fund boundary wall was initiated, but that hasn't been completed. On 9th November, 2017, again RS.470000/= were allotted/ given for the boundary wall, which according to Abdusalam, the amount been spent on the boundary wall. But that is still incomplete. Approximately 90% work has been done and 10% is left. As this area is mountainous and the school area is uneven, so therefore retaining-walls / revetment were built and then rest of the work was done with bricks. Main gate of the school has been fixed. The length of the boundary wall is about 399 feet. As there is no record, therefore actual expenditures are difficult to guess. But with the help of some construction experts, we have estimated the following expenditures: —

1- Retaining wall	=	Rs.514365/-
2- Brick wall & main Gate	=	Rs.338329/-
3- Bridge constructed	=	Rs.80000/-
Total expenditures (Estimated)	=	Rs.932694/-

Amount allotted for Boundary wall on 27.5.2015	=	Rs.562000/-
Amount allotted for Boundary wall on 9.1.2017	=	Rs.470000/-
Total amount allotted for Boundary wall	=	Rs.1032000/-
Total expenditures (Estimated) on boundary wall	=	Rs.932694/-
Remaining amount (recoverable)	=	Rs.99306/-

ATC

CTC
Umar Kamal
ADVOCATE

Principal
Govt. High School
12/11/17

... to Mr. Abdul Salam Ex-PSHT of GPS Charai Beha "from the allocated amount /6320000/- he had spent on boundary wall at the hands of Inayat-Ur-Rahman PST, GPS Charai Beha. And according to the statement of Mr. Inayat Ur Rahaman, he has spent the said amount on boundary wall (See page No.12.). He brought some scattered bills from his home amounting to Rs.583280/- (Photo copies attached on page No. 16 to 21). If we accept these bills and subtract them form the amount given to Mr. Inayat ur Rahaman Rs. 632000/- Rs.48720/- is left, which is recoverable from Mr. Inayat ur Rahaman: This amount is included in the amount at para No. 7 of this report.

9- For group latrine Rs.160000/- were allotted / given on 9th January, 2017, which were withdrawn from bank. But group latrine was not built. The construction of a single latrine had been started, but has been left unfinished. The expenditure on the construction done would be approximately ten thousand rupees. So if we subtract Rs.10000/- from Rs.160000 so we will have Rs.150000/- which is recoverable.

10- According to ASDEO (PND) Rs.200000/- out of Rs.670000/- had been allotted/given for water supply on 09 - 01-2017. But no work has been done in this regard. Therefore, Rs.200000/- is recoverable.

11- For petty repair, twice Rs.21000/- were allotted/given on 10/07/2014 & 10/02/2015. This fund Rs.42000/- for repair was withdrawn on a single cheque and has been spent on the repair of floor and on painting & decoration. From this fund, Rs.13000/- were given to Mr. Awal Khan, Chawkidar of the school for purchasing a gun, but the gun hasn't been bought so far. Therefore, Rs.13000/- should be recovered from Mr. Awal Khan.

12- Rs.20000/- were allotted for stationary (RS.10000/- on 18-3-2016 & Rs.10000/- on 31-3-2016) but neither stationary was purchased, nor any bill was produced in this regard. So this amount is recoverable.

Conclusions:

1. The following amount should be recovered from Abdul Salam Ex-PSHT GPS Charai Beha (Presently Serving as CT at GHS Beha) for depositing in the PTC account of GPS Charai Beha.

I) In para No.7 recovery regarding boundary wall =	Rs.99306/-
II) In para No.9 recovery regarding group latrine =	Rs.150000/-
III) In para No.10 recovery regarding water supply =	Rs.200000/-
IV) In para No.12 recovery regarding Stationary =	Rs.20000/-
Total amount	= Rs.469306/-
Recovery from Mr. Inayat ur Rahman at para 8 of this report.	= (-) Rs.48720/-
Total recovery from Abdul Salam Ex-PSHT	= Rs.420586/-

Umar Khitab
Advocate High Court
Darul Qaza Mingora Bench Swat

Umar Khitab
ADVOCATE

Principal
GPS High School
ad. District Swat

14

Amount Rs.48720/- should be recovered according to para 8 of this report, and deposit it in the PTC account of GPS Charai Beha.

3. Rs.13000/- which had been given to Mr. Awal Khan Chawkidar of the school for buying a gun, should be recovered and deposited in the PTC account of GPS Charai Beha.

3/7/2019

Hamid Ul Haq
Enquiry officer / Principal GHS
Kanju Distt: Swat

Umar Khitab
Advocate High Court/
Darul Qaza Mingera Banch Swat

Umar Khitab
ADVOCATE

کتاب حساب (M.D.B) حکم نامہ نمبر 15

استوائ: نظر ثانی اپیل

کتاب عالی

مگر درشت ہے۔ کہ جو دستاویز پیش کیے۔ غیر مستند ثابت ہوئی ہے
میں غریب بیوں۔ اور میں سے کوز پائی ہوئی ہے۔ مہربانی
کر کے دوبارہ دستاویز پیش فرمائی جائے۔ کاغذات میں باہر سے
جو دستاویز والے آئے تھے۔ ان سے یہ کاغذات محفوظ رکھ دینا چاہیے
میں عام بیوں دوبارہ دستاویز پیش کیے۔

العارض

عبد السلام (C.T)
GHS بیٹا منہ مسورت

D.A.
put up on
file immediately.
19/9/15

attest

Umar Khitab
Advocate High Court
Darul Uloom Mingora B. Swat

Ann, 6

16



OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) SWAT

No. 8522 /Enquiry/File/GPS:C.Beha Dated 5/8/2014

To,
The Head Master
GHS: Beha District Swat.

Subject:- Conditional Grant.

Memo:

Consequent upon the recommendations of enquiry officer, you are directed to recover the amount of Rs: 469306/- from Mr. Aliqul Sahar (ex-HPST GPS: Charai Beha present Serving as CT at GHS: Beha District Swat) and deposit the same into PTC Fund Account. The photo copy may be sent to this office for record.

Endst: No. 8523-30 DISTRICT EDUCATION OFFICER (M)
SWAT

Copy forwarded for information to:-

1. The Director of Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Commissioner District Swat.
3. The DMO Swat.
4. The Sub Divisional Education Officer (M) Malta District Swat.
5. The Head Teacher Concerned.
6. P.A to District Education Officer (M) Swat local Office.
7. The IMU Branch Local Office.

DISTRICT EDUCATION OFFICER (M)
SWAT

Umar Khattab
Advocate High Court
Darul Qaza Mingora Bench Swat

BEETER COPY

~~Amir~~
17

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALEO SWAT).

No.8522/Enquiry /File/GPS Beha Dated 5/8/2019.

To

The Headmaster

GHS: Beha District Swat.

Subject:- CONDITIONAL GRANT.

Memo:

Consequent upon the recommendations of enquiry officer you are directed to recover the amount of Rs.469306/-

From Mr. Abdul Salam Ex PHST GPS: Charai Beha present serving as CT at GHS : Beha District Swat and deposit the same into PTC Fund Account the photo copy may be sent to this office for record.

DISTRICT EDUCATION OFFICE(M)
SWAT.

Endst:No. 8523-30

Copy forwarded for information to the:-

- 1.The Director of Elementary and Secondary Education Khyber Pukhoonkhawa Peshawar.
- 2.The Deputy Commissioner Swat.
- 3.The DMO SWAT
- 4.The Sub Divisional Education officer(M) Matta District Swat.
- 5.The Head Teacher concerned.
- 6.PA to District Education Officer (M) Swat local office.
- 7.The IMU Branch local office.

DISTRICT EDUCATION OFFICER(M)
SWAT.

attested

[Signature]
Umar Khitab
ADVOCATE

Engul Daza Mingora Panch Swat.

Appeal No. 275/2020

Anx D

(18)

BEFORE THE SERVICE TRIBUNAL KHYBER
PUKHTOONKHAWAPESHAWAR.

Abdul Salam C.T(Teacher Govt: High School Beha Matta Swat
..... Appellant.

Versus:

1. The District Education Officer(Male) Elementary and Secondary Education Swat..
2. Sub Divisional Education officer Male Matta Swat.
3. Director Elementary and secondary Education KP Peshawar.
4. Secretary Elementary and Secondary Education KP Peshawar.
5. Mr Hamidul Haq Principal Government High school Kanjue Swat (Enquiry officer.)
6. Muhammad Gul Headmaster Government High school Parrai swat(Ex A.S.D.E.O. (Male) circle Matta
7. Mr. Laqiqat Ali PHST Government primary school Charai Beha Matta Swat.
8. Mr. Inayat ur Rahman PST Government Primary school Charai Beha Matta Swat.
9. Mr. Awal Khan chowkidar Government Primary school Charai Beha Matta Swat.
10. Mr. Shah Dawran PST Government Primary school Mandor Matta Swat..... Respondents.

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL Act, 1974 AGAINST THE IMPUGNED ORDER NO, 8522 DATED 5/8/2019 OF RESPONDENT NO, 1, WHEREBY THE RESPONDENT No,1 ILLEGALLY AND WITHOUT FOLLOWING SERVICES RULES AND LAWS OF LAND FOR THE RECOVERY OF Rs.6,69,306.

ATC

Umar Khitab
Advocate High Court/
Darul Qaza Mingora Bench Swat.

19

PRAYER IN APPEAL.

On acceptance of instant appeal the impugned order No, 8522 dated 5/8/2019 may kindly be declared null and void and set aside to recover the amount of Rs. 4,69,306/-

RESPECTFULLY SHEWTH.

1. That the appellant performed his duty as PHST(Primary Head School Teacher) at Government Primary School Charai Beha Matta Swat. With effect from 14/11/2014 to 29/11/2017 (order of P.H.S.T. as Annex. A)
2. That the appellant was transfer from Government Primary School Charai Beha Matta Swat to Government Primary school Aghal Matta Swat vide No, 181-182 dated 30/11/2017 (Transfer order as Annex: B)
3. That the appellant was promoted to CT(BPS ¹⁵ SCT) post at Government High school Beha Matta Swat vide order No, 13358 dated 28/2/2019. (transfer orders as Annex : C)
4. That Respondent No, 1 transfer various amount to the appellant school Government Primary School Charai Beha Matta Swat the detail is listed below. Rs.21,000/- dated 10/2/2014, Rs.21,000/- dated 10/7/2014 Rs.5,62,000/- dated 18/3/2016, Rs.10,000/- dated 31/3/2016, Rs.10,000/- Dated 18/3/2016. Rs.6,70,000/- dated 9/1/2017 Rs.1,60,000/- dated 9/1/2017, However, the amount mention above was for the purpose of stationary, Petty Repair and other construction works. (Bank statements Annex: D)
5. The appellant utilized amount Rs.6,30,730/- under the rules, with the Consultation of parents Teachers Council Committee

20

and spent the amount on petty Repair and construction works. (PTC Committee meeting are as Annex: E)

6. That on the complaint of Respondent No, 7, the Respondent No, 1, appointed Respondent No, 5 for the enquiry of allegation mention in the complaint. The enquiry conduct by the Respondent No, 5 is against the law and have not fulfilled the requirements of enquiry. (Nomination of enquiry officer as Annex: F)

7. That the Respondent No, 7 submitted false complaint against the appellant to High up of departments. In fact the appellant having full proof in respect of the work in shape of receipts, vouchers, bills and minutes of meeting of parents Teachers Council Committee. The whole amount transferred to the account of Government Primary school Charai Beha Matta Swat was Rs.14,54,000/-. In the whole amount the Rs.2,00,000/- were given under the direction of Respondent No 6 to Respondent No,10. While the Rs.6,32,000/- were utilized for the specified work by the Respondent No,8 while remaining amount Rs.6,30,730/- were spent under the supervision of the appellant. The amount Rs.6,30,730/- were utilized in shape of petty Repair and construction work. (Boundary wall and small bridge) The proof in shape of receipts, bills, vouchers minutes of PTC Committee is available from the records. (False report is Annex: G, Receipts/ vouchers are Annex: H)

8. The Respondent No, 9 cash the cheque of amount Rs.632000/- From NBP Matta Swat handed over the amount to Respondent No, 8. The Respondent No, 8 utilize the amount on construction work. The statement of Respondent No 8 and 9. were recorded by the Enquiry officer/ Respondent No,5. The statements of the Respondents No, 8,9 fully supported the version of appellant. (Statements of Respondents No, 8 and 9 are Annex: I)

21

9. That the amount Rs. 2,00,000/- was for the water supply scheme for Government Primary School Charai Beha Swat. But it is pertained to be noted that the concern school did not need the water supply therefore, under the verbal direction of Respondent No, 6 the cash amount Rs.2,00,000/- was given to the Respondent No, 10. But the Inquiry officer / Respondent No, 5 did not take the statement of Respondent No, 10 and nor statement of Respondent No,6.

10. That Respondent No 5 (Enquiry officer) considered whole amount of both year 2014-15 and 2016-17, Rs. 10,32,000/- which include the amount of Rs.5,62,000/- for the year 2014-15 and the amount of Rs.4,70,000/- for the year of 2016-17. The above amount was for the construction of boundary wall while from the Respondent No, 5 recommended for the recovery of Rs.99306/- The appellant. The Respondent No.8 received the amount Rs.6,32,000/- for the boundary wall out of Rs.10.32,000/- (Enquiry Report is Annex: J)

11. That the appellant paid to the Respondent No.8 Rs.4,70,000/- for the boundary wall and Rs.1,60,000/- for the group laterin. Therefore, the appellant have no concern with the amount Rs.6,32,000/- It is pertinent to be noted that Respondent No.8 himself recorded statement/ Affidavit in respect of the receiving amount Rs.6,32,000/- According to the statement Respondent No, 8 is liable for the amount/Recovery. (Recovery letter/ Impugned order is Annex: K)

12. That the Respondent No,5/ Enquiry officer stated in para No,8 of his enquiry about the amount Rs.6,32,000/- which include the amount of Rs.1,60,00/- for group laterin. The Respondent No,5 recommended the recovery of amount Rs.48720/- from the Respondent No.8.

13. That the Respondent No, 5 stated in para No.9 about group laterin of Rs.1,60,000/- and recommended Rs.150000/- from the appellant. However, it is to be noted that group laterin amount Rs.1,60,000/- is included in the total amount of

Rs.6,32,000/- The recovery of Rs.1,50,000/- from the appellant out of Rs.6,32,000/- is unjustified.

14. That the para No.10 of the Enquiry officer is against the facts and law. Because A.S.D.E.O (P&D) had not given to the appellant the amount of RS.2,00,000/-. It is pertinent to mention here the amount for water supply was given to Respondent No,10 on the verbal direction of Respondent No, 6 by the appellant.

GROUND FOR APPEAL.

1. That the order of Respondent No.1 No, 8522 dated 5/8/2019 is against the law and services rules.
2. That in the whole enquiry the appellant remained condemned un heard.
3. That the Respondent No.1 has illegally reject the application of appellant for the re enquiry.
4. That the appellant utilize amount 6,30,730/- under the rules with the consolation of parents Teachers council committee (PTC) and spent the amount on petty Repair and construction works.
5. That the Respondent No 5 has not follow the procedure for enquiry according to law. The whole enquiry is based on assumption and whims of Respondent No.5.
6. That the appellant Departmental appeal have Already submitted to Respondent No.3 vide post Office Receipt No,1579 dated 10/10/2019.
7. That the calculation of Respondent No 5 is incorrect.

23

7. That impugned order is against the law, rules and violation of fundamental law of land.

On acceptance of instant appeal the impugned order No, 8522 dated 5/8/2019 may kindly be declare null a void and set aside to recover the amount of Rs.4,69,306/-

Abdul Salam. Appellant

Umar Khitab Advocate Gulkad

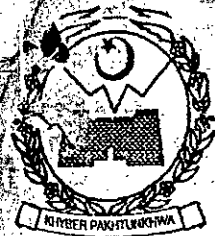
Saidu Sharif Swat. Cell No. 0345 9524854

Certificate.

It is certified that no such, like appeal has earlier been filed by the appellant nor is pending or decided by this Honorable Tribunal.

Abdul Salam C.T. GHS Beha Matta Swat.....Appellant

ATC
Umar Khitab
Advocate High Court/
Darul Qaza Mingora Bench Swat.



OFFICE OF THE DISTRICT EDUCATION OFFICER,
SAIDUSHRIF SWAT.
Phone No.0946-9240228.
MALE

NOTIFICATION

1. Whereas Mr. Abdul Salam EX PSHT GPS Charai Beha Now CT GHS Beha Swat, was proceeded against the Khyber Pakhtunkhwa Government servant (Efficiency & Discipline) Rules 2011 for the charges mentioned in the show cause notice.

- (1) That as per report of the IMU Swat as a special case GPS Charai Beha Swat an amount Rs.1789000/- received by Head Teacher GPS Charari Beha for different developmental work from May 2014 to February 2017. The Ex Head teacher Mr Abdus Salam now stationed CT in GHS Beha withdrawn all amount without completing any of work.
- (2) Whereas, the undersigned has been nominated Mr Hamidul Haq Principal GHS Kanju Swat as enquiry officer vide this office letter No 2557 dated 21/04/2019.
- (3) Whereas you were allocated Total amount 1789000/- on account of conditional grant for the year 2014 to 2017.
- (4) Whereas you were issued a show cause notice vide No 3172-73 dated 19/10/2019 on his home and school address.
- (5) Whereas the amount of Rs.335000/- has been transferred to GPS Chatikal Matta bearing account No 4085633343 dated 29/09/2016.
- (6) Whereas net amount has been allotted to GPS Charai Beha Swat Rs.1454000/- according to this office conditional grant record.
- (7) According to the report of the Principal GHS Kanju Swat the sum of Rs.469306/- may be deposited in to the school PTC account for completion of the remaining work, but you have not deposited the same amount up till now.
- (8) Whereas his reply to the show Cause notice dated 28-10-2019 was found unsatisfactory.
- (9) Whereas the District Education Officer (M) Swat being competent authority after having considered the charges and evidences on record against him as proved.
- (10) Now, Therefore I Muhammad Amin District Education Officer (M) Swat being competent authority under E & D rules 2011 do hereby impose upon him "the major penalty of **"REMOVAL FROM SERVICE"** under 4 (b) (iii) of the ibid rules, due to non-recovery of amount Rs.469306 with effect from 1/11/2019 in the interest of public service.

(MUHAMMAD AMIN)
DISTRICT EDUCATION OFFICER (M) SWAT

Endst: No

Dated: 28/11/2019

Copy for information and necessary action to: -

1. The Director Elem & Secondary Education ;KPK Peshawar.
2. The DDEO (M) Swat.
3. The Head Master GHS Beha Swat w/r to his no cited above.
4. Mr. Abdus Salam EX PSHT GPS Charrai Beha Now CT GHS Beha R/O Kharirai Matta Swat.
5. The Official concerned.
6. The PA to local Office.

7. DMC Swat

DISTRICT EDUCATION OFFICER (M)
SWAT

Umar Khitab
Advocate High Court
Barat Qaza Mingora Banch Swat

2-1992
without giving
recommended
Appellant
the case of

HIX 1
(25)

BEFORE THE SERVICE TRIBUNAL KHYBER
PUKHTOON KHAWA PESHAWAR.

Appeal No. 174/2020

Abdul Salam Ex CT Teacher Government High
School Beha Matta Swat.....Appellant.

Versus.

1. The District Education Officer Male Elementary and Secondary Education Swat.
2. The Director Elementary and Secondary Education Khyber Pukhtoonkhawa Peshawar.
3. The Secretary Elementary and Secondary Education KP Peshawar.
4. Mr. Hamdidul Haq Principal Government High School Kanju Swat/ Inquiry Officer.
5. Muhammad Gul Headmaster Government High School Parrai Barikot Swat(EX ASDEO Matta circle)
6. Mr. Laiqqat Ali PHST Government Primary school Charai Beha Matta Swat.
7. Mr. Inatatur Rahman PST Government primary school Charai Beha Matta Swat.
8. Mr. Awal Khan chowkidar Government primary school Charai Beha Matta Swat.
9. Mr. Shah Dawran PHST Government primary school Mandoor Matta Swat.....Respondents.

ATC
/

Umar Khitab
Advocate High Court/
Darul Qaza Mingora Bench Swat.

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL Act, 1974
AGAINST THE IMPUGNED ORDER NO.5066-72 DATED
28/11/2019 OF RESPONDENT NO,1 WHEREBY THE
RESPONDENT NO,1 ILLEGALLY AND WITHOUT FOLLOWING
SERVICES RULES AND LAWS OF LAND ISSUE THE ORDER
REMOVAL FROM SERVICE OF THE APPELLANT.

PRAYER IN APPEAL.

On the acceptance of instant appeal the impugned order 5066-72 dated 28/11/2019 may kindly be declare null and void i.e the Removal from service and appellant may kindly be re instated from the date of Removal from service along with back benefits.

RESPECTFULLY SHWETH.

- 1.That the appellant performed his duty as primary school teacher with effect from 03/05/1992.
- 2.That the appellant performed his duty as PHST (Primary Head school teacher) at Government primary school Charai Beha Matta Swat with effect from 14/11/2015(order of PHST as Annex: A)
- 3.That the appellant was transferred from Government primary school Charai Beha Matta Swat to Government primary school Aghal Matta Swat vide order No.181-182 dated 30/11/2017.9 Transfer order as Annex:B)

4. That the appellant was promoted to C.T (BPS 15) post at Government High school Beha Matta Swat vide order No.13358 dated 28/2/2019(promotion order as Annex: ^C)

5. That the Respondent No.1 transfer various amounts to the appellant school(GPS Charai Beha Matta) the detail is listed below. Rs.21,000/- dated 10/2/2014 Rs.21,000/- dated 10/07/2014 Rs.5,62,000/- dated 18/3/2016 Rs.10,000/- dated 31/03/2016 Rs.10,000/ dated 18/03/2016 Rs.6,70,000/- dated 09/01/2017 Rs.1,60,000/- dated 09/01/2017. However the amount mention above was for the purpose of stationary, petty repair and other construction works.(Bank statement as Annex: ^D)

6. The appellant utilized amount 6,30,730/- under the rules with the consultation of parents teachers council(PTC) and spent the amount on petty repair and on other construction works.

7. That on the complaint of Respondent No.6 the Respondent No.1 appointed Respondent No.4 for the enquiry of allegation mention in the complaint. The enquiry conduct by the enquiry officer is against the law and have not fulfilled the requirements of enquiry.

(Complaint and appointment of enquiry officer are Annex: ^{E&})

8. That the Respondent No 6 submitted false complaint against the appellant to High up of department. In fact the appellant having full proof in respect of the works

27

(78)

in the shape of receipts, vouchers, bills and minutes of the meeting of parents teachers council committee. The whole amount transferred to the Account of GPS Charai Beha Matta Swat was Rs.14.54.000/- in the whole amount the Rs.2,00,000/- were given under the direction of Respondent No. 5 to Respondent No.9. While the Rs. 6.32.000/- were utilized by the Respondent No.7 while the remaining amount Rs.6,30,730/- were spent under the supervision of appellant. The amount Rs.6,30,730/- were utilize in the shape of petty repair and other construction works(bills, vouchers minutes of PTC committee are available on record.(voucher/bills and minutes are Annex: H/)

9. The Respondent No.8 cash the amount of Rs.6,32,000/- from NBP Matta and handed over the amount to Respondent No.7 and utilize the amount. The statements of Respondents No.7 and 8 were recorded by the enquiry officer. The statements of both person fully supported the version of appellant. (statements are Annex: ^{i/j} . .)

10. That the amount Rs.2,00,000/- was for the water supply scheme for GPS Charai Beha Matta Swat. But is pertained to be noted that the concern school did not need the water supply therefore, under the verbal direction of Respondent No.5 the cash amount Rs.2.00.000/ was given to Respondent No.9. But the enquiry officer did not take the statement of Respondent No.5 and 9.

11. The Respondent No.4 /Enquiry officer considered whole amount of both year 2014-15 and 2016-17 Rs.10,32,000/- which include the amount Rs.5,62,000/- for the year 2014-15 and the amount of Rs.4,70,000/- for the year 2016-17. The above amount was for the construction of boundary wall while from the enquiry officer recommended for the recovery of Rs.99306/- from the appellant. Respondent No.7 received the amount Rs.6,32,000/- for the boundary wall out of Rs.10.32,000/- (Enquiry Report as Annex: K

12. That the appellant paid to Respondent No.7 for the boundary wall Rs.4,70,000/- and Rs.1,60,000/- for the group latrin(total Rs.6,32,000/). Therefore, the appellant have no concern with the amount Rs.6,32,000/- According to the statement No.7 is liable for the amount /Recovery.(Recovery letter as Annex: L

13. That the Respondent No 4 /Enquiry officer stated in para No.8 of his enquiry about the amount Rs.6,32,000/- which include the amount Rs.1,60,000/- for group literin . The enquiry officer recommended the recovery of Rs.48,720/- from the Respondent No. 7.

14. That the Respondent No, 4 / Enquiry officer stated in para No.9 about group literin of Rs.1,60,000/- and recommended Rs.1,50,000/- from the appellant. However, it is to be noted that group literin amount Rs.1,60,000/- is included in the total amount

Rs.6,32,000/- The recovery of Rs.1,50,000/- from the appellant out of Rs.6,32,000/- is unjustified.

15. That the para No.10 of the Respondent No,4/ Enquiry officer is against the facts and laws. Because ASDEO(P&D) had no given to the appellant the amount Rs.2,00,000/- It is pertained to mention here the amount for water supply was given to Respondent No.9 on the verbal direction of Respondent No.5 by the appellant.

16. The Respondent No.1 issue the illegal order Removal from service of the appellant on the basis of un lawful enquiry conducted by the Respondent No.4.(impugned order as Annex: m,

17. The major punishment (Removal from service) awarded by Respondent No,1 to the appellant is against the service laws and rules.

18. The appellant had already challenge the final order of the enquiry report in this Honorable Tribunal.

GROUND FOR APPEAL.


- 1. That the order of Respondent No,1 No,5066-72 dated 28/11/2019 is against the law and services laws.
- 2. That in the whole process the appellant remained condemned un heard.
- 3. That the appellant Departmental appeal have already submitted to Respondent No,2

vide post office receipt No,518 dated 03/12/2019. (CN)

4. That the calculation of Respondent No,4 is incorrect.


5. That the impugned order is against the law, rules and violation of fundamental law of land.


On acceptance of instant appeal the impugned order No, 5066-72 dated 28/11/2019 may kindly be declare null a void and set side (the Removal from service) and appellant may kindly be re instated from the date Removal from service along with back benefits.


Abdul Salam.....Appellant

CERTIFICATE.

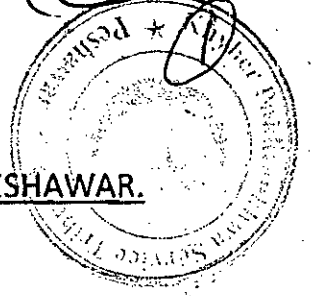
It is certified that no such like appeal has earlier been filed by the appellant nor is pending or decided by this Honorable Tribunal.


Abdul Salam.....Appellant.

ATC

Ume Khuram
Advocate High Court
Darul Qaza Mingora, Swat

Anx 61

32



BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTOONKHAWA PESHAWAR.

Appeal No. 275/2020

Abdul Salam CT Teacher Govt: High School Beha Matta Swat.....Appellabt.,

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 225

Dated 09/01/2020

VERSUES

1. The District Education Officer (Male) Elementary and Secondary Education Swat.
2. Sub Divisional Education officer Male Matta Swat.
3. Director Elementary and secondary Education K.P.Peshwar.
4. Secretary Elementary and Secondary Education KP Peshawar.
5. Mr.Hamidul Haq Principal Govt: High School Kanju Swat.(Enquiry Officer)
6. Muhammad Gul Headmaster Government High School Parrai Barikot Swat (Ex ASDEO Circle Matta)
7. Mr. Laiqat ASli PHST Government Primary school Charai Beha Swat.
8. Mr.Inayatullah Rahman PST Government Primary School Charai Beha Swat.
9. Mr. Awal Khan chowkidar Government Primary school Charai Beha Swat.
10. Mr. Shah Dawran PST Government Primary school Mandoor Matta Swat.....Respondent.

Filed to-day

Registrar

09/01/2020

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL Act, 1974 AGAINST THE IMPUGNED ORDER NO.8522 DATED 5/8/2019 OF RESPONDENT NO.1, WHEREBY THE RESPONDENT NO, ILLEGALLY AND WITH OUT FOLLOWING SERVICE RULES AND LAWS OF LAND FOR THE RECOVERY OF Rs. 4,69,306/-

ATTESTED

[Signature]

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Service Appeal No. 275/2020

Date of Institution ... 09.01.2020

Date of Decision ... 15.09.2022

Abdul Salam CT Teacher Government High School Beha Matta Swat.

... (Appellant)

VERSUS

The District Education Officer (Male) Elementary and Secondary Education Swat and 09 others.

... (Respondents)

MR. UMAR KHITAB,
Advocate

--- For appellant.

MR. MUHAMMAD RIAZ KHAN PAINDAKHEL,
Assistant Advocate General

--- For official respondents.

MR. SALAH-UD-DIN
MR. MIAN MUHAMMAD

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

JUDGMENT:

SALAH-UD-DIN, MEMBER:- Through this single judgment we intend to dispose of instant service appeal as well as connected Service Appeal bearing No. 1719/2020 titled "Abdul Salam Versus The District Education Officer Male Elementary and Secondary Education Swat and 08 others" as both the appeals are outcome of the same issue.

2. Briefly stated the facts giving rise to filing of the instant service appeal are that during posting of the appellant as Head Teacher in Government Primary School Charai Beha, an amount of

TESTED
Khyber Pakhtunkhwa
Service Tribunal

Rs. 1789000/- out of PTC Fund was released for purchasing of stationary as well as petty repair and construction work in the said school during the period with effect from 14.11.2014 to 29.11.2017. Out of the said allocated fund, an amount of Rs. 335000/- was transferred to GPS Chatikal Tehsil Matta District Swat. The appellant had allegedly drawn an amount of Rs. 1454000/- for various works but the same remained incomplete, therefore, Mr. Hamid-ul-Haq Principal GHS Kanju District Swat was appointed as inquiry officer in the matter. On conclusion of the inquiry, the inquiry officer submitted his report to the District Education Officer (Male) Swat and held that an amount of Rs. 420586/- may be recovered from the appellant. Consequently, District Education Officer (Male) Swat issued letter dated 05.08.2019 to the Headmaster GHS Beha District Swat, directing him to recover an amount of Rs. 469306/- from the appellant. The appellant challenged the said recovery through departmental appeal, which was not responded, constraining the appellant to file instant Service Appeal No. 275/2020 before this Tribunal.

3. Brief facts of the connected service appeal bearing No. 1719/2020 are that on the basis of the same inquiry conducted by inquiry officer namely Hamid-ul-Haq Principal GHS Kanju Swat, the appellant was issued show-cause notice by the competent Authority on 19.10.2019. The appellant submitted reply to the show-cause notice, however he was awarded major penalty of removal from service vide impugned order dated 28.11.2019. The departmental

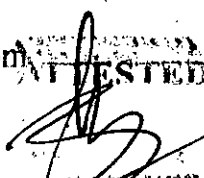
TESTED
[Signature]
District Education Officer
District Swat

appeal of the appellant was not responded constraining the appellant to file connected Service Appeal No. 1719/2020.

4. Notices were issued to the respondents in both the appeals, who contested the same by way of filing replies/comments, wherein they denied the assertions raised by the appellant.

5. Arguments have already been heard and record perused.

6. A perusal of the record would show that vide office order bearing Endorsement No. 2557/G.File/PTC dated 21.04.2019, District Education Officer (Male) Swat had appointed Mr. Hamid-ul-Haq Principal GHS Kanju District Swat as inquiry officer in the matter. The inquiry officer conducted inquiry in the matter and held that an amount of Rs. 420586/- be recovered from the appellant. In the wake of inquiry report, so submitted by the inquiry officer, District Education Officer (Male) Swat issued directions to the Headmaster GHS Beha District Swat vide memo No. 8522/Enquiry/File/GPS:C Beha dated 05.08.2019 directing him to recover an amount of Rs. 469306/- from the appellant. The said recovery was challenged by the appellant through filing of instant Service Appeal bearing No. 275/2020. Similarly, on the basis of same inquiry, the appellant was issued show-cause notice on 19.10.2019 and he was removed from service vide impugned order dated 28.11.2019, which has been challenged by the appellant through filing of Service Appeal bearing No. 1719/2020. While scanning the record, we have observed that neither any charge sheet nor any statement of allegations was issued to the appellant and he was awarded major penalty of removal from

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Service Tribunal
Peshawar

service on the basis of facts finding inquiry. The procedure so adopted by the competent Authority was not in accordance with the provisions of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. Moreover, it has been time and again held by the apex court in various judgments that for awarding major penalty, conducting of regular inquiry against a civil servant is must. The impugned orders are thus not sustainable in the eye of law and are liable to be set-aside.

7. In view of the above discussion, the appeal in hand as well as connected Service Appeal bearing No. 1719/2020 titled "Abdul Salam Versus The District Education Officer Male Elementary and Secondary Education Swat and 08 others" are accepted by setting aside the impugned orders and the appellant is reinstated in service for the purpose of de-novo inquiry. Respondents are directed to conduct de-novo inquiry in the matter strictly in accordance with law and rules in the prescribed manner and laid down procedure under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, within a period of 60 days from the date of receipt of copy of this judgment. Needless to mention that the appellant shall be fully associated with the inquiry proceedings by providing him fair opportunity of defending himself. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
15.09.2022

(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

Certified
Signature copy
MEMBER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(37)
(37)

VIDEO (P & D)

Discus in the Presence of Hussain Ali Litigation and DA concerned.

(P)

جناب جسٹس ایچ جی ایف آفیسر سردار محمد اسفندیار اسفندیار
سیکٹری ایجوکیشن سوات

عنوان :- درخواست بریں مراد مراد آپیلانٹ و صفیر سرورس ٹریبیونل
کے پی۔ پی۔ پٹنا ورکے حکم / ججملہ سردار 15 ستمبر 2022 کے روشنی میں
ملازمت پر بحال کیا جائے۔

30/11/22

جناب عالی! آپیل حسب ذیل ہے۔

1. ہم نے آپیلانٹ نے صفیر سرورس ٹریبیونل
کے پی۔ پی۔ پٹنا ورکے حکم / ججملہ سردار 15 ستمبر 2022 کے روشنی میں
ملازمت پر بحال کیا جائے۔

2. ہم نے آپیلانٹ ڈیپارٹمنٹ ڈراماٹریکول جی سی
کیا ملے سوات میں بحالت پی۔ پی۔ ایس۔ ایچ۔ کی
ڈپوٹی سرانجام دسارے ہوئے۔

3. ہم نے ڈیپارٹمنٹ ڈراماٹریکول جی سی کی کیا ملے کو
پی۔ پی۔ ایس۔ ایچ۔ کی کیا ملے میں مختلف سالوں میں - 1459/2009
بجٹے مختلف تقراری کاموں کے سلسلے میں کیا ملے۔ تحریر شدہ
بجٹے میں ہیں نیز اور ہرگز سکول کے ضابطہ بندی اور
1459/2009 کے بارے میں Reparement کے متعلق ہو سکتے۔

4. ہم نے آپیلانٹ کو ماہ نومبر 2017 میں مذکورہ
سکول سے ڈیپارٹمنٹ ڈراماٹریکول جی سی کی کیا ملے کو
تبدیل کر دیا گیا۔

5. ہم نے آپیلانٹ کے بناو لہ بنو لہ کے بناو لہ - 1459/2009
میں جناب عنایت الرحمن پی۔ پی۔ ایس۔ کی کیا ملے کیا گیا
کہ وہ تقراری کام جاری رکھ سکے۔ مذکورہ ہم نے جناب عنایت الرحمن
نے کیا ملے انکو پٹری کے اس کو یہ بیان حلقہ دیا تھا۔ کہ یہ
ر عنایت الرحمن نے آپیلانٹ سے رجسٹرڈ (لام) سے
1459/2009 کے بارے میں اور ہرگز کے تقراری ربا ونڈری والی اور خراج
کے لیے۔ اور ماٹریس عنایت الرحمن نے سرورس ٹریبیونل کے لیے

3/1/23
30/11/22

etc

پشاور میں جو Comments داخل کئے تھے۔ اس Comments میں عنایت الرحمن نے سی۔ 35000 روپے وصولی کا اقرار کیا۔ اور دفتر کے علاوہ لیکچرار میں موجود ہے۔

6۔ ہم کہہ آ پیلانٹ کے سکول کو شیٹری کے مدرسہ میں جو پینس ہزار روپے بجٹ ملا تھا۔ اس پینس ہزار روپے میں جو پینس ہزار روپے ایک بندوبست جو 5000 روپے کا تھا۔ خریدا تھا۔ اور ایک مدرسہ ہوا پہلے جس کے قیمت 6000 روپے بنتا ہے۔ دو خریدا ہے پیر کے اسباب سکول میں موجود ہے۔

7۔ ہم کہہ سابقہ انگریزی آفس اور سکول کے لیکچرار کے مطابق آ پیلانٹ نے Paddy Repair کے حد جو 4000 روپے بجٹ سکول کو ملا تھا۔ وہ آ پیلانٹ نے قانون کے مطابق خرچے کیے ہیں۔

8۔ ہم کہہ آ پیلانٹ کو سکول کے وائس پریسیڈنٹ سکیم کے تحت دو لاکھ بجٹ ملا تھا۔ لیکن سکول کے حساب سے وائس پریسیڈنٹ سکیم موجود تھا۔ مدرسہ و غیرہ پیلانٹ نے سابقہ سرکل اے۔ ایس۔ ڈی۔ ای۔ اور دیگر مل موجود ہے۔ پریڈ ماسٹر گورنمنٹ اسکول پارلر کے بریکوٹ سہولت کے زبان حکم پر دو لاکھ پینس شاہ دروزن پریڈ پینس گورنمنٹ پرائمری سکول مندور ملیر جو اب ریپلائر پریڈ پینس کے حوالہ کیا ہے۔

9۔ ہم کہہ آ پیلانٹ نے بروقت آپ بیان کو ایک درخواست دیا تھا۔ کہ شاہ دروزن پریڈ پینس گورنمنٹ پرائمری سکول مندور ملیر کے ایل۔ پی۔ آر۔ LPR جاری نہ کرے۔ جب تک آ پیلانٹ کی انگریزی مکمل نہ ہوتی۔ کیونکہ جس پریڈ پینس کو میں نے وائس پریسیڈنٹ کے شاہ دروزن کو لکھ دیا تھا۔ ایس کے ملازمت پورا ہونے سے پہلے ریپلائر پریڈ پینس لیا ہے۔

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Aljmar Khitab
Advocate High Court
Dawal Qaza Mingora Bench Swat


10۔ رقم آ پبلانٹ کو درجہ ذیل بجٹ فنڈنگ تیار ہونے پر مل چکے۔

تاریخ	سال	فہرست	بجٹ	مبلغ
27/5/2016	2014-15	B/Wall	5,62,000/-	1
31-3-16 - 18/3/2016	2015-16	پیشہ	20,000/-	2
10-2-14 - 10/7/2016	2013-14	P/Repair	4,27,000/-	3
9/1/2017	2016-17	B/Wall	4,70,000/-	4
9/1/2017	2016-17	گروف لیمبرین	1,60,000/-	5
9/1/2017	2016-17	وائٹرسپلائ	2,00,000/-	6
			<u>14,154,000/-</u>	

تفصیل خرچہ

- 1۔ عمارت الرخمن کو ادائیگی 6,32,000/-
 - 2۔ خرچہ بندوبست اور بائیکل 23,000/-
 - 3۔ P/Wall Repair خرچہ 48,000/-
 - 4۔ کتب ادائیگی ورائٹرسپلائ
 - 5۔ (یکم) شاہ زمان PH&T 2,00,000/-
 - 6۔ ٹوربینٹ پروگری کل مندرجہ منہ سوت 8,197,000/-
- بغداد

11۔ رقم آ پبلانٹ کے پاس 8,197,000/- علاوہ
 باقی خرچ شدہ رقم تفصیل اصلی رقم دار کے ساتھ
 موجود ہے۔ جو رقم آ پبلانٹ ٹائون اور ملکہ کے لائبر کے
 مطابق خرچ کئے گئے۔ لیکن سابقہ انگریزی دفتر نے
 درجہ ذیل رسیدات چیب نہیں کئے تھے۔

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 Umar Khitab
 Advocate High Court/
 Darul Qaza Mingora Bench Swat.

12. ہم تم اپیلانٹ کو معزز سرورس ٹریبونل کے یہ
بشارت نے خبرہ 2022/9/15 کو ملازمت میں بحال
کیا ہے۔ اور اپیلانٹ کے روزانہ آپیلوں کو
منظور کیے ہیں۔

13. ہم تم معزز سرورس ٹریبونل کے یہ بشارت نے
فکد کوہاڈن کے اندر اندر دوبارہ انکوٹری مکمل
کا حکم دیا ہے۔

14. ہم تم اپیلانٹ ہم گزشتہ کرتا ہے کہ جو وہ انکوٹری
کئی معزز سرورس۔ ان کو یہ ہر بات جاری کرے کہ وہ
اپیلانٹ کو مکمل Defense کا حق دیا کرے۔ اور کیا
کا جائزہ لے۔ اور مالوں اور روزانہ مطابق انکوٹری مکمل
کرے۔ اور یہ ذیل آفرڈ کو بنیاداً یعنی انکوٹری کسٹ
کے سامنے پیش ہو جائے۔

- 1- عنایت الرحمن PHT ڈویژن ہرالمہری
سکول چرائی بنیاداً سہولت
- 2- اول خان جو کبھی ڈویژن ہرالمہری سکول چرائی
بنیاداً سہولت
- 3- ستارہ درون بی۔ ایچ۔ ایس۔ بی
ڈویژن ہرالمہری سکول مندر سہولت
- 4- محمد علی پسرہ کسٹ ڈویژن ہرالمہری سکول چرائی
ہرالمہری سہولت

بنیاداً سہولت ہے۔ ہم اپیلانٹ
کو معزز سرورس ٹریبونل کے یہ بشارت کے حکم
کے مطابق ملازمت میں بحال رکھنا کے اندر اندر
دوبارہ انکوٹری مکمل کر کے شکر فرمائے۔

عبد السلام سیٹی
ڈویژن ہرالمہری سکول بنیاداً سہولت
2022/11/22
چھتری

محترم جناب پرنسپل صاحب گورنمنٹ ہائر سیکنڈری سکول بلوگرام سوات۔

محترم پرنسپل صاحب گورنمنٹ ہائی سکول غالیے سوات

عنوان۔ درخواست بدیں مراد کہ سائل امدعی کے خلاف انکوائری کے سلسلے میں دفتر

ڈی۔ای۔ او مردانہ سوات سے عدالتی ریکارڈ اور سابقہ انکوائری ریکارڈ طلب کرنا۔

اور محمد گل سابقہ سرکل افسر منہ سوات، شاہ دوران PSHT گورنمنٹ پرائمری سکول

مندور منہ کو انکوائری میں طلب کرنا

جناب عالی۔ مدعی اسائل ذیل عرض کرتا ہے۔

یہ کہ سائل گورنمنٹ پرائمری سکول چڑی بہا منہ سوات میں PSHT ڈیوٹی

سرا انجام دے رہا تھا۔ کہ 30 نومبر 2017 کو میرا تبادلہ گورنمنٹ پرائمری سکول منہ

کو ہوا جس کے بعد میں سی۔ ٹی پوسٹ پر گورنمنٹ ہائی سکول بہا منہ پر تبادلہ (ترقی) ہوا۔

اور اب بحالی کے بعد سی۔ ٹی گورنمنٹ ہائی سکول پینڈے منہ میں ڈیوٹی کر رہا ہوں۔

سائل کے سکول (GPS Chari Beha Matta) کے لئے تعمیراتی کاموں

کے مد میں مندرجہ ذیل رقم دفتر ڈی۔ای۔ او سوات سے ٹرانسفر ہوئے تھے۔ 18/06/2019 کو

حمید الحق صاحب پرنسپل گورنمنٹ ہائی سکول کاجونے ایک دفعہ انکوائری مکمل کی ہے۔ جس دن انکوائری

ہورئی تھی مجھے تحریری طور پر اطلاع نہیں کی گئی تھی۔ بلکہ میں کلاس میں مصروف تھا۔ کہ سکول کا نوکر کہنے لگا کہ

اپ کے خلاف انکوائری ہوئی ہے۔ اپ سکول جائے۔ میں جب انکوائری افسر کے ساتھ ملا تو میں

نے عرض کیا۔ کہ ریکارڈ (بلزادو چر ز میرے پاس اس وقت موجود نہ ہے۔ ریکارڈ گھر پر تھا اور مجھے پتہ

نہ تھا کہ راج انکوائری ہو رہی ہے۔ کیونکہ مجھے پہلے سے اطلاع نہ تھی۔ اور انکوائری افسر نے

بلزادو چر ز چیک کے بغیر انہوں انکوائری کی جس کے بعد میں نے ڈی۔ای۔ او صاحب کے دفتر

موزعہ 19/9/2019 کو درخواست جمع کیا۔ کہ میرے خلاف دوبارہ انکوائری کے ساتھ ساتھ

رسیدات اور دو چر ز چیک کیا جائے۔ جس کے تمام ریکارڈ اور دفتر ڈی۔ای۔ او سوات موجود ہے۔

استدعا ہے کہ وہ ریکارڈ دفتر سے حاصل کیا جائے جس سے انکوائری آسان ہو جائے۔

سابقہ انکوائری افسر نے مجھ سے 420586 ریکوری کا حکم دیا تھا جس کو میں نے معزز

سروس ٹریبونل پشاور میں چیلنج کیا تھا۔ ریکوری نہ کرنے کی صورت میں ڈی۔ای۔ او

صاحب نے مجھے ملازمت سے برخاست بھی کیا تھا۔ وہ بھی میں نے اس ٹریبونل میں

چیلنج کیا تھا۔ معزز سروس ٹریبونل نے مجھے ملازمت پر بحال کیا۔ اور میرے درخواست پر

پر دوبارہ انکوائری کا حکم دیا گیا ہے۔ جس میں اپ دونوں صاحبان شامل ہیں۔ تاکہ دوبارہ

قانون اور انصاف کے تحت انکوائری مکمل ہو جائے۔ Esta Code Establishment

Section 2 K.P کے تحت اپ صاحبان کا فرض ہے۔ کہ مجھے صفائی اور اپنے بات کرنے

ATL

کا موقع دیا جائے اور جس افراد کو میں انکوائری میں بلانا چاہتا ہوں اس کو اس میں کیا جائے۔ اور عدالت نے اپنے حکم میں یہ قرار پایا ہے۔ کہ سائل کو صفائی کا موقع دیا جائے۔ مندرجہ ذیل بجٹ اسکول کے لئے منظور ہوا تھا Petty Repair کے ذمہ سال 2013-14 کے لئے 42000/- مہیا کیا گیا تھا جو سابقہ انکوائری کے تحت وہ خرچ ہو چکے ہیں۔ سال 2014-15 کے لئے 5,62000/- بجٹ باؤنڈری وال کے لئے دیا گیا تھا۔ جس پر میں نے اسکول کے ارد گرد چاروں طرف (وٹ) تعمیر کیا تھا۔ سال 2015-16/2016-17 کے لئے 20,000/- شیشی کے مد میں ملے تھے جس پر میں نے ٹکڑے کے حکم پر 15000/- پر چوکیدار کے لئے اسلٹ اور 8000/- روپے پر اسکول کے لئے موبائل خریدی تھا۔ جو کہ اب اسکول میں موجود ہے۔ اس کے بعد اسکول کے لئے سال 2016-17 باؤنڈری وال کے مد میں 4,70,000/- گروف لیٹرین کے مد میں 1,60000/- اور ڈانسپلائی کے مد میں 2,00,000/- روپے ملے تھے۔ ٹوٹل رقم بنتا ہے۔ 14,54,000/- سابقہ انکوائری انفرنے خرچ شدہ 1567974/- نے ظاہر کیا ہے۔ اور مجھ سے 4,20,586/- ریکوری کا حکم دیا تھا۔ میرے تبادلہ کے بعد اور اسکول کے اس وقت کے انبارج سے عنایت ذمہ سے 48720/- ریکوری کا حکم دیا تھا جو کہ اس نے PTC فنڈ میں جمع کیا ہے۔ اور اس طرح چوکیدار سے اسلٹ کے مد میں 13000/- ریکوری کا حکم دیا تھا جو کہ اس نے PTC فنڈ میں جمع کیا ہے۔ اور مجھ سے دوبارہ شیشی کے مد میں 20000/- کے مد میں ریکوری کا حکم صادر کیا ہے۔ ٹوٹل ریکوری 5,0,2306/- بنتا ہے۔ اس طرح اگر خرچ 1567974/- اور ریکوری 5,0,2306/- جمع کیا جائے۔ تو اسکول کا ٹوٹل بجٹ 20,70,280/- بنتا ہے۔ چونکہ اسکول میں پہلے سے ڈانسپلائی موجود تھی۔ تو میں نے حکم سابقہ سرکل انفر محمد گل کے حکم پر 2,00,000/- روپے شاہ دوران PSHT پر انری اسکول مندرجہ سوات NBP مندرجہ میں کیش کے صورت میں دیا تھا۔ لیکن میرے پاس اس کا کوئی تحریری ثبوت کم ہونے کے وجہ سے نہیں ہے۔ بدین وجہ میں نے سابقہ انکوائری کو استدعا کیا تھا۔ کہ محمد گل اور شاہ دوران کو کسٹن کرنے لیکن اگر وہ دونوں با وضو حلف قرآن لے تو میں 2,00,000/- روپے PTC میں جمع کرونگا اور اگر میں نے با وضو حلف قرآن لیا تو شاہ دوران 2,00,000/- جمع کرے گا۔ لیکن انکوائری انفر نے دونوں کو کسٹن نہیں کئے

لہذا استدعا ہے۔ کہ شاہ دوران PSHT GPS Mandor Matta اور محمد گل سابقہ سرکل انفر مندرجہ کو کسٹن کرے۔ چونکہ 30/11/2017 میرا تبادلہ دوسرے اسکول کو ہوا تھا اور ٹکڑے بار بار یہ زور دے رہا تھا۔ جو بھی بجٹ دیا گیا ہے۔ ان کو وقت پر خرچ کرے۔ تو میں نے 1454000/- میں سے 632000/- کیش عنایت رخص موجودہ PST GPS Chari Beha Matta کو دے دیا ہے (جس 4,70,000/- باؤنڈری وال اور گروف لیٹرین کے 1,60,000/- کے شامل ہے)۔ جو کہ وہ مان رہا ہے۔ اور اس نے دفتر اور عدالت میں بیان حلفی بھی جمع کیا ہے۔ کہ میں نے 632000/- عبدالسلام سے نقد وصول کیا ہے۔

Umar Khitab
Advocate High Court/
Dajal Qaza Mingora Bench Swat.

43

یہ کہ شکایت کنندہ نے انٹی کرپشن کے پی پٹ اور کو بھی شکایتی خط ارسال کیا تھا۔
تو صوبائی سطح پر سب انجینر کے وسطاعت سے بھی انکوٹری مکمل ہوا تھا۔ انٹی کرپشن کے پی
نے بحوالہ مراسلہ NO,392 5A P.S. ACE DATED 21/9/22 تقریرائی

کام (چار دیواری) کو تسلی بخش قرار دیا تھا۔ لیکن دائرہ سہلائی کے دو لاکھ اور گروف
لیٹرین کے مد میں 1,40,317/- ریکوری کا حکم دیا ہے۔ اس سلسلے میں استدعا ہے
کہ میرے تبادلہ لے بعد گروف لیٹرین کے 1,60,000/- اور 4,70,000/- ٹوٹل
6,32,000/- چار دیواری کے مد میں نے اس وقت کے انبھارج عمارت رخصت پی۔ ایس۔ ٹی
گورنمنٹ پرائمری سکول چڑی بہاد سوات کے حوالہ کیش کئے تھے۔

Budget.14,54,000/- Paid to Inayatur Rahman 6,32,000/-

Paid to Shah Dawran.2,00,000/- 8,32,000/- اس طرح میں نے

پی۔ ٹی۔ سی کمیٹی کے اجازت سے سکول کے تقریرائی کاموں پر 6,22,000/- خرچ کیا۔ جس میں
42,000/- روپے نمونہ *ملائے* کا بجٹ بھی شامل ہے۔

لہذا استدعا ہے۔ کہ انکوٹری کرتے وقت میرے ساتھ بے انصافی نہ
ہو جائے کیونکہ میرے ملازمت کا سلسلہ ہے۔ اور عنوان جو استدعا کی ہے۔ وہ منظور ہونے کے
ساتھ ساتھ میرے اس درخواست کو انکوٹری کا حصہ بنالے۔

البد *Abdullah*

عبدالسلام سی۔ ٹی۔ گورنمنٹ ہائی سکول پینڈے مو سوات۔

محررہ۔ 10/01/2023.

ATC
[Signature]

Umar Khirab
Advocate High Court
Qaza Pingerò Bench Swat.

Anx J

To
21/2/23
District Education officer Male Swat.

44

Subject;- APPLICATION FOR IMPLEMENTATION OF JUDGMENT OF SERVICE TRIBUNAL DATED 15/09/2020 WITH ALL BACK BENEFITS BECAUSE THE ENQUIRY HAS NOT BEEN COMPLETED WITHIN SPECIFIED PERIOD.

Respectfully Sheweth.

1. That the appellant/ Petitioner instituted two service appeals No, 275/2020 and No 1719/2020 and both were consulted by the service tribunal.
2. That this Honorable service Tribunal decided both service appeals on 15/9/2020 in the favor of the petitioner/appellant and issue a consulted judgment . The appellant/ Petitioner was re instate for the purpose of de novo enquiry.
3. That the appellant/ Petitioner submitted a application on 19/9/2019 to D E O Male Office Swat for re enquiry, but the D.E.O. Male Swat not accepted the appellant application for de novo enquiry.
4. That the D E O Male Swat issued the re instatement order of the Petitioner/ appellant vide No.5342-43 dated 5/1/2023 for the purpose of de novo enquiry on the direction of this Honorable service Tribunal .
5. That the Honorable service Tribunal directed the D E O Male Swat to complete the de novo enquiry with in sixty (60) days on receipt of the judgment It is pertinent to be noted that this Honorable Service Tribunal also directed to D E O Male Swat that the petitioner/ Appellant shall be fully associated with the enquiry proceeding and providing fair opportunity to Petitioner/ appellant.
6. That the Petitioner/ appellant submitted a application to D E O Male Swat vide dairy No, 3998 dated 30/11/2022 for associate the Private Respondents (Namely Muhammad Gul Headmaster GHS Parrai Barikot Swat EX ASDEO Circle Matta, Inayatur Rahman PST GPS Charai Beha Matta Swat, Shah Dawran PSHT GPS Mandoor Matta Swat and Awal Chowkidar GPS Charai Beha Matta Swat for fair Justice.
7. The D E O Male Swat nominated Principal Government Higher secondary school Balagram Swat and Principal Government

ATC
Umar Khitab
Advocate High Court
Balagram Swat District Swat,

4665
21/2/23

High school Ghailgai Swat as enquiry officers /Enquiry committee for de novo enquiry against the petitioner/ appellant.

3
45

8. The appellant/ Petitioner submitted a application to enquiry officers vide Registry receipt No 1765182047 dated 10/1/23 and and No, 1765182048 dated 10/1/23 and and requested to the enquiry officers to associate the mentioned Respondents which have already mentioned in Para No, 6 for fair justice.

9. That the D E O Male Swat not start / completed the de novo enquiry against the petitioner/ appellant in the specified period (60 days) on the direction of this Honorable service Tribunal.

It is very humbly prayed to re instate The appellant/ petitioner from the dated of Removal from service with all back benefits.


Abdul Salam..... Petitioner/appellant.

Dated. 21-02-2023

ATC


Annex K

(46)

محترم جناب ڈسٹرکٹ ایجوکیشن افسر مردانہ سوات۔

عنوان۔ درخواست بمبراد عطا یئگی قلمبندی بیانات بابت انکوائری

برخلاف اپیلانٹ محررہ 6/03/2023 انڈر رائٹ ٹوانفارمیشن

ایکٹ 2013 کے۔ پی پٹا اور اور سروس رولز کے تحت فراہم کیا جائے۔

جناب عالی۔ درخواست ذیل ہے۔

1۔ یہ کہ پیشینہ اپیلانٹ کے خلاف ڈی۔ای۔ اوسوات کے

دفتر میں محررہ 06/03/2023 کو ایک انکوائری ہوئی تھی۔

اس سلسلے اپیلانٹ نے محررہ 30/11/22 بحوالہ ڈائری

نمبر 3193 اپ صاحبان کو درخواست ارسال کیا تھا۔ کہ انکوائری میں

مندرجہ ذیل حضرات کو انصاف کے تقاضوں کو مد نظر رکھ کر شامل انکوائری

کرے۔ اور ان کے بیانات قلمبند کیا جائے۔

i۔ عنایت رحمن PST گونہیٹ پرائمری سکول چڑی بہامہ۔

ii۔ اول خان چوکیدار گونہیٹ پرائمری سکول چڑی بہامہ۔

iii۔ شاہ دوران PSHT جی۔ پی۔ ایس۔ مندورمہ۔

iv۔ محمد گل سابقہ سرکل افسر مہ۔

اپیلانٹ کا بیان تو قلمبند تو نہیں کیا گیا ہے۔ البتہ اگر i سے iv

تک بیانات قلمبند کئے گئے ہوں تو بیانات کے فوٹو کاپیاں اپیلانٹ

کو ضرورت ہے۔ جو کہ محکمہ کا قانونی فرض ہے۔ کہ بلا تاخیر اس کے

تصدیق شدہ کاپیاں اپیلانٹ کو مہیا کیا کرے۔

2۔ اپیلانٹ نے انکوائری کمیٹی کے دونوں ممبررز کو الگ الگ درخواستیں

رجسٹری پر بحوالہ نمبری 1765182047 محررہ 10/1/23

اور نمبری 1765182048 محررہ 10/1/2023 ارسال کئے تھے

ATC

Umar Khitab
Advocate High Court/
Baral Gora Mingota Bench Swat.

4933
18/3/23

کہ محمد گل سابقہ سرکل افسر منہ کو انکوائری میں طلب کیا جائے۔
 لیکن انکوائری کمیٹی اور ڈی ای او صاحب نے بھی محمد گل سابقہ
 سرکل افسر منہ کو طلب نہیں کیا اور نہ انکوائری کمیٹی نے طلب کیا۔
 جو کہ انکوائری میں محمد گل سابقہ سرکل افسر منہ کا بیان قلمبند ضروری تھا۔
 لہذا استدعا ہے۔ کہ رائٹ ٹو انفارمیشن ایکٹ 2013 کے پی
 پشاور کے اور سروس رولز کے تحت جن حضرات کے بیانات انکوائری میں
 قلمبند ہوئے ہو تو اپلاٹ کا یہ قانونی حق ہے۔ کہ اپلاٹ کو بالآخر قلمبند
 شدہ بیانات کے فوٹو کاپیاں مہیا کیا جائے۔

عبدالسلام سی۔ بی گورنمنٹ ہائی سکول پیندے مٹہ سوات۔

dated 16/3/23.

Umar Khitab
 Advocate High Court/
 Darul Qaza Murgora Bench Swat.

Anx L

(48)

OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) SWAT

OFFICE ORDER

1. **Whereas** Mr. Abdul Slaman Ex-PSHT GPS: Charai Beha Now Ex-CT GHS: Beha District Swat was Removed from Service vide Endst: No.5066-72 dated 28.11.2019 after having considered the charges and evidences on record against him as proved.
 2. **And whereas** he filed Service Appeal No. 275/2020 and connected Service Appeal bearing No.1719/2020 in the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar against the said order.
 3. **And whereas** the Honorable Khyber Pakhtunkhwa Service Tribunal vide Judgment dated 15.09.2022 accepted the Service Appeals by setting aside the impugned order date 28-11-2019 with the directions to re-instate the Appellant into service for the purpose of de-novo inquiry within a period of 60 Days from the date of receipt of the copy of the judgment .
 4. **And whereas** the copy of the judgment was received on 23-12-2022 from the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar and the Appellant was re-instated into service for the purpose of de-novo inquiry dated 05-01-2023.
 5. **And whereas** the undersigned nominated Inquiry committee to probe into the matter.
 6. **And whereas** the Inquiry committee conducted detailed Inquiry and recommended that Censure may be imposed upon the accused to make him responsible/conscious in future, and an amount of Rs. 200000/- may be recovered from him and absence period w.e.f 28.11.2019 to 05.01.2023 may be considered as leave without pay.
- Now keeping** in view the above factual position, the undersigned being the competent authority under L & D Rules 2011 do hereby impose upon him "the minor penalty of Censure under rule 4 (a) (i) of the ibid rules, re-instated the Appellant into service and the intervening period is treated as leave without pay and the Appellant is adjusted at GHS Paindy as CT with immediate effect.

(MUHAMMAD RIAZ)
DISTRICT EDUCATION OFFICER (M)
SWAT.

Endst: NO. 7716-21 /P.F/215/M/DEO/Swat

Dated 20/2 /2023

Copy forwarded to:-

- 1-The Director E&SE Khyber Pakhtunkhwa Peshawar.
- 2-The District Accounts Officer Swat at Saidu Sharif.
- 3-The Head Master GHS Paindy for information and further direction to recover Rs. 200000/- from Mr. Abdul Salam CT GHS Paindy and to deposit the amount in GPS Charai Beha PTC Account through SDEO Male Matta Swat with further directions to release the pay as per rules when the said amount is recovered.
- 4- The SDEO (M) Matta Swat for information and further direction to submit the bank receipt to this office amounting to Rs. 200000/- deposited in GPS Charai Beha PTC Account.
- 5-The Teacher concerned.
- 6-PA to DEO Local Office.

Attested
District Edu. Officer (M)
SWAT.

Attested
DISTRICT EDUCATION OFFICER (M)
SWAT.

To

Aux M

(49)

The District Education Officer
Male Swat at Gulklada Saidu Sharif swat.

**Subject:- APPLICATION FOR PROVIDING ATTESTED
COPY OF ENQUIRY REPORT DATED 6/3/2023
AND COPY OF ATTENDANCE SHEET OF
PARTICIPATIONS OF ENQIRY COMMITTEE
UNDER EFFICIENCY DISCLPINE RULES 4
CLAUSE C.**

R/Sir,

1. That the petitioner/appellant is submitted an application on 22/2/2023 to your good Honor for providing the mentioned Material/ documents mentioned in subject vide your office dairy No, 4690 dated 22/2/2023 but in vain.
2. That the committee chairman informed the petitioner/ appellant trough phone on 4/3/2023 and directed the petitioner/ appellant for association/ joining the enquiry committee for the purpose of GPS Chari enquiry.
3. The DEO Male Swat issued re instatement Order of the petitioner/appellant dated 20/2/2023 and intervening period declared with out pay.
4. The petitioner want to challenge the impugned para : intervening period with Out pay in proper form. The above enquiry report and attendance sheet of committee Participations on 8/3/2023 are essential for just fair justice.

It is humbly prayed to provide the attested photo copy of enquiry report and the committee participations attendance sheet on dated 6/3/2023..


Umar Khitab
Advocate High Court/
Darul Qaza Mingora Bench Swat.

4847
11/08/23
Abdul Salam.....Petitioner
Through
Umar Khitab advocate
High Court/ Darulqaza Swat.
Dated 10/3/2023

جناب ڈسٹریکٹ ایجوکیشن آفیسر مردانہ ضلع سوات

درفوست ممبر ادعا علی نعل کاپی ڈیپنچر صبر محرمہ

20/2/2023 محرمہ 15²/₂₃ 26²/₂₃

جناب عالی! درفوست حسب ذیل عرفہ 2۔

1۔ میر کم آپیلانٹ / پینشنر کو ملکہ نے ملازمت پر بحالہ حکم نامہ 21-7716 محرمہ 20²/₂₃ پر بحال کیا 2۔

2۔ میر کم ملکہ نے آپیلانٹ کے ملازمت پر بحالی کا حکم نامہ انکوائری ریفی کا ماری سے جاری کیا 2۔

3۔ میر کم آپیلانٹ صغیر سروس ٹریبونل پشاور میں ایک سروس آپیل دائر کرنا چاہتا 2۔ جو ہے جس میں مذکورہ کاغذات کے اندر درج ہے

لہذا استدعا ہے کہ سب عنوان درفوست منظور فرما کر شکور فرمائے جاوے

عبد السلام
بذریعہ
مدرسہ جناب ایڈریس

13/03/2023

4903
16/03/2023

in these certifi
foreign ex
C.B.R.S.

Appealant declared his income in the survey of income. It was held in the appealant declared his income.

Anx 0
51

OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) SWAT

No. BSP/30 /Enquiry/File/GPS:C Beha Dated 5/8/2011

To,

The Head Master
GHS: Beha District Swat.

Subject:- Conditional Grant.

Memo:

Consequent upon the recommendations of enquiry officer you are directed to recover the amount of Rs: 469306/- from Mr. Akbar Gulab (PTC) GPS: Charai Beha present Serving as CT at GHS: Beha District Swat to deposit the same into PTC Fund Account, the photo copy may be sent to this office for record.

[Signature]
DISTRICT EDUCATION OFFICER (M)
SWAT

Encl: No. BSP/30

Copy forwarded for information to:

1. The Director of Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Commissioner District Swat.
3. The DMO Swat.
4. The Sub Divisional Education Officer (M) Malakand District Swat.
5. The Head Teacher Concerned
6. P.A to District Education Officer (M) Swat Local Office.
7. The IMU Branch Local Office.

[Signature]
Umar Qitab
Advocate High Court
Bargi Daza Mingora Bench Swat.

[Signature]
DISTRICT EDUCATION OFFICER (M)
SWAT

[Signature]
Umar Qitab
Advocate High Court

[Signature]
District Education Officer (M)
SWAT

DISTRICT EDUCATION OFFICER (M)
SWAT

Anx P

52

OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) SWAT

OFFICE ORDER

1. Whereas Mr. Abdul Slaman Ex-PSHT GPS Charai Beha Now Ex-CT GHS Beha District Swat was Removed from Service vide Endst. No. 5066-72 dated 28.11.2019 after having considered the charges and evidences on record against him as proved.
 2. And whereas he filed Service Appeal No. 275/2020 and connected Service Appeal bearing No. 1719/2020 in the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar against the said order.
 3. And whereas the Honorable Khyber Pakhtunkhwa Service Tribunal vide Judgment dated 15.09.2022 accepted the Service Appeals by setting aside the impugned order date 28.11.2019 with the directions to re-instate the Appellant into service for the purpose of de-novo inquiry within a period of 60 Days from the date of receipt of the copy of the judgment.
 4. And whereas the copy of the judgment was received on 23-12-2022 from the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar and the Appellant was re-instated into service for the purpose of de-novo inquiry dated 05-01-2023.
 5. And whereas the undersigned nominated Inquiry committee to probe into the matter.
 6. And whereas the Inquiry committee conducted detailed Inquiry and recommended that Censure may be imposed upon the accused to make him responsible/conscious in future, and an amount of Rs. 200000/- may be recovered from him and absence period w.e.f 28.11.2019 to 05.01.2023 may be considered as leave without pay.
- Now keeping in view the above factual position, the undersigned being the competent authority under E & D Rules 2011 do hereby impose upon him "the minor penalty of Censure under rule 4 (a) (i) of the ibid rules, re-instated the Appellant into service and the intervening period is treated as leave without pay and the Appellant is adjusted at GHS Paindy as CT with immediate effect.

(MUHAMMAD RIAZ)
DISTRICT EDUCATION OFFICER (M)
SWAT

Dated 20/2/2023

Endst: NO. 7716-21 /P.F/215/M/DEO/Swat

Copy forwarded to:-

- 1-The Director E&SE Khyber Pakhtunkhwa Peshawar.
- 2-The District Accounts Officer Swat at Saidu Sharif.
- 3-The Head Master GHS Paindy for information and further direction to recover Rs. 200000/- from Mr. Abdul Salam CT GHS Paindy and to deposit the amount in GPS Charai Beha PTC Account through SDEO Male Matta Swat with further directions to release the pay as per rules when the said amount is recovered.
- 4- The SDEO (M) Matta Swat for information and further direction to submit the bank receipt to this office amounting to Rs. 200000/- deposited in GPS Charai Beha PTC Account.
- 5-The Teacher concerned.
- 6-PA to DEO Local Office.

DISTRICT EDUCATION OFFICER (M)
SWAT

District Education Officer (M)
Swat

Advocate H. I. Court
Dy. J. Nazir Mingora Bench Swat

کتاب حساب ۵۰۰ پی ایم جی کے لئے اور کتابوں کے لئے

الاضواء - نظر ثانی ہوگی

صواب عالی

گزارش میں ہے۔ کہ جو دستکوار ہیں ہوں ہے۔ علم و فنکارانہ اور علمی
میں غریب ہوں۔ اور سب سے زیادہ توجہ دینی ہوں ہے۔ مسلمان
کو کے دوبارہ دستکوار بنی قرار دی جائے۔ کاغذات میں باقی
جو دستکوار ہی والے آئے تھے۔ ان سے سب کاغذات محفوظ رکھنے
میں عاجزیوں دوبارہ دستکوار بنی جائے۔

العارض

عبد السلام C.T
GHS بیٹا منہ مسورت

D.A.
put up on
file immediately.
19/9/15

attested

~~Signature~~ Khitab
Advocate High Court
Dargah Jaza Mingor, Bench Swat
محمد صاف بابر

The Director Elementary and Secondary Education
Khyber Pukhtoonkhwa Peshawar.

Anx w

54

Subject:-

Departmental appeal against the Impugned Para, Where Abdul Salam EX PSHT GPS Chari Beha now C.T. GHS Paindai Matta Removal from service vide Endst: No, 5066-72 dated 28/11/2019 after having Considered the charges and evidences on record against as proved, Para No,2 the intervening period with effect from 28/11/2019 to 5/1/2023 may be consider with out pay may kindly be /consider null and void and the DEO Male Swat may be directed to consider the intervening period with full pay/ on duty and word" Censure: may be deleted from re instatement order, No, 7716-21 dated 20/2/2023 and the recovery of Rs.2,00,000/- from the petitioner is illegal against the service rules and fundamental rights. Because the enquiry committee not recorded the petitioner statement And the petitioner/appellant has not given an defense to opportunity and the enquiry report not completed in stipulated period (60 days)by direction of Honorable Service Tribunal K.P Peshawar vide judgment on 15/9/2022.

Respect Sir.

1. That the Petitioner performed was his duty as PSHT with effect from 14/11/2014 to 30/11/2017at GPS Chari Beha Matta Swat.
2. That the petitioner was promoted to C.T. and adjusted at GHS Beha Swat vide No. 13358 dated 28/2/2019.
3. That the DEO Male Swat transfer the following budget to GPS Chari Beha Swat w.e.f. 2014 to 2017.

<u>S.No.</u>	<u>Date of Debit.</u>	<u>Amount.</u>	<u>For which purpose.</u>
	10/7/14	21,000/-	P/Repair
2.	10/2/2014	21,000/-	Petty Repair.
3.	27/5/2015	5,62,000/-	For Boundary wall.
4.	18/3/2016	10,000/-	Stationary.
5.	31/3/2016	10,000/-	Stationary.
6.	9/1/2017	6,70,000/	(4,70,000/ for B/Wall (2,00,000/ for water supply)
7.	9/1/2017	1,60,000/-	Group Litrin.

Total. 14,54,000/-

<u>S. No.</u>	<u>Date of drawl.</u>	<u>Amount.</u>
1.	9/4/2015	42,000/
2.	27/7/2015	5,62,000/
3.	10/5/2017	0,18,000/
4.	17/10/2017	2,00,000/
5.	23/10/2017	2,00,000/
6.	26/10/2017	2,00,000/
7.	15//11/2017	1,00,000/
8.	28/11/2017	1,32,000/-

Total. 14.54.000/-

prior enquiry from NBP Matta Swat , District Education office Swat which was to much crystal clear that the budget allotment was Rs , 14,54,000/- but the enquiry officer in his finding report inadvertently and miscalculated the budget allotment Rs.2069586/ instead of Budget Rs. 14,54,000/-

55

Detail are as under.

<i>Expenditure by petitioner</i>	<i>Expenditure by Inayat Rahman</i>
932694/	5,83,280/-
10000/-	
42000/	
<hr/>	<hr/>
9,84,694/	5,83,280
<u>Recovery from</u>	Total Expd.1567280
1.Petitioner 4,20,586	
Petitioner. 20,000	
2.Inayat Rahman 48,720/-	
3.Awal khan Chow: 13,000/-	
<hr/>	<hr/>
5,23,306/-	Expdtr: 15,67,280 +Recovery.502306/
Total 20,69,586.	

4. That the petitioner /appellant submitted an application to DEO Male Swat against the impugned enquiry for do novo enquiry dated 19/9/2019 but in vain. If the DEO Male Swat accept the petitioner / appellant for do novo application in 2019 under the existing law/ Service rules. The petitioner /appellant would not suffer/ Irreparable loss due act of DEO Male Swat.
5. That the petitioner /appellant denied from the illegal, un law full Impugned recovery order of Rs. 4,69,306/- vide letter No, 8522 Dated 5/82019. The petitioner/appellant challenge the impugned recovery order in the Honorable service Tribunal K.P. Peshawar vide appeal No, 275/2020.
6. The D.E.O. Male Swat issued the impugned order Removal from service of the petitioner /appellant vide No, 5066 dated 28/11/2019. The petitioner / appellant also challenge the impugned order in Honorable service Tribunal K.P. Peshawar vide appeal No, 1719/2020.
7. The Honorable service Tribunal K.P. Peshawar decided the both service appeals dated 15/9/2022 for do novo enquiry and directed the Respondent Departments to conduct de novo enquiry in the matter strictly in accordance with the law and rules in the prescribed manner and laid down procedure under K.P. Government servants (Efficiency and Discipline rule 2011 with the period of 60 days from the date of receipt of copy of this judgment and the petitioner/ appellant shall be fully associated with the inquiry proceeding by providing him fair opportunity of defending him self but the de novo enquiry not completed the in prescribed period (60) days by the direction of Honorable service Tribunal K.P. Peshawar.
8. That the DEO Male Swat nominated two senior officers(Mr Hazrat Rahman Principal GHSS Balogram Swat and Muhammad Javid Principal GHS Ghallagi Swat) for de novo enquiry against the petitioner /appellant.

9. The petitioner / appellant submitted an application to DEO Male Swat vide dairy No, 3198 dated 30/11/2022 for re instatement for the purpose of do novo inquiry and the Petitioner/ appellant also requested to DEO Male Swat to direct the enquiry committee to ensure the presence of the following main witnesses (which were private Respondents in the both service appeals.) before the de novo enquiry committee.

1.Mr. Inayayut Rahman PST GPS Chari Beha Swat.2 .Awai Khan Chowkidar GPS Chari Beha Swat. 3. Mr. Shah Dawran PSHT GPS Mandoor Matta Swat. 4. Muhammafd Gul EX ASDEO Male Circle Matta Swat. But in vain. The DEO Male Swat issued the re instatement order of the petitioner/appellant for the purpose of only de novo Inquiry vide No, 5342-43 dated 5/1/2023. But the main witness (Muhammad Gul EX ASDEO Circle Matta Swat) is not summon and main witness was not produced before the de novo enquiry committee which against the service rules.

10. The enquiry committee chairman Mr. Hazrat Rahman Principal Informed the petitioner/ appellant through phone on 04/3/2023 for association/joining the de novo inquiry in the office of DEO Male Swat on 6/3/2023 in P& D branch.

11. The petitioner also submitted an applications to enquiry committee members vide Registry receipts No, 1765182047 dated 10/1/23 and receipt No, 1765182048 dated 10/1/2023 and request to summon and ensure the presence and produce before the enquiry committee (Muhammad Gul EX ASDEO Male Matta circle Swat Mr. Shah Dawran PSHT GPS Mandoor Matta Swat. But the enquiry Committee not summon the main witness (Muhammad Gul EX ASDEO Circle Matta Swat) before the enquiry committee. The committee members directed all present participations to sign the attendance sheet and all the participations along with petitioner/appellant were signed the attendance sheet before the committee members on 6/3/2023 in the DEO Office in P&D Branch .

12. That after the expiry date of de novo enquiry the petitioner/appellant Submitted an application for re instatement in service with all back benefits vide dairy No, 4665 dated 21/2/2023.

13. The DEO Male Swat issued the re instatement order vide No,7716-21 dated 20/2/23 of the petitioner/appellant but the intervening period 28/11/2019 to 5/1/2023 declared/considered with out pay before the Completion of de novo enquiry . It is pertained to be noted that the enquiry committee started the enquiry proceeding on 6/3/2023. Which is evident from the signature of the attendee and evident from the signature of the petitioner because the petitioner had signed the attendance sheet on 6/3/2023 on the day de novo enquiry. Which is big proof against the respondents Departments.

14. The petitioner /appellant submitted an application to DEO Male Swat for providing the enquiry report and attendance sheet of the participations committee vide office dairy No, 4690 dated 22/2/2023 but refused to give both proofs. These evidences Show that the revocation took place later and the re instatement took place first.

15. That the statement of record is required from petitioner/ appellant as per service rules , but the enquiry committee members did not record the statement of petitioner/appellant

57

which is totally un law full and against the service rules. Which is injustice to the Government servant.

It is very humbly prayed to accept the Departmental appeal of the petitioner/appellant against the Impugned Para,Where Abdul Salam Ex PSHT GPS Chari Beha now C.T. GHS Paindai Matta Removal from service vide No, 5066-72 dated 28/11/2019 after having Considered the charges and evidences on record against as proved ,Para No,2 the intervening period with effect from 28/11/2019 to 5/1/2023 may be consider with out pay may kindly be /consider null and void and the DEO Male Swat may be directed to consider the Intervening period with full pay/on duty and word" Censure: may be deleted from re instatement order, No, 7716-21 dated 20/2/2023 and the recovery of Rs.2,00,000/- from the petitioner is illegal against the service rules and fundamental rights. Because the enquiry committee not recorded the petitioner statement and the petitioner/appellant has not given an defense to opportunity and the enquiry report not completed in stipulated period (60.days)by direction of Honorable Service Tribunal K.P Peshawar vide judgment on 15/9/2022.

Abdul Salam
Yours obedient

Abdul Salam C.T. G.H.S. Pandai
Matta Swat.

Dated 10/03/2023.

No. 1494

RGL105878594

For insurance Notices see reverse.
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the initial weight prescribed in the
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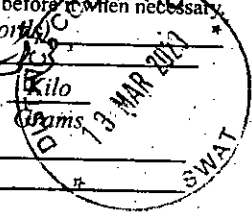
Initials of Receiving Officer *AS* *Write here "letter", "postcard", "packet" or "parcel"
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Insured for Rs. (in figures) *68* (in words) *68*

If insured.

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Insurance fee Rs. *10* Ps. (in words) *10* Grams

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of sender



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(58)

BEFORE THE SERVICE TRIBUNAL KHYBER
PUKTHOONKHAWA PESHAWAR.

C.M No. _____/2023.

SERVICE APPEAL No, _____/2023.

Abdul Salam C.T. Government High School Pandai Matta
Swat. _____ Appellant.

VERSUES.

1. The Secretary Elementary and Secondary Education Khyber
Pukhoonkhawa Peshawar & others..... Respondents.

APPLICATION FOR SUSPENSION OF THE IMPUGNED
ORDER NO, 7716-21 DATED 20/2/2023 PARA NO, 4
RECOVERY OF Rs. 2,00,000/- (TWO LAC) TO THE EXTENT OF
APPELLANT TILL THE DECISION OF THE SERVICE APPEAL.

Respectfully Sheweth,

1. That the above noted service appeal is being filed before
the Honorable Tribunal. In which no date of hearing has
yet been fixed.
2. That the facts and ground of the service appeal may kindly
be read as an integral part of this application.
3. That the appellant has got a prima facie case in his favour
and is sanguine about its success.
4. That the balance of convenience also lies in favour
of the appellant.
5. That if the para No, 4 dated 20/2/2023 not suspended
then the appellant would suffer irreparable loss.

59

It is, therefore respectfully prayed that on acceptance of this application the impugned para dated 20/2/2023 may kindly be suspended, till the decision of this service appeal.


Abdul Salam, appellant.

Through

Umar, Khitab advocate

High Court / Darulqaza Mingora Bench.

Dated 10/06/2023.

عبدالسلام

عبدالسلام

مردوم:-

<p>بار کونسل نمبر: <u>bc 18-155</u></p> <p>بار ایسوسی ایشن نمبر: <u>0345-9524-854</u></p> <p>ای میل ایڈریس: <u>---</u></p>	<p>121183</p> <p>121183</p> <p>ڈسٹرکٹ بار ایسوسی ایشن سوات</p>
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بعدالت جناب: چیمبر منہ سروس ٹریبونل خیمبر تختون خواہ لیٹار

<p>منجانب: آپیلانٹ</p> <p>عبداللہ عبدالرحمن</p>	<p>دعویٰ اور خواہش: سروس ٹریبونل</p> <p>علت نمبر: <u>---</u></p> <p>مورخہ: <u>---</u></p> <p>جرم: <u>---</u></p> <p>تھانہ: <u>---</u></p>
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بابت تحریر آتہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے برائے پیروی مقدمہ

آن مقام جلسہ کیلئے محرم خطاب کو مقرر کر کے
 اقرار کیا جاتا ہے، کہ صاحب موصوف کو مقدمہ کی کل کارروائی کو کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ
 کرنے و تقرر ثالث کرنے، دعویٰ جواب و دعویٰ اقبال و دعویٰ اور درخواست برائے سرسبزی مقدمہ، منسوخی ڈگری
 یکطرفہ، اجراء و پیروی کرنے کا اختیار ہوگا۔ نیز دائر کرنے اپیل نگرانی، نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور مقدمہ
 مذکورہ کیلئے کل وقتی یا جزوی کارروائی کیلئے کسی دیگر وکیل یا مختار قانون کو اپنے ہمرازہ یا اپنے بجائے تقرر کا اختیار ہوگا
 اور صاحب مقرر شدہ کو بھی جملہ مذکورہ اختیارات حاصل ہوں گے، اور اس کا ساختہ و پروا اختیار منظور قبول ہوگا، بدوران
 مقدمہ جو خرچہ و ہر جائیداد بھی سب سے حاصل ہوگا، وہ وکیل موصوف وصول کرنے کا اختیار ہوگا، کوئی تاریخ پیشی
 مقام مذکورہ بالا سے باہر ہو، تو وکیل صاحب پیروی مقدمہ کرنے کے پابند نہ ہوں گے، مقدمہ کسی عدالت میں بعد
 پیروی خارج ہونے یا ڈگری یکطرفہ ہونے کے صورت میں وکیل صاحب ڈمڈ دائر نہیں ہوں گے،
 لہذا وکالت نامہ لکھ دیا کہ سندر ہے

مقام جلسہ سید شریف سوات کے لئے منظور ہے۔

Acceptance

ایڈوکیٹ ادخط:

10/6/2023

المقوم:

عبداللہ عبدالرحمن