

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

Service Appeal No. 748/2019

BEFORE: SALAH UD DIN --- MEMBER(J)
MIAN MUHAMMAD --- MEMBER(E)

Ihsan Ul Haq SCT Teacher, GHSS Drosh Chitral..... (Appellant)

VERSUS

1. **Director** Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.
2. **Secretary** Education, Khyber Pakhtunkhwa Civil Secretariat, Peshawar.
3. District Education Officer (DEO) (Male) Chitral..... **(Respondents)**

Present:

NASIR MAHMOOD,
Advocate

--- For Appellant.

SYED NASEER UD DIN SHAH,
Assistant Advocate General

--- For official respondents.

Date of Institution.....19.09.2019

Date of Hearing.....11.04.2022

Date of Decision.....11.04.2022

JUDGEMENT.

MIAN MUHAMMAD, MEMBER(E):- The service appeal has been instituted against the impugned notification dated 30.01.2019 whereby the appellant was downgraded from SCT (BS-16) to CT (BS-15) and his departmental appeal dated 20.02.2019 was not responded within the statutory period. Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 has therefore been invoked and the case is under scrutiny for adjudication before this Bench.

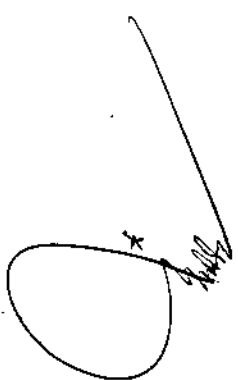
02. Brief facts, as per contents of the memorandum of appeal, are that the appellant while posted at GHSS Darosh was charge sheeted

for submission of ACR for the year 2012 signed by another reporting officer and that of the year 2013 having fake signature of the reporting officer. An enquiry committee was constituted and in the light of findings of enquiry committee, the impugned notification imposing the penalty of downgrading the appellant from SCT (BS-16) to CT (BS-15) was issued on 30.01.2019. His departmental appeal submitted on 20.02.2019 against the impugned notification, was however, not responded within the statutory period where-after the service appeal was instituted in the Service Tribunal on 19.06.2019.

03. Notices were issued to the parties to submit reply/para wise comments alongwith connected documents. Respondents having failed to submit written replies/comments even during extended period, their right of defense was struck off vide order sheet dated 16.09.2021. We have heard learned counsel for the appellant as well as Assistant Advocate General and perused the case file with connected documents thoroughly.

04. Learned counsel for the appellant contended that respondent No.3 had personal grudges against the appellant. First, an explanation of appellant was sought on 03.09.2018 that he had submitted fake ACR for 2012 because at that time respondent No.3 was himself the Principal GHSS Darosh and the signature of reporting officer on ACR for the year 2013 was also fake. His reply dated 19.09.2018 was not considered and an Inquiry Committee was constituted on 29.09.2018 when charge sheet/statement of allegations was issued by respondent No.3. On the submission of enquiry report on 22.10.2018, the

impugned notification was issued by respondent No.1. It was further argued that Competent Authority in respect of the appellant was respondent No.1 as per "Job Description and Competencies (November, 2014)" whereas the enquiry was initiated against the appellant by respondent No.3 who had been declared Competent Authority for officials in BS-01 to 15 whereas the appellant was SCT in BS-16 and as such respondent No.3 was not Competent Authority for the appellant. Only the impugned notification was issued by respondent No.1 who was neither privy to the initiation of enquiry nor associated with the entire enquiry proceedings including appointment of the members of enquiry committee and issuance of charge sheet/statement of allegations. He relied on 2018 PLC (CS) 475.



05. It was vehemently argued that the penalty of downgrading from SCT (BS-16) to CT (BS-15) was imposed for indefinite period as there is no specific period mentioned in the impugned notification. To strengthen his arguments, learned counsel for appellant relied on 2017 PLC (C.S) Note-2. While concluding his arguments, learned counsel for appellant contended that the appellant has not been treated in accordance with law and the whole proceedings initiated against the appellant are illegal, unlawful and in violation of the rights guaranteed under Article-25 of the constitution. The impugned notification dated 30.01.2019 being arbitrary, malafide, discriminatory and whimsical is therefore liable to be set aside and the appellant be restored in original pay scale of SCT (BS-16).

06. Learned Asst: AG conversely argued that all codal formalities have been fulfilled before imposition of the impugned penalty. Notification has legal firmity as it has been issued after due process and recourse to the relevant law and rules. He therefore requested that the appeal may graciously be dismissed.

07. It transpires from record that respondent No.1 was the declared Competent Authority for the appellant whereas the inquiry proceedings were initiated by respondent No.3. The Inquiry Committee was constituted by respondent No.3 on 29.09.2018. Similarly, charge sheet/statement of allegations was issued by respondent No.3. Only the final impugned order dated 30.01.2019 was issued by respondent No.1. The entire enquiry proceedings have been initiated and conducted by "corum non iudice". Interestingly, on submission of the enquiry report, no show cause notice was issued to the appellant under Rule-14(4) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011. Moreover, Rule-4(b)(i) of the Rules ibid puts a restriction of maximum 05 years in case the major penalty of reduction to a lower post or pay scale or a lower stage in a time scale, is imposed on a government servant, however, no such period is mentioned in the impugned order dated 30.01.2019. Imposing of such a penalty for indefinite period is also in violation and total disregard to the spirit and logic behind F.R-29.

08. As a sequel to the above, the impugned notification dated 30.01.2019 suffering from legal infirmity, is set aside. The appellant is

entitled to be restored to his original post of SCT (BS-16) with consequential benefits. The respondent department would however be at liberty to conduct de-novo enquiry in the mode and manner under the law and rules, if they so desire. In case of de-novo enquiry, the issue of back benefits shall be subject to outcome of the de-novo enquiry; Costs shall follow the event. Consign.

09. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 11th day of April, 2022.*




(SALAH UD DIN)
MEMBER(J)


(MIAN MUHAMMAD)
MEMBER(E)

ORDER

11.04.2022

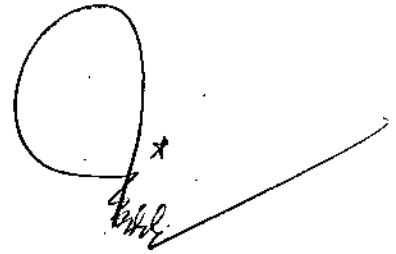
Counsel for the appellant present. Syed Naseer Ud Din Shah, Assistant Advocate General for respondents present.

Vide our detailed judgement of today placed on file (containing 05 pages), the impugned notification dated 30.01.2019 suffering from legal infirmity, is set aside. The appellant is entitled to be restored to his original post of SCT (BS-16) with consequential benefits. The respondent – department would however be at liberty to conduct de-novo enquiry in the mode and manner under the law and rules, if they so desire. In case of de-novo enquiry, the issue of back benefits shall be subject to outcome of the de-novo enquiry. Costs shall follow the event. Consign.

Announced:
11.04.2022



(SALAH UD DIN)
Member(J)



(MIAN MUHAMMAD)
Member(E)

16.09.2021

Appellant present through counsel.

Muhammad Adeel Butt learned Additional A.G for respondents present.

According to the proceedings reflected in previous order sheet dated 08.06.2021, the time for submission of reply was extended for 10 days and the office got the extension noted by the learned A.A.G on the same date. However, comments/reply has not been submitted till today. Obviously, learned A.A.G on his submissions is in contact with the Department to make the submission of reply possible but may be due to negligence of the Department, he has not been able to procure the comments. Therefore, right of submission of reply/comments by the respondents is struck off. To come up for arguments on 13.12.2021 before D.B.



(Rozina Rehman)
Member (J)



Chairman

13.12.21

DB is on Tany case to come up?
For the same on Dated. 11.4.22


✱
Rudix

19.01.2021

Junior counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Representative of respondents is not in attendance. Case is adjourned on the request of learned A.A.G, by way of last chance. To come up for written reply/comments on 17.03.2021 before S.B.


(Rozina Rehman)
Member (J)

17.03.2021

Due to tour of Camp Court Abbottabad and shortage of Members at Principal Bench Peshawar, the case is adjourned to 26.05.2021 before S.B.


Reader

26.05.2021

Counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Learned AAG is required to contact the respondents for submission of written reply/comments in office within 10 days, positively. If the written reply/comments are not submitted within the stipulated time, the office is required to submit the file with a report of non-compliance. File to come up for arguments on 16.09.2021 before the D.B.


Chairman

P.S

08.06.2021

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


Chairman

Stipulated time has been passed and ^{not} reply has been submitted.

*Ok
P/S*

22.07.2020

Junior counsel for appellant is present. Notices to respondents could not be issued due to public holidays on account of COVID-19, therefore, fresh notices be issued to the respondents for submission of written reply/comments. To come up for written reply/comments on 14.09.2020 before S.B.

(MUHAMMAD JAMAL KHAN)
MEMBER

14.09.2020

Junior to counsel for the appellant and Addl. AG alongwith Farid Ahmad, ADEO for the respondents present.

Representative of the respondents seeks further time to furnish the requisite reply/comments. Adjourned to 03.11.2020 on which date reply/comments shall positively be furnished by the respondents.

Chairman

03.11.2020

Nemo for appellant. Mr. Kabirullah Khattak, Additional Advocate General is present.

Neither written reply on behalf of respondents submitted nor any representative on their behalf is present, therefore, notice be issued to them for submission of written reply/comments. File to come up for written reply/comments on 19.01.2021 before S.B.

(Muhammad Jamal Khan)
Member (Judicial)

16.03.2020

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant (B.S.S) has filed the present service appeal against the order dated 30.01.2019 whereby he was downgraded from SCT (BPS-16) to CT (BPS-15) on account of his involvement in mischievous act.

Submissions made by the learned counsel for the appellant, need consideration. The present service appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 07.05.2020 before S.B.

Appellate Security Process Fee
43/22



Member

07.05.2020

Due to COVID19, the case is adjourned to 22.07.2020 for the same as before.



Reader

17.12.2019

Junior to counsel for the appellant present.
Requests for adjournment due to general strike of the
Bar. Adjourned to 28.01.2020 before S.B.


Chairman

28.01.2020 Appellant in person present and seeks adjournment as his counsel
is not in attendance. Adjourn. To come up for preliminary hearing
on 16.03.2020 before S.B.


Member

11.10.2019

Counsel for the petitioner present.

Instant application is for restoration of Appeal No. 748/2019 dismissed for non-prosecution on 05.09.2019.

It is contended in the application that on the relevant day learned counsel for petitioner/appellant was away for performing of Hajj while there was another service appeal of appellant/petitioner before this Tribunal and the date in both the cases were inadvertently mis-noted.

In view of the grounds noted in the application and also the fact that it is well within the time prescribed for the purpose, it is allowed. The appeal is restored to its original number and shall come up for preliminary hearing on 15.11.2019 before S.B.


Chairman

15.11.2019

Junior to counsel for the appellant present.



The Worthy Chairman is on leave, therefore, the matter is adjourned to 17.12.2019 for the same.


Reader

Form-A
FORM OF ORDER SHEET

Court of _____

Appeal's Restoration Application No. 346/2019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	18.09.2019	<p>The application for restoration of appeal No. 748/2019 submitted by Mr. Nasir Mehmood Advocate, may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR 18/9/19</p>
2	19/09/19	<p>This restoration application is entrusted to S. Bench to be put up there on <u>11/10/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>

05.09.2019

Nemo for appellant.

It is already past 2.00 PM and no one is present on behalf of the appellant despite repeated calls.

Dismissed for non-prosecution. File be consigned to the record room.

Chairman 



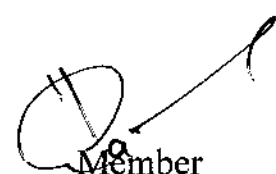
Announced:
05.09.2019

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Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- 748/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/06/2019	<p>The appeal of Mr. Ihsan-ul-Haq presented today by Mr. Nasir Mehmood Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 19/6/19</p>
2-	24/08/19.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>12/07/2019</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	12.07.2019	<p>Clerk B ✓ Learned counsel for the appellant present and seeks adjournment. Adjourn. To come up for preliminary hearing on 05.09.2019 before S.B.</p> <p style="text-align: right;"> Member</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No. 748 of 2019

Ihsan Ul Haq SCT Teacher, GHSS Drosh Chitral

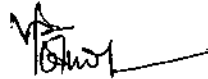
.....**Appellant**

Versus

Director Elementary & Secondary Education Khyber
Pakhtunkhwa Peshawar and others.....**Respondents**

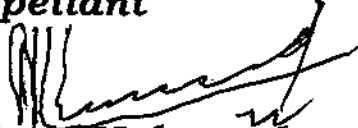
I N D E X

S#	Description of Documents	Annex	Pages
1.	Service Appeal		1-5
2.	Affidavit		6
3.	Copy of the explanation	A	7
4.	Copy of Reply and Office order dated 29.09.2018	B & C	8-9
5.	Copy of the charge sheet and statement of allegation	D & E	10-11
6.	Copy of the inquiry report and order dated 30.01.2019	F & G	12-14
7.	Copy of the Departmental Appeal along with receipt and AD Card	H	15-18
8.	Copy of the notification dated 30.01.2015 and order dated 28.07.2017	I & J	19-22
9.	Copy of the Inquiry and Applications	K & L	23-25
10.	Wakalatnama		26



Appellant

Through



Nasir Mahmood

Advocate,

Supreme Court of Pakistan

&

Hayat Ullah Advocate,

High Court, Peshawar

Dated:18.06.2019

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR

Appeal No. 748 of 2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 836

Ihsan Ul Haq SCT Teacher, GHSS Drosh Chitral

Dated 19-6-2019

.....Appellant

Versus

- 1- Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 2- Secretary Education Khyber Pakhtunkhwa Civil Secretariat, Peshawar.
- 3- District Education Officer (DEO) (Male) Chitral.

-----Respondents

Filed to-day

Registrar
19/6/19

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE NON ACTION ON THE DEPARTMENTAL APPEAL DATED 20.02.2019 WHICH WAS FILED AGAINST ORDER DATED 30.01.2019 VIDE WHICH THE APPELLANT WAS DOWN GRADED FROM SCT BPS-16 TO CT BPS-15.

PRAYER:-

On acceptance of appeal, the impugned order dated 30/01/2019 may kindly be set aside and the original grade of the appellant i.e SCT BPS-16 may be restored with all back benefits.

Respectfully Sheweth:-

Brief facts leading to the instant appeal are as under:-

- 1- That the appellant is serving as SCT Teacher in GHSS Drosch Chitral.
- 2- That the appellant is having unblemished record of service and during his entire service he has never been proceeded for misconduct.
- 3- That the appellant is SCT Teacher and has always performed his duties regularly with great zeal and zest as he always considered the profession of teaching as Ibbadath.
- 4- That the DEO Male Chitral being prejudice against the appellant, issued explanation dated 03.09.2018 to the appellant alleging therein that during submission of ACR and relevant documents for promotion to the post of SCT the signature of the reporting officer of the ACR for the year 2012 is fake because during that period the undersigned i.e Ihsan Ul Haq now DEO Chitral was principal of the GHSS Darosh and similarly the signature of the reporting officer of the year 2013 is fake. **(Copy of the explanation is attached herewith as Annexure "A).**
- 5- That the appellant submitted reply to the explanation but respondent No.3 having not satisfied with the same constituted inquiry committee vide order dated

29.09.2018. **(Copy of Reply and Office order dated 29.09.2018 are attached as Annexure "B" & "C" Respectively).**

6- That while issuing office order dated 29.09.2018 charge sheet and statement of allegation were also give to the appellant. **(Copy of the charge sheet and statement of allegation are attached as Annexure "D" & "E" respectively).**

7- That the inquiry committee submitted inquiry report dated 22.10.2018 to the respondent No.3 who forwarded the same to Respondent No.2 who was pleased to issue order dated 30.01.2019 by down grading the appellant from SCT BPS-16 to CT BPS-15. **(Copy of the inquiry report and order dated 30.01.2019 are attached as Annexure "F" & "G" respectively).**

8- That the appellant filed Departmental appeal to respondent No.1 on 20.02.2019 which was unresponded hence the present appeal. **(Copy of the Departmental Appeal along with receipt and AD Card is attached as annexure "H")** inter alia on the following grounds.

GROUND:-

A- That the appellant has not been treated in accordance with law and his rights secured and guaranteed under the constitution have been violated.

B- That the whole proceeding starting from the constitution of inquiry committee and imposition of penalty is illegal, unlawful and thus liable to be set aside.

C- That Respondent No.2 through impugned order dated 30.01.2019 has imposed double punishment upon the appellant which is illegal because the appellant through order dated 30.06.2015 was allowed BPS-16 and after words the department promoted the appellant from the post of CT BPS-16 to SCT BPS-16 through order dated 28.07.2017 but the respondent No.2 has through the impugned order taken both the benefits from the appellant which is illegal. **(Copy of the notification dated 30.01.2015 and order dated 28.07.2017 is attached as Annexure "I" & "J").**

D- That respondent No.3 Mr Ihsan ul Haq DEO Chitral was inimical terms with the appellant and has initiated different inquiries against the appellant and he for one reason or the other was teasing the appellant and the appellant for the purpose of saving his skin from respondent No.3 has moved different applications to Respondent No.1. **(Copy of the Inquiry and Applications are attached as Annexure "K" & "L").**

E- That the whole proceeding resulting into imposition of penalty upon the appellant is violative of Article 25 of the Islamic Republic of Pakistan 1973.

F- That in the entire career of the appellant service he has unblemished record but in the instant case has been

(5)

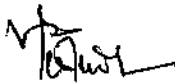
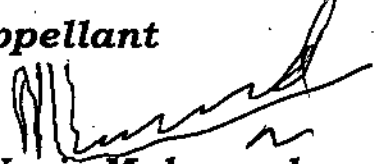
dragged just to satisfied the ego of the respondent No.3 which resulted in gross miscarriage of justice which warrants interference by this Hon'ble Tribunal.

G-That the object of law as to protects rights, undo wrong and foster justice but the impugned penalty has not only eroded the rights of the appellant but has resulted in gross miscarriage of justice which warrants interference of this Hon'ble Tribunal.

H-That the impugned order dated 30.01.2019 passed by the Respondent No.2 is highly arbitrary, malafide, discriminatory, whimsical thus not tenable in the eyes of law.

I- That the appellant seeks leave of this Hon'ble Tribunal rely on additional grounds at the time of final arguments.

It is, therefore, respectfully prayed that on acceptance of this Service appeal, prayer sought for in the heading of the appeal may kindly be allowed in the favour of the appellant.


Appellant
Through 
Nasir Mahmood
Advocate,
Supreme Court of Pakistan
&
Hayat Ullah Advocate,
High Court, Peshawar

Dated:18.06.2019

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Appeal No. _____ of 2019

Ihsan Ul Haq SCT Teacher, GHSS Drosh Chitral

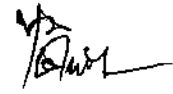
.....**Appellant**

Versus

*Director Elementary & Secondary Education Khyber
Pakhtunkhwa Peshawar and others.....***Respondents**

A F F I D A V I T

I, Ihsan Ul Haq SCT Teacher, GHSS Drosh Chitral, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

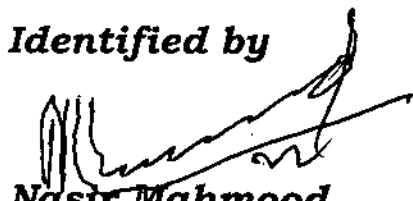


DEPONENT

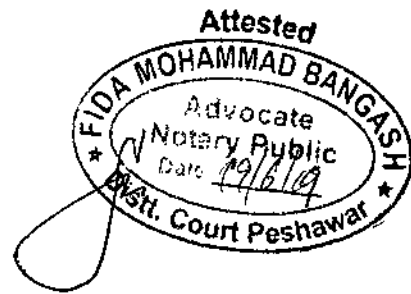
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Cell#0342-9032466


Identified by



**Nasir Mahmood
Advocate,
Supreme Court of Pakistan**



cc Annex A, (7)

	OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) CHITRAL
	PHONE NO. 0943-412627 EMAIL ADDRESS: deomchitral@gmail.com
No. 19507 EB/(M) E-3 / Explanation Dated: 3 / 9 / 2018.	

To,

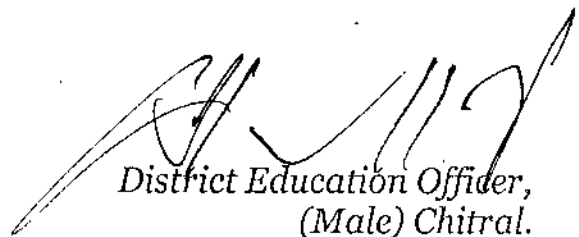
Mr. Ihsan Ul Haq,
SCT GHSS Drosh.

Subject **EXPLANATION.**

Memo:

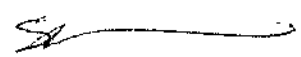
While checking the record it has been revealed that during the submission of A.C.Rs and other relevant document for promotion to the post of SCT, the signature of the reporting officer of the ACR for the year 2012 is fake because during that period viz 2012 the undersigned was Principal of GHSS Drosh and similarly the signature of Reporting officer for the year 2013 is also fake.

You are, therefore, directed to explain your position through your concerned Principal for this mischievous act within a week of the receipt of this call failing which strict disciplinary action under E&D rules 2011 will be initiated against you.


District Education Officer,
(Male) Chitral.

Endst: No. _____ / dated _____ / _____ / 2018.
Copy to the: Principal GHSS Drosh.

Mr. Ihsanul Haq / SCT
Explain your position as per content of the letter.
6/9/2018


District Education Officer,
(Male) Chitral.

~~ATTESTED~~

To,

8

(Annex B)

The District Education Office (Male) Chitral,

Through: The Principal GHSS Drosh.

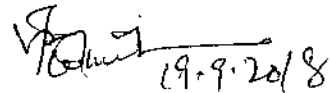
Subject: Reply to the explanation.

Sir,

Respectfully stated that,

1. The ACR for the year 2012 had been written in 2013 and has been signed by the then sitting Principal Mr. Anwar Ud Din. In 2013 I was needed my ACR but the ACR written and signed by the principal. Mr. Ihsan Ul Haq during the period 2012 could not be found in the school office. Therefore I got it signed and written by the sitting principal in 2013. To get ACRs written and signed by a sitting Head is in practice for a long time. Hence the ARC for 2012 is genuine and cogent. It has been submitted in original.
2. Similarly, the ARC for the year 2013 is also genuine and cogent. It has been written and signed by the then in charge Head Master of GHS Sweer, Mr. Nasir Ud Din . His sign can be compared with his other signatures.
3. ARC means Annual confidential report this report should be prepared and submitted in the concerned office by the Principal/ Head Master of the school. Why is it demanded from me?
4. The Scrutiny committee at the promotion has found my ARCs correct and genuine therefore, that selection committee has recommended me for promotion.

Yours, Obediently



Ihsanul Haq SCT
GHSS Drosh.

Dated. 19/9/2018.


ATTACHED

(9)

(Annex C)



**OFFICE OF THE DISTRICT EDUCATION
OFFICER (MALE) CHITRAL PHONE NO.0943-
412627
EMAIL ADDRESS: deomchitral@gmail.com**

OFFICE ORDER.

The Competent Authority is pleased to constitute Inquiry Committee comprising of the following officers to conduct formal Inquiry against Mr. Ihsan Ul Haq SCT BPS-16 GHSS Drosh for the charges mentioned in his Charge Sheet and sstatements of allegations with immediate effect:

- 1- Mr. Muhammad Kamal Ud Din Head Master GHS Hone.
- 2- Mr. Sharif Ur Rahman SST (General) GHS Kuju.

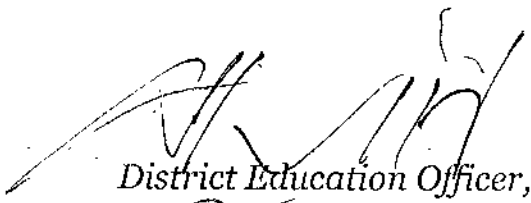
The Competent Authority will submit report / recommendations within (15) days.

(Ihsan-Ul-Haq)
District Education Officer,
(Malae) Chitral

Endst: No. 21451-55 /EB (M) E-2 /Enquiry dated Chitral the 29/9 /2018.

Copy to the:-

- 1- Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
- 2- Mr. Muhammad Kamal Ud Din Headmaster GHS Hone (Copies of Charge Sheet /Statements of allegations).
- 3- Mr. Sharif-Ur-RahmanSST(G) GHS Kuju (Copies of Charge Sheet /Statements of allegations).
- 4- Principal GHSS Drosh.
- 5- Mr. Ihsan Ul Haq SCT GHSS Drosh (Charge Sheet /Statement of allegations)


District Education Officer,
(Malae) Chitral

ATTACHED



(10) (Annex D)

**OFFICE OF THE DISTRICT EDUCATION
OFFICER (MALE) CHITRAL PHONE NO.0943-
412627
EMAIL ADDRESS: deomchitral@gmail.com**

CHARGE SHEET.

I, Mr. Ihsan-Ul-Haq , District Education Officer (Male) Chitral as Competent Authority, hereby Charge you Mr. Ihsan Ul Haq SCT GHSS Drosh as follows:

That you , while during your promotion for the post of SCT at GHSS Drosh you committed the following irregularities :

“ That in the year 2017 for promotion to the post of SCT while submitting the ACR and other relevant documents the signature of the reporting officer on your ACR for the year 2012 is fake in the sense that during that year the Principal was someoneelse and similiarly the signature of the reporting officer for the year 2013 is also fake which does not justify his original signature. Furthermore , you concealed your period of GMS Romboor which you spent duirng this time”


By reason of the above , you appear to be guilty of misconduct under Rule-3 of the Khyber Pakhtunkhwa government servants (Efficiency and Discipline), 2011 and have rendered your self liable to all or any of the penalties speciafied in Rule-4 of the Rules Ibid.

You are , therefore, required to appear before the Inquiry officers / Inquiry Committee as the case may be.

If you failed to appear before the Inquiry Committee in your defence, it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

Intimate that whether you desire to be heard in person.

A Statement of allegations is enclosed.


(Ihsan-Ul-Haq)
District Education Officer,
(Male) Chitral.

Mr. Ihsan Ul Haq SCT GHSS Drosh.

ATTACHED

(11) (Annex E)



**OFFICE OF THE DISTRICT EDUCATION
OFFICER (MALE) CHITRAL PHONE NO.0943-
412627
EMAIL ADDRESS: deomchitral@gmail.com**

DISCIPLINARY ACTION.

I Mr. Ihsan Ul Haq District Education officer (Male) Chitral as Competent Authority am of the opinion that Mr. Ihsan Ul Haq SCT GHSS Drosh BPS-16 has rendered himself liable to be proceeded against, as he committed the following acts/ omissions within the meaning of Rule-3 of the Khyber Pakhtunkhwa government servants (Efficiency & Discipline) Rules 2011.

STATEMENT OF ALLEGATIONS.

'That in the year 2017 for promotion to the post of SCT while submitting the ACR and other relevant documents the signature of the reporting officer on your ACR for the year 2012 is fake in the sense that during that year the Principal was someone else and similarly the signature of the reporting officer for the year 2013 is also fake which does not justify his original signature. Furthermore, you concealed your period of GMS Romboor which you spent during this time.'

For the purpose of Inquiry against the said accused with reference to the above allegations, an Inquiry officer / Inquiry Committee has been also constituted under Rule 10 (i) (a) of the Ibid Rules.

The Inquiry officer / Inquiry Committee shall, in accordance with the provisions of the Ibid Rules provide reasonable opportunity of the hearing to the accused, record its finding and make recommendations within fifteen days of the receipt of this order, as to the punishment or other appropriate action against the accused.

(Ihsan-Ul-Haq)
District Education Officer,
(Male) Chitral

Mr. Ihsan Ul Haq SCT GHSS Drosh.

ATTACHED

(Annex F)

(12)

Dated Chitral the 22/10/2018

To: _____
From: _____

The Inquiry Officers
Mr. Muhammad Kamalud Din Headmaster GHS Hone.
Mr. Sharif ur Rehman SST (G) GHS Kuju.

The District Education Officer,
(Male) Chitral.

Subject: INQUIRY AGAINST MR. IHSAN ULLAH HAQ CT GHSS DROSH

Respect Sir,

As per your Officer order No. 21451-55/EB/(M) E-2/Inquiry Dated 29/09/2018 on the subject cited above, the undersigned made a through investigation form all the concerned officers of institute/Officials hearing in the subject matter and recorded the statements of the following Officer/Officials.

- ✓ Mr. Anwar ud Din Headmaster GHS Bazaar Drosh.
- Mr. Nasir ud Din Headmaster GHS Sweer.
- Mr. Muhammad Zaman Ex-ADEO DEO (M) Chitral.
- Mr. Muhammad Tahir SST Ex-Incharge GMS Beorj.
- Mr. Muhammad Nadir SST Ex-Incharge GMS Rumboor.
- Mr. Ataa ur Rahman dealing assistant EB branch DEO Male Chitral.
- The teacher concerned i.e Mr. Ihsan ul Haq SCT GHSS Drosh.

Findings.

On the basis of written statements and perusal of the relevant documents we recorded the following words.

That the officer at S. No 1 as per his written statements committed that being an in charge Principal of GHSS Drosh has reported the ACRs for the year 2012 in respect of Mr. Ihsan ul Haq the then CT BPS 15 at GHSS Drosh Chitral and submitted the same to the DEO (M) Chitral. }

That the Officer at S. No 2 has stated in written for that he has neither written the ACRs of the said teacher nor signed/stamped the same. The ACR for the year 2012 submitted by the teacher is fake. However, his signature has been skillfully forged which very closely resembles with his signature. }

The Officer at S. No 3 has stated in written from the neither he countersigned the ACRs of the teacher nor affixed/ used the stamp of DDEO (M) Chitral.

Recd
17/11/2018

~~ATTACHED~~

The officer at S. No 4 has recorded his written statement that the teacher was performing his duties at GMS Beeri in 2016. Being a head of this school he has signed ACR of the teacher for said period. Meanwhile the teacher also submitted his ACR of 2014-15 to get sign by him and he inadvertently did so.

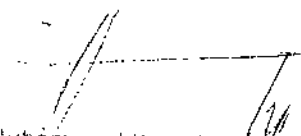
The officer at S. No 5 has stated that the teacher Mr. Ihsan ul Haq re signed the ACR of the said period (2015) by him.

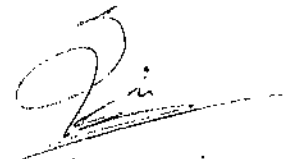
The official at S. No 6 verbally stated that ACRs of many under promotion CT teacher were collected by him. During the scrutiny of the said ACRs some copies of the ACRs in respect of Mr. Ihsan ul Haq the then CT were found in the office record completed in all respect. therefor, the said ACRs with the others, submitted to immediate competent authorities for further process.

As per statements of the officers at serial No. 2, 3 and 5 as recorded by the inquiry committee it ^{reveals} raves that the teacher has submitted fake ACRs for promotion to the post of SCT in the sense that during the year 2014 and 2015 the Head Master /reporting officer of the ACR was some one else ^{get} instead of Mr. Muhammad Tahir. Thus the teacher has tried to deceive all the quarter concerned just to the promotion to next higher scale. The practice also reveals his dishonesty and fraudulence

Recommendations.

After perusal all the relevant record relating the promotion of the teacher it proves the guilty of the teacher. Therefore it is recommended that disciplinary action may kindly be taken against him under the rule.


Muhammad Kamal ud Din
HIM GHS Hone Chitral


Sharif ur Rehman
SST GHS Kuju

E/B
for N.A
JA
22/10/2018

~~ATTACHED~~

(Annex E1) (14)

Registered.
DIRECTORATE OF ELEMENTARY AND SECONDARY
EDUCATION KHYBER PAKHTUNKHWA

NOTIFICATION.

Consequent upon the approval of competent authority Mr. Ihsan-ul-Haq SCT GHSS Droesh, District Chitral is hereby downgraded from SCT (BPS-16) to CT (BPS-15) on account of his involvement mischievous act.

Necessary entry to this effect should be made in the relevant record.


DIRECTOR.

Endst: No. 792-25 /F No. 62/Vol: II/PST (M) Chitral.

Dated Peshawar the 30/11 /2019.

Copy forwarded for information and necessary action to the:-

1. District Education Officer (M) Chitral w/r to his letter No.168 dated 02.01.2019.
2. District Accounts Officer Chitral.
3. Mr. Ihsan-UI-Haq SCT GHSS Droesh Chitral.
4. P.A to Director Elementary & Secondary Education Local Office.
5. Master Files.


Deputy Director (Estb.)
Elementary & Secondary Edu.
Khyber Pakhtunkhwa Peshawar.

ATTESTED

✓
20-2-2019
Received

بخدمت جناب سیکرٹری صاحب محکمہ تعلیم صوبہ خیبر پختونخوا
اپیل برآمدن سوخی نوٹیفیکیشن

(Annex H)

(15)

Endst:No.7972-75/F.No.62/vol:II /PST (M) Chitral dated Peshawar 30-01-2019

جناب عالی!

گزارشات حسب ذیل ہیں

- ۱۔ یہ کہ سائل ایگزیکٹو اینڈ سیکنڈری ایجوکیشن گورنمنٹ ہائر سیکنڈری سکول دروش ضلع چترال میں بطور SCT-BS-16 اپنی ڈیوٹی سرانجام دینا رہا ہے۔
 - ۲۔ یہ کہ سائل بدوران ملازمت اپنی ڈیوٹی سے کسی بھی قسم کی غفلت اور کوتاہی نہیں کی ہے۔
 - ۳۔ یہ کہ سائل اپنی ڈیوٹی میں پابند اور ریگولر ہے۔
 - ۴۔ یہ کہ سروس ٹریبونل میں ایک مقدمہ احسان الحق SCT BS-16 نام ڈائریکٹر محکمہ تعلیم صوبہ خیبر پختونخوا وغیرہ زیر سماعت ہے۔ بدین وجہ ڈائریکٹر نے DEO چترال کے کہنے پر آزادہ انتظامی کارروائی سائل کی تنزیل کا حکمنامہ /نوٹیفیکیشن مندرجہ بالا جاری کیا ہے۔
 - ۵۔ یہ کہ اس ضمن میں ڈائریکٹر کی طرف سے کوئی انکوائری /تحقیقات وغیرہ سائل سے نہیں کئے گئے ہیں۔ تمام تر معاملات یکطرفہ اور سائل کو اندھیرے میں رکھ کر کئے گئے ہیں۔
 - ۶۔ یہ کہ نوٹیفیکیشن مندرجہ بالا غیر قانونی غیر شرعی اختیارات کے ناجائز استعمال پر مبنی اور قابل کالعدمی ہے۔
 - ۷۔ یہ کہ اپیل ہذا پر فائل آرڈر جاری ہونے تک تمام فریقوں کو مندرجہ بالا غیر قانونی نوٹیفیکیشن پر عمل درآمد سے باز رکھا جائے۔
- اندرین حالات عاجزانہ استدعا ہے کہ نوٹیفیکیشن مندرجہ بالا منسوخ کر کے دادرسی کی جائے اور سائل کو اپنے ہی سٹیشن گورنمنٹ ہائر سیکنڈری سکول دروش میں تعینات رہنے کے احکامات صادر کئے جائیں۔

احسان الحق SCT-BS-16

گورنمنٹ ہائر سیکنڈری سکول دروش ضلع چترال

رابطہ نمبر: 03429032466



الرقوم: 20-02-2019

(13)

No. 443

For Insurance notices see reverse.
Stamps affixed except in case of
uninsured letters of not more than
the initial weight prescribed in the
Post Office Guide or on which no
acknowledgement is due.

Rs.
60

Rece addr	Is registered*	Date-Stamp
Initials of Receiving Officer	Write here "letter," "postcard," "packet," or with the word "insured" before it when ne	
If insured.	Insured for Rs. (in figures)	(in words)
	Insurance fee Rs.	Weight Kilo Grams
	Name and address of sender	

ATTN



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Dated Peshawar, the 30-06-2015

Annex 1 (19)

NOTIFICATION

NO.FD/SO(FR)7-20/2015 The competent authority has been pleased to accord approval to the upgradation of pay scales of the following provincial government employees with effect from 01-07-2015:

- a) Two pay scale upgradation will be allowed to all provincial government employees from BS-01 to BS-05.
 - b) One pay scale upgradation will be allowed to all provincial government employees from BS-06 to BS-15
 - c) Special Compensatory Allowance equal to difference of notional upgradation of BS-16 to BS-17 will be allowed to all provincial government employees in BS-16 in lieu of upgradation.
 - d) Upgradation will be applicable to both pay and allowances with freezing limits and other conditions currently in vogue unless revised by the government.
 - e) Pay fixation on upgradation will be applicable w.e.f. 01-07-2015 or 01-12-2015 on the option to be given by the concerned employee.
 - f) All provincial government employees who have been upgraded en-block or individually in last five years starting from 01-07-2010 or have been granted special allowance / pay equal to 40 % or more of their normal pay shall not be entitled for the instant upgradation.
2. Pay of existing incumbents of the posts shall be fixed in higher pay scales at a stage next above the pay in the lower pay scale.
 3. All the concerned Departments will amend their respective service rules to the same effect in the prescribed manner.
 4. The above upgradation scheme shall not be applicable to employees of Autonomous Bodies, Semi Autonomous Bodies and Public Sector Companies.
 5. Explanatory note and subsidiary instructions on the subject will be issued separately.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

~~ATTESTED~~

0943-4/2289

(20)

Endst No. & Date even.

Copy of the above is forwarded for information and necessary action to the: -

- 1) PS to Additional Chief Secretary, FATA.
- 2) All Administrative Secretaries Government of Khyber Pakhtunkhwa.
- 3) Senior Member, Board of Revenue, Khyber Pakhtunkhwa Peshawar.
- 4) Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 5) Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
- 6) Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 7) Secretary Provincial Assembly, Khyber Pakhtunkhwa.
- 8) All Heads of Attached Departments in Khyber Pakhtunkhwa.
- 9) Registrar, Peshawar High Court, Peshawar.
- 10) All Deputy Commissioners, Political Agents, District & Sessions Judges / Executive District Officers in Khyber Pakhtunkhwa.
- 11) Chairman, Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
- 12) Registrar, Service Tribunal, Khyber Pakhtunkhwa.
- 13) Secretary to Govt. of Punjab, Sindh and Baluchistan, Finance Department, Lahore, Karachi and Quetta.
- 14) The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and Dir Lower Khan.
- 15) The Senior District Accounts Officer Nowshera, Swabi, Charsadda, Haripur, Mansehra and Dir Lower.
- 16) The Treasury Officer, Peshawar.
- 17) All District/Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.
- 18) PSO to Senior Minister for Finance, Khyber Pakhtunkhwa.
- 19) PSO to Chief Secretary, Khyber Pakhtunkhwa.
- 20) Director Local Fund Audit, Khyber Pakhtunkhwa Peshawar.
- 21) PS to Finance Secretary.
- 22) PAs to All Additional Secretaries/ Deputy Secretaries in Finance Department.
- 23) All Section Officers/Budget Officers in Finance Department.
- 24) Mr. Jabir Hussain Bangash, President, Class-IV Association, Civil Secretariat, Khyber Pakhtunkhwa Peshawar.
- 25) Mr. Manzoor Khan, President, Civil Secretariat Class-IV Association, Khyber Pakhtunkhwa Peshawar.
- 26) Mr. Akbar Khan Mohmand, Provincial President, Class-IV Association, Khyber Pakhtunkhwa, Peshawar.

ATTENDED

(MURAD AHMED)
SECTION OFFICER (FR)

(17)



ACKNOWLEDGEMENT DUE CARD

نام احسان الحق
پتہ GHSS درویش

ڈاکخانہ درویش تحصیل درویش ضلع رحمان
پوسٹ کارڈ
(پوسٹ کارڈ نمبر لکھیے)

(18)

1641256
1641491

Dispatched
Government of Punjab
Civil Secretariat Peshawar
Office of Khair ul Uloom
Primary & Secondary Edu. Dept

Handwritten signature
Circular stamp with 'KPK' text

~~ATTACHED~~

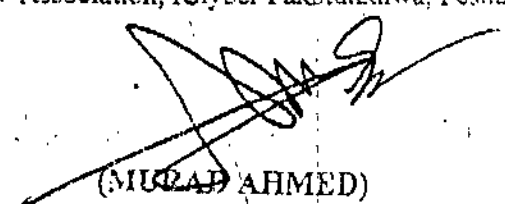
0943-4/2289

(20)

Endst No. & Date even.

Copy of the above is forwarded for information and necessary action to the:-

- 1) PS to Additional Chief Secretary, FATA.
- 2) All Administrative Secretaries Government of Khyber Pakhtunkhwa.
- 3) Senior Member, Board of Revenue, Khyber Pakhtunkhwa Peshawar.
- 4) Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 5) Secretary to Governor, Khyber Pakhtunkhwa, Peshawar
- 6) Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 7) Secretary Provincial Assembly, Khyber Pakhtunkhwa.
- 8) All Heads of Attached Departments in Khyber Pakhtunkhwa.
- 9) Registrar, Peshawar High Court, Peshawar.
- 10) All Deputy Commissioners, Political Agents, District & Sessions Judges / Executive District Officers in Khyber Pakhtunkhwa.
- 11) Chairman, Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
- 12) Registrar, Service Tribunal Khyber Pakhtunkhwa.
- 13) Secretary to Govt. of Punjab, Sindh and Baluchistan, Finance Department, Lahore, Karachi and Quetta.
- 14) The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and Dir Lower Khan.
- 15) The Senior District Accounts Officer Nowshera, Swabi, Charsadda, Haripur, Manshera and Dir Lower.
- 16) The Treasury Officer, Peshawar.
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- 18) PSO to Senior Minister for Finance, Khyber Pakhtunkhwa.
- 19) PSO to Chief Secretary, Khyber Pakhtunkhwa.
- 20) Director Local Fund Audit, Khyber Pakhtunkhwa Peshawar.
- 21) PS to Finance Secretary.
- 22) PAs to All Additional Secretaries/ Deputy Secretaries in Finance Department.
- 23) All Section Officers/Budget Officers in Finance Department.
- 24) Mr. Jabir Hussain Bangash, President, Class-IV Association, Civil Secretariat, Khyber Pakhtunkhwa Peshawar.
- 25) Mr. Muzaf Khan, President, Civil Secretariat Class IV Association Khyber Pakhtunkhwa, Peshawar.
- 26) Mr. Akbar Khan Mohmand, Provincial President, Class IV Association, Khyber Pakhtunkhwa, Peshawar.


(MUZAF AHMED)
SECTION OFFICER (FR)

~~ATTACHED~~

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) CHITRAL,

OFFICE ORDER.

(Amend J) (21)

Consequent upon the recommendation of the Departmental Promotion Committee & in pursuance of the Govt of Khyber Pakhtunkhwa Elementary & Secondary Education Department Notification No.SO(B&A)-18/E&SE/2012 dated 11-07-2012 and Finance Department Endorsement No. SO(FR)/FD/10-22/(E)/2010 dated 16-07-2012, the following (Male) CTs B-15 have been promoted to the posts of Senior CTs B-16 @ Rs. (18910-1520-64510) plus usual allowances as admissible under the rules on regular basis, vide Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar Notification Endorsement No. 438-43/F.N./2/Promotion Senior CT B-16 dated Peshawar the 20-07-2017, under the existing policy of the Provincial Government, on the terms and conditions given below with immediate effect & their services placed at the disposal of the undersigned for further posting. They are hereby posted against the posts of SCTs B-16 in the schools noted against each:

S.#	Name/Previous Designation	Present place of posting	Promoted as	Posted at	Remarks
1	Aziz Mohammad	GHS: Behmi	SCT B-16	GHS:Shoghore	Against vacant post
2	Mansoor Hussain	GCMHS Chitral	SCT B-16	GCMHS;Chitral	Retained
3	Aziz ur Rehman	GMS Seenlasht	SCT B-16	GHS:Kuju	Against vacant post
4	Fazal Mabood	GHS: Prejit	SCT B-16	GHS;Prejit	Retained
5	Nawrooz Khan	GMS Parkusap	SCT B-16	GHS;Chuinj	Against vacant post
6	Mohammad Israil	GHS Barenis	SCT B-16	GHS;Baranis	Retained
7	Abdur Rehman	GMS: Jughoor	SCT B-16	GHS;Bumborate	Against Vacant post
8	Ghulam Rasool	GMS: Lasht Kosht	SCT B-16	GHS;Kosht	AVP
9	Ibrahim Shah	GHS Kushum	SCT B-16	GHS:Muzgole	AVP
10	Habib ul Ahmed	GMS Washich	SCT B-16	GHS;Istaru	AVP
11	Amir ud Din	GMS: Muldeh Ayun	SCT B-16	GHS;Broze	AVP
12	Sharaf ud Din	GHS: Warimoon	SCT B-16	GHS:Warimoon	AVP
13	Saeed ur Rauf	GHS: Charun	SCT B-16	GHS;Charun	AVP
14	Subhan ud Din	GHSS: G/Chashma	SCT B-16	GHSS:G/Chashm	Retained
15	Ihsan ul Haq	GMS Beori	SCT B-16	GHS:Domil	Against vacant post
16	Ishsan ullah	GHS: Reshun	SCT B-16	GHS;Reshun	Retained
17	Hussain Ahmed	GHS: Madak	SCT B-16	GHS:Madak	Retained
18	Rahmat ullah	GHS:Chumurkone	SCT B-16	GHS;Chumurkon	Retained
19	Sardar Ayub	GHS:Prayet	SCT B-16	GHS:Prejit	Retained
20	Hazrat Karim	GMS Jughur	SCT B-16	GHS;Hone	Against vacant post
21	Mohd Usman ud Din	GMS:Seen Lasht	SCT B-16	GHS;Balach	Against vacant post
22	Sami ullah	GHS: Gohkir	SCT B-16	GHS;Kosht	Against vacant post
23	Mohd Shorifullah	GMS: Sore Rach	SCT B-16	GHS;Rech	Against vacant post
24	Ghulam Mohd	GHS: Ayun	SCT B-16	GHSS;Ayun	Retained
25	Rahmat Aziz Khan	GHS: Bang	SCT B-16	GHS;Brep	Against vacant post

TERMS & CONDITIONS:

1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulations as may be issued from time to time by the government.
3. Their service can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they will be proceeded under the rules framed from time to time.
4. Charge report should be submitted to all concerned.

ATTESTED

(22)

5. Their Inter-se-seniority on lower post will remain intact.
6. No TA/DA is allowed for joining their duty.
7. They will give an under taking to be recorded in their service books to the effect that if any over payment is made to them in the light of this order, will be recovered and if they are wrongly promoted, they will be reversed.
8. Before handing over charge once again their documents may be checked, if they have not the relevant qualification as per rules, they may not be handed over charge of the post.
9. They will be governed by such rules and regulations as may be issued from time to time by the Government

Nazir Khan Khattak
District Education Officer (Male)
Chitral

Endst: No. 2384-2440/EB (M)/P-12/Promn:Secy: Dated Chitral the 28/7/2017.

Copy forwarded to the:

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar for information,
2. District Accounts Officer Chitral for information, please.
3. District Monitoring Officer, IMU Tariq Jamil's house Jang Bazar Chitral for information, please.
4. Principal/Head Master concerned schools, for information and further necessary action, please.
5. Accounts Branch (M) Middle Section of local office, for information & further necessary action, please.
6. Teachers concerned for information, please.

[Signature]
District Education Officer (Male)
Chitral

~~ATTESTED~~

t: No
Cop
1. i
2. L
D.
iny
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DE
Tea

(Annex K)



(23)

To,

District Education Officer
(M) Chitral

From: Inquiry Officers Mr Amin ur Rehman and Nadeem Ahmad SSTs GHS
Ursoon.

Subject: INQUIRY REPORT AGNIST IHSAN UL HAQ S.C.T GHSS DROSH

Memo:

Reference to your letter No 10, 021, 24/EB (M) Inquiries Dated 25-08-2017 we were appointment inquiry officers, to conduct inquiry against Ihsan ul Haq C.T GMS Beori Presently S.C.T GHS Drosh. While following this order we visited GMS Beori on 12-09-2017 and conducted inquiry against him from the Headmaster GMS Beori, which is also attached here with this report. Later on we visited GHSS Drosh on 13-09-2017 and met with the concerned teacher but he refused to give any statement about this inquiry. While saying that he has yet not received any copies of complaint or allegations against him. His hand written report is also attached here with this report. As his irregularity and frequent absenteeism is concerned, according to school Head Master and staff Attendance Register the concerned teacher has no such allegations. He has properly arranged his Casual Leaves and other leaves.

Recommendations:

As we mentioned above that the concerned teacher has refused to give any statement about his inquiry thus this inquiry is incomplete. Therefore report is submitted for your kind information please.

Thanks

Inquiry officers

Amin ur Rahman SST GHS Ursoon

Nadeem Ahmad SST GHS Ursoon

18/09/2017

4814
25/9/17
610/1/17

B/B

Discussed

25/9/17

Ans to
process further
on 10/10/17

7.10.17

~~ATTESSED~~

بخدمت جناب سیکرٹری صاحب حکم تعلیم (E&SE)
صوبہ خیبر پختونخوا و اسلام آباد

(Annex 2)
(23)

مضمون :- درخواست برآمد کاروائی پر خلاف (1) DEO (M) حتمال
2. D.A.O حتمال بابت بندش متنوعہ سائل
12 اے ماہ مارچ 2019ء

جناب عالی

گزارش ہے کہ DEO (M) حتمال سبب احسان الحق
سائل کیساتھ حد درجہ ذاتی عناد اور دشمنی رکھتا ہے۔
اس نے D.A.O حتمال سے مل کر بغیر کسی تحریری آرڈر
کہ سائل کی متنوعہ پر اے ماہ مارچ 2019ء روک دی ہے۔
اور سائل کی اس ماہ متنوعہ نہیں ہوئی ہے۔
سائل کے بچوں اور بیوی کو مستقلاً ادویات
اور طبی علاج معالجے کی ضرورت رہتی ہے۔ جبکہ سائل کے
بچوں اور ڈاکٹر کفالت افراد کی تعلیم اور رزق لوٹری سائل کی
متنوعہ پر منحصر ہے جس کی بندش سے اُن سب کو
شہر دست ڈیٹی پر پائی اور تکلیف کا سامنا ہے۔
انڈین سائنس ہے کہ سائل کی متنوعہ فوری طور پر
جاری کرنے کے احکامات صادر کر کے DEO (M) حتمال کو ناف
سبب سے کارروائی کر کے مضمون فرمایا جائے۔

~~ATTENDED~~

سائل
Diary No. 210
3/4
مورخہ 3/4/2019
03429032466
احسان الحق SCT
گورنمنٹ ہائیئر سیکنڈری سکول
دوسری ضلع حتمال -
15201-0603526-3

محترم جناب سیکرٹری صاحب SE & B صدر خلیفہ خواجہ

شمار -

مخبرہ DEO (M) ضلع صدرال کھلاف سائل کے
محترم سیکرٹری کئی اعلیٰ حکام کو درخواستیں
دے چکے ہیں اور DEO سائل کھلاف
آن دی ریکارڈ پارٹی ہے۔

صاحب عالی!

گذشتہ دنوں کے DEO (M) ضلع صدرال
کئی افسران اعلیٰ سائل کے خلاف ڈاکیمنٹس اور
دستی رکھا ہے، جس بارے میں شکایت درخواستیں
محترم سیکرٹری سمیت دیگر اعلیٰ حکام کے پاس
زیر سماعت ہیں۔

اندریں حالات استدعا ہے کہ

DEO ان شکایت درخواستیں پر فوری طور پر نوٹس تک
کو سائل کے خلاف تفتیشی بھی قیام کی تادیبی/انضباطی
کارروائی Explanations اور Enquiries وغیرہ کرنے سے
بازو جنوع رکھا جائے۔ کیونکہ DEO سائل کی
حالات کو نظر میں ڈالنے کے درپے ہے،
لہذا درود بھی کیا ہے۔

~~ATTACHED~~

سائل

Diary

احسان الحق SCT
گورنمنٹ ایم ایچ سیکنڈری سکول
درویشی ضلع صدرال

No-209

مورخ 3/4/2015

لاہور نمبر 03429032466

تلفون 15201-0603526-3

کتابت جہاں سنگھ پٹری صاحبہ B&SE

(25)

پشاور

دعوت :- درخواست برآمد انکوائری بذریعہ آزاد عدالتی کمیشن

فا علی!

میزبان (M) DEO (M) صلح جہاں سنگھ / احسان الحق
سائل کے ساتھ حدود و اوقاف ذاتی عناد اور دشمنی رکھتا ہے
اور اس کے سائل کے خلاف انتقامی کارروائیاں کرتے
ہے۔ لیکن سرکاری اختیارات کا ناجائز استعمال کرتا ہے۔
اور سائل کے خلاف متعدد انتقامی کارروائیاں رکھتا ہے
اور آئندہ کے لیے بھی ایسے سائل کی ملازمت کو خطرہ ہے۔
وہ سائل کے خلاف پارٹی نے اس کے باوجود سائل کے خلاف
پوشش کی کوشش کرتا ہے جو کہ خلاف قانون و
میں ہے۔

اندریں حالات ان کے لیے کہ تمام حالات و واقعات
کی تہہ تک دیکھیے کہ لیے آزاد عدالتی کمیشن کے ذریعہ
انکوائری کروائی جائے اور حکم B&SE کے افسران کو
اس کمیشن میں دہرا رکھا جائے۔ سائل پاکستان کا معزز
شہری اور ملازم ہے اور پاکستان سے غلط کردہ تمام
مبادی حقوق کا قصور ہے۔ لہذا درسی کی جائے۔

سائل

Diary No

~~ATTACHED~~

احسان الحق SCT

211
3/4

مورخہ 3/4/19

گوونٹ ہاؤس سیکنڈری سکول
درستی صلح جہاں سنگھ

0342903246
15201-0603526

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Appeal No. _____ of 2019

Ihsan Ul Haq SCT Teacher, GHSS Drosh Chitral

.....**Appellant**

Versus

*Director Elementary & Secondary Education Khyber
Pakhtunkhwa Peshawar and others.....**Respondents***

APPLICATION FOR RESTRAINING THE
RESPONDENTS NOT TO TAKE ANY
ADVERSE ACTION AGAINST THE
APPELLANT TILL THE FINAL DISPOSAL OF
THE APPEAL.

Respectfully Sheweth:

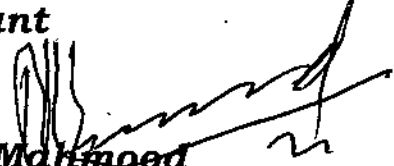
1. *That the above noted Service Appeal is being filed before this hon'ble Tribunal, in which no date of hearing has yet been fixed.*
2. *That the appellant has got a good prima facie case in his favour, and is sanguine about its success.*
3. *That the balance of convenience also lies in favour of the appellant.*

4. That if any adverse order has been passed then the appellant would suffer irreparable loss.
5. That the facts and grounds of the Service Appeal may kindly be read as an integral part of this application.

It is, therefore, respectfully prayed that on acceptance of this application, prayer sought for in the heading of the appeal may be allowed in favour of the appellant, till the final decision of the case.


Appellant

Through


Nasir Mahmood
Advocate,
Supreme Court of Pakistan
&
Hayat Ullah Advocate,
High Court, Peshawar

Dated:18.06.2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Appeal No. _____ of 2019

Ihsan Ul Haq SCT Teacher, GHSS Drosh Chitral

.....**Appellant**

Versus

Director Elementary & Secondary Education Khyber
Pakhtunkhwa Peshawar and others.....**Respondents**

AFFIDAVIT

I, Ihsan Ul Haq SCT Teacher, GHSS Drosh Chitral, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

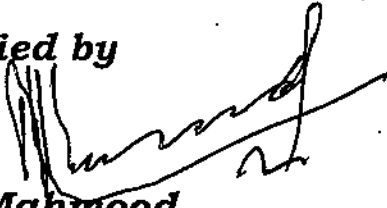


DEPONENT

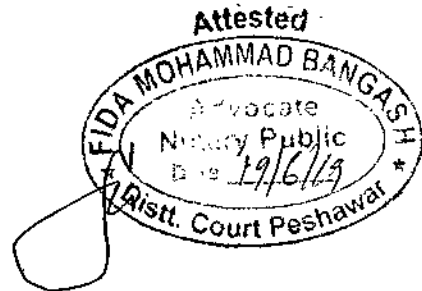
CNIC#15201-0603526-3

Cell#0342-9032466

Identified by



Nasir Mahmood
Advocate,
Supreme Court of Pakistan

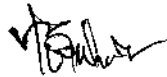


7. That the prolongation of the case subjudice deters the appellants from inclusion in the DPC for SST.
8. That in the above circumstances it will be interest of justice, equity and fair play that the appeal may kindly be heard on day to day basis in order to meet the ends of justice.
9. That being sanguine about the success of Appeal it is requested the case may be posted for early date.
10. That there is no legal bar on acceptance of this application.

It is, therefore, most humbly prayed that on acceptance of this application, the above titled Service Appeal may kindly be fixed an early date of hearing within Week with the larger interest of Justice.

Dated: 08.06.2021

Through


Appellant


NASIR MAHMOOD

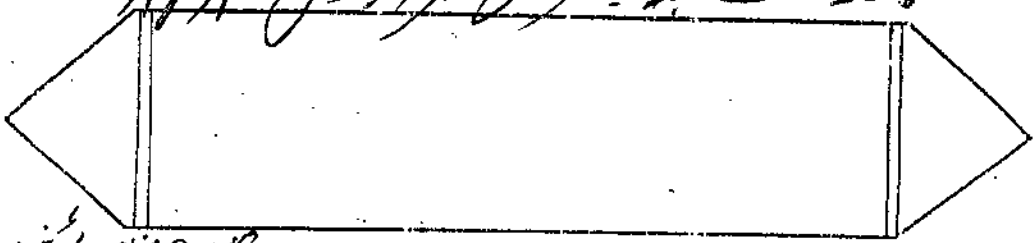
Advocate, Supreme Court
Of Pakistan

AFFIDAVIT

I, do hereby solemnly affirm and declare on oath that the contents of the Instant **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


DEPONENT

بعدالت خدادیہ ایس آر ایس جی اے



2019ء پنجاب ہائیکورٹ
بنام ڈائریکٹر

اصول التعمیر

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریراً نکتہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ
 آن مقام پشاور کیلئے میا محمد رفیق صاحب ایس آر ایس جی اے
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقررنالت فیصلہ برحلاف دینے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور صوبائی چیک روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برادگی اور منسوخی
 نیز دائر کرنے اپیل نگرانی و نظر دہی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا جائے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو کسی وی جملہ مذکورہ اختیارات حاصل نہیں کیے گئے۔ اس کا ساختہ
 پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جائزہ اخذائے مقدمہ کے جب سے ہوگا۔
 کوئی تاریخ پیشی مقام دورہ نہ ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکور کریں۔ لہذا وکالت نامہ اٹھدیا کہ سند ہے۔

(Signature)

 2019ء _____ ماہ _____

المقوم

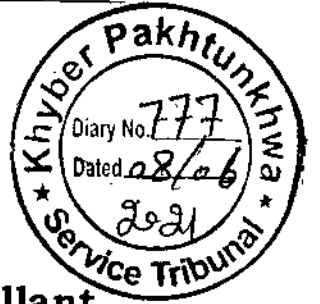
_____ واہ العیبر _____
 کے لئے منظور ہے۔ _____ مقام

BEFORE THE LEARNED SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

CM No. _____/2021

In Re:

Appeal No. 748/2019



Ihsan Ul HaqAppellant

VERSUS

**Director Elementary & Secondary Education &
others.....Respondents**

APPLICATION FOR EARLY
HEARING OF THE CAPTIONED
APPEAL

Respectfully Sheweth:

- Put up to the Honorable Chairman with relevant appeal.
- 21/6/21
- Respectfully
1. That the above titled Appeal is pending adjudication before this Honourable Court which is fixed for 16.09.2021.
 2. That the Appellant filed the instant Appeal on 19.06.2019 and upto now no reply has been submitted by the Respondents.
 3. That the Appellant was illegally downgraded and all the emoluments including increments are not been given to the petitioner which has badly affected his pay and the petitioner has not in the position to maintain his large family in his mal pay.
 4. That while the order on one hand is illegal but on the other hand the respondents are bent upon to torturing by prolonging the case, not submitting reply. The Appellant being a poor teacher with low income, is facing difficulties ⁱⁿ sustaining his family.
 5. That due to the illegal action taken by the respondents the appellant is facing difficulties in maintaining the education of his children.
 6. That all fundamental human rights of appellant have been badly violated in the case subjudice.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

CM No. _____ of 2020

In

Service Appeal No.748/2019



Ihsan Ul Haq SCT Teacher, GHSS Drosh Chatral

Appellant

*Put up to the court with
reluctant appeal.*

VERSUS

Director Elementary & Secondary Education and others

Respondents

Oppan

26/2/2020

Reader

APPLICATION FOR EARLY HEARING

Respectfully Sheweth:

*To come
up for
the date
of hearing
for preliminary
hearing*

1- That the above noted appeal is pending/ adjudication before this Hon'ble Tribunal and fixed for 16/03/2020 in preliminary hearing.

2- That the appellant filed the instant appeal on 19/06/2019 and the appeal is still pending in preliminary hearing.

*MA
3.3.2020*

3- That the applicant requests for early hearing as the respondents first upheld an increment of the appellant, then down graded the appellant from SCT BPS-16 to CT BPS-15 and now bent upon to take further adverse action against the appellant.

4- That it will be the interest of justice equity and fair play that the aforesaid appeal may kindly be accelerate from 16/03/2020 to any other date convenient to this Hon'ble Tribunal.

It is, therefore, prayed that on acceptance of this application, the above title appeal may kindly be accelerate from 16/03/2020 to any other date convenient to this Hon'ble Tribunal.

Dated 25/02/2020



Applicant

Through



Nasir Mehmood

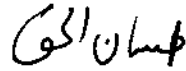
Supreme Court of Pakistan



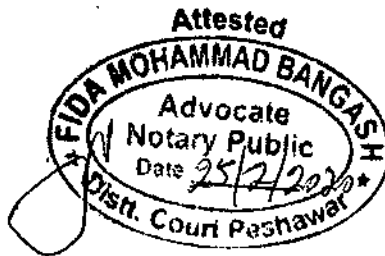
Hayat Ullah
Advocate, High
Court Peshawar

AFFIDAVIT

Verified on oath that all contents of the application are true and correct to the best of my knowledge and belief.



DEPONENT





**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 917 /ST

Dated: 25-4- /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

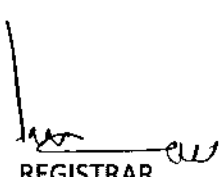
To

The District Education Officer Male,
Government of Khyber Pakhtunkhwa
Chitral.

Subject: JUDGMENT IN APPEAL NO. 748/2019 MR. IHSAN UL HAQ.

I am directed to forward herewith a certified copy of Judgement dated 11.04.2022 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

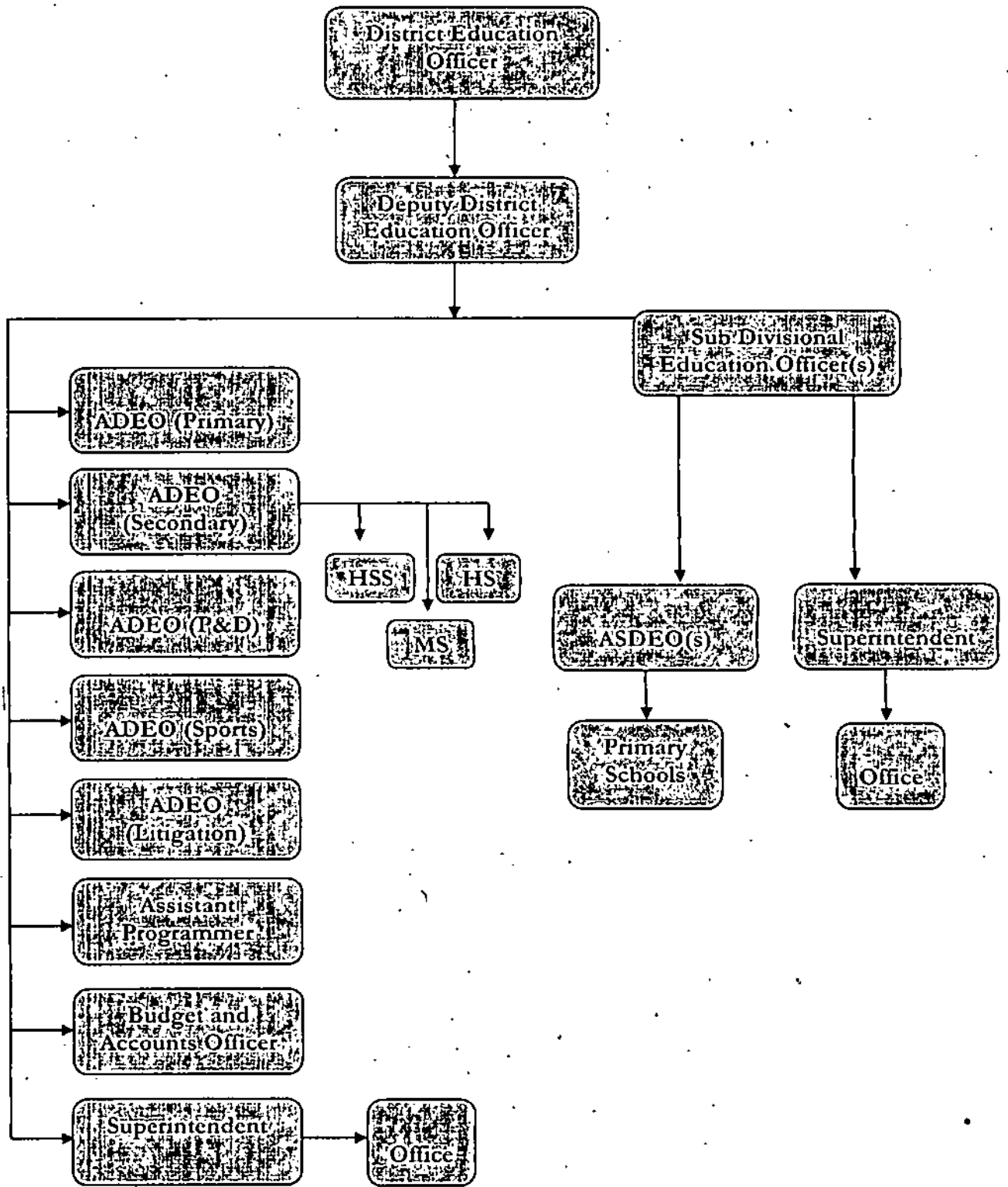
District Education Office (Male)
Job Descriptions and Competencies



Prepared by the Elementary and Secondary Education Department
Government of Khyber Pakhtunkhwa.

November 2014

District Education Office (Male)



Job description: District Education Officer (DEO)

Position Summary

The District Education Officer (DEO) is the principal officer at district level. The DEO reports to the Director Elementary & Secondary Education Department (E&SED) and shall represent him/her at the district level.

A. Financial management

Budget

1. Supervise and monitor the process of preparation of budget (Recurrent & Development) by the DDEO and SDEO.
2. Check the budget proposals submitted by the DDEO and SDEO, compare them with budget from the previous year and submit the same to the Director E&SED.
3. Provide copies of the budget released to the DDOs after receipt from the Provincial Government.
4. Monitor budget utilization and flow of expenditure throughout the year, and ensure that expenditure does not exceed the sanctioned amount, and that it is being incurred on the items for which the amount has been provided in the budget.
5. Check the first and second lists of excess and surrender, supplementary budget, and modified grants and submit the same to the Director E&SED.
6. Check SNEs submitted by the DDEO and SDEOs and ensure that items shown are correct and forward the same to Director E&SED.
7. Ensure that the DDEO and SDEOs have reconciled the expenditures with the District Accounts Office, countersign and forward in consolidated form to the Director E&SED.
8. Sanction TA/DA, MRC, GPF, GI bills and other reimbursements/advances for district officials and officers, as per powers delegated to DEOs or forward the same to the next level in case approval from the E&SE Department is required.

Bills and Accounts Register

Occasionally check pay, abstract contingent (A/C), detailed contingent (D/C), scholarship bills and all other necessary bills, cash books, and stock registers etc. of all concerned offices and ensure that those have been maintained correctly.

Purchases

1. Ensure that purchases are made in a timely manner and in accordance with procurement rules.
2. Ensure that advertisements for the purchase of stores have been properly prepared and all conditions fulfilled.
3. Ensure wide publicity for advertisements as per rules through the Information & Public Relations Department.
4. Ensure the function of purchase and inspection committee at the district level.
5. Ensure that comparative statements and inspection reports are prepared.
6. Execute agreement deeds with suppliers and ensure that clauses of agreements are complete in all respect.
7. Ensure entry of all stocks procured in the relevant stock registers at district level.
8. Ensure distribution of stock among offices and institutions for which it is purchased and also ensure that necessary entries are made in relevant stock registers.
9. Ensure payments to suppliers after detailed inspection of stores and satisfactory completion of supplies as per specifications/agreement.

Collection and distribution of Free Text Books

Ensure collection and distribution of text books to all the government institutions in the district.

Other financial management responsibilities

1. Ensure preparation, reconciliation and submission of Statement of Expenditures (SOEs) and receipt statements to the Director E&SED on monthly basis and also ensure submission of quarterly and yearly statements.
2. Coordinate with C&W Department for the auction of damaged/dangerous buildings and disposal of unserviceable/redundant articles.
3. Ensure deposit of the sales proceeds in the government treasury.
4. Check and sign cases of investigation of arrear claims submitted by the DDEO, SDEOs as well as other DDOs as per rules.
5. Ensure provision of budget and payment of rent for buildings rented for official purposes after completion of the codal formalities and approval of the Competent Authority.
6. Ensure that sufficient budget is allocated for payment of utility bills for schools and offices, that payment is made, and that a record of payment is maintained.
7. Facilitate regular internal audits as per requirement.

B. Human Resource Management

Appointments

1. Act as chairperson of the Departmental Selection Committee for recruitment in BPS 1-15 and observe all the requisite formalities as per applicable rules.
2. Approve cases of appointments on merit and issue orders.
3. Observe quotas reserved for all categories.

Seniority Lists

1. Ensure prepare of seniority lists of all staff of the District Cadre and update the same once a year duly countersigned, preferably in the month of January each year.
2. Forward details/particulars of provincial cadre staff in the district to the Directorate of E&SED for inclusion in the relevant seniority lists.

Postings, transfers and promotions

1. Make postings and transfers of district cadre employees and submit proposals for transfer of the provincial cadre employees to the Director E&SED as specified below:
 - Make intra district transfers of office and school staff in BPS-1 to BPS-16 in accordance with the prescribed rules.
 - Prepare proposals for transfer of staff in grade 17 and above and submit the same to the Director E&SED.
2. Grant NOC for inter district/provincial transfers of staff and submit it to the Director E&SED for further action.
3. Prepare, process and finalize promotion cases of district cadre employees through the Department Promotion Committee (DPC).
4. Process and forward cases of the provincial cadre to the Directorate of E&SED for promotion.
5. Initiate cases of relaxation of upper age limits as per Government rules.

Grant of Leave

1. Grant leave to staff in BPS-1 to BPS-16, as per provisions contained in the Government of Khyber Pakhtunkhwa Revised Leave Rules 1981.
2. Prepare, scrutinize and submit leave cases of staff in BPS-17 and above to the Director

E&SED as per rules.

3. Process and finalize cases of ex-Pakistan leave and forward to the Director E&SED as per rules in respect of all employees.

Performance Evaluation Reports/PERs

1. Issue instructions in December each year to the DDEO, SDEOs, Principals, Headmasters and Headmistresses to write PERs of their respective staff in the first week of January each year.
2. Write PERs of all officers/principals/headmasters BPS 20 working in the district in the first week of January and submit the same to the Director E&SED for countersignature.
3. Countersign all PERs of the district cadre employees in the second week of January and complete the process of writing PERs in January each year.
4. Ensure that staff capacity building plans are regularly prepared and implemented.

Honorarium/Overtime allowances

1. Award honorarium and overtime allowances to staff for the amount admissible under the relevant rules and with the approval/sanction of the Director/Secretary E&SED as per applicable rules.

Pension Cases

1. Instruct all the subordinate offices to prepare and submit cases of pension for all the retiring/retired government servants on priority basis.
2. Sanction pension cases of staff up to BPS-15 in the district.
3. Submit pension cases of officers in BPS 16 and above to the Director/Secretary E&SED.

Changes and corrections to student records

1. Change/correct name of students (at request from students) after observing necessary formalities as provided in the rules.
2. Allow cases of corrections in the date of birth of student (on request) on the prescribed proforma before passing class 5th examination, as per rules

Teacher Professional Development

1. Ensure a transparent nomination of teachers for professional development activities.
2. Visit and observe teacher professional development activities.
3. Inspect the LTRCs to check their working and performance.

C. Office Management

General duties

1. Occasionally check service books and personal files of staff and ensure that these are maintained properly, and that the required entries in the service books are being made in a timely manner.

Correspondence and record keeping

1. Receive all correspondence including urgent, immediate, confidential letters, and mark them to the concerned Officers.
2. Ensure record of such correspondence and also ensure that these have been dealt with promptly/properly.
3. Sign all DO letters and approve draft of important letters, notifications, office orders and financial sanctions.
4. Ensure proper maintenance and safe custody of office records and keep all confidential

E. School Inspection

1. Ensure that all schools are inspected at least once a year or as and when required.
2. Inspect Government High. & Higher Secondary Schools at least once a year and more frequently, as required.
3. Remain on tour ten days in a month excluding emergency visits.
4. Approve annual inspection and tour programmes of the DDEO and SDEOs on monthly basis and occasionally monitor the inspections carried out as per approved schedule along with the inspection reports of concerned officials.
5. Prepare tour notes, inspection notes and record observations in school log books.
6. Forward tour notes to the Director E&SED for perusal and action as per rules.
7. Go through the tour/inspection notes of the DDEO and SDEOs and ensure follow-up actions and implementation of the instructions issued by inspection officers from time to time.

F. Community Involvement in Education

1. Ensure PTCs are active and are functioning properly.
2. As needed, hold meetings with school PTCs and accommodate their suggestions and ideas and take remedial steps for solving their problems.
3. Consolidate and send lists of schools for allocation of funds for classrooms consumables and repairs and occasionally check the expenditure/utilization of funds placed at the disposal of PTCs.
4. Ensure that PTC funds are distributed according to the instructions/criteria of finance department and that the amount has been spent properly and according to the rules and instructions.
5. Attend meetings (where necessary and possible) with the elders of the communities to discuss importance of community participation in schools affairs.
6. Initiate mass awareness campaign to bring out of school children/youth to school and to eradicate illiteracy in the district with the help of community/ NGOs/CBOs/CCBs/elected representatives.

G. Private schools

1. Visit private high/higher secondary schools and ensure that the concerned officer is inspecting middle and primary schools regularly.
2. Ensure data collection from private schools in the annual school census.
3. Initiate/recommend appropriate action against private schools (primary, middle, high and higher secondary) offering poor quality education or violating government rules.
4. Act as the Chairperson for the registration and affiliation committee

H. Physical Education and Co-Curricular Activities

1. Coordinate school sports activities with the District Sports Organization.
2. Inspect physical education provision during school inspections and make suggestions for improvement.
3. Ensure that sports facilities in the district are maintained.
4. Initiate proposal for allocation of funds for such activities.
5. Attend sports events and Girls Guide/Scouting/Shahen camps, preside over these events and distribute prizes.
6. Nominate suitable persons from staff/students for civil defence training through concerned DDEO and SDEOs, as and when required.
7. Ensure annual tree planting activities by education offices and schools.
8. Act as District Scout Commissioner, in case of DEO (M).

records under lock and key.

5. Maintain movement register regarding his/her visits

Meetings

1. Attend official meetings or depute DDEO to attend according to the situation.
2. Call meetings of the office staff and head of institutions to discuss matters relating to the functioning and issues of the office/institutions, as and when needed.

D. Planning and Development

Data collection

1. Coordinate with IMU/DSC and provincial EMIS to ensure that data is collected, reported and analysed.
2. Review data collected on a regular basis to identify and take action to improve quality and access to education in the district, including recognition for good performance.

Annual Development Plan

1. Attend ADP meetings in Finance, Elementary & Secondary Education Department, P&D Department and other forum, whenever required and justify district education schemes in such meetings/forums.
2. Conduct need assessment and prepare short and long-term plans with the help of DDEO and SDEOs and submit the same to the Directorate of E&SED in a timely manner for appropriate action.

PC I – PC IV preparation

1. After reviewing PC II documents, visit proposed sites where necessary.
2. Check and countersign all relevant PC I, II, III, IV documentation and ensure timely submission of correct and completed documents to the Directorate/Department.
3. Follow up to ensure approval of the PC-I.

Proposals for new schools, school up-gradation, additional facilities and playgrounds

1. Ensure need based identification and formulation of development schemes.
2. Supervise preparation of proposals for the establishment of new schools as well as for up-grading existing schools in accordance with the planning criteria, and ensure that new schemes are included in the ADP.
3. Check and countersign schemes for new schools, upgrading existing schools to the next level, construction of additional classrooms/facilities as per planning criteria and forward schemes to the Directorate/Department for approval.
4. Check proposals for purchase of land for playgrounds according to the need and availability of funds.

School construction work, repairs and maintenance

1. Inspect or ensure inspection of under construction sites and prepare reports about the quality and progress of work for submission to the Director E&SED and C&W Department.
2. Inspect or ensure inspection of completed buildings and compare with administrative approval/PC-I and Bill of Quantities (BOQs) etc., and countersign the PC-IV.
3. Check and countersign lists of schools which need special, major, minor, petty repairs and forward it to the concerned department, according to the amount allocated for this purpose.

I. Other responsibilities

Attend to Assembly business

Act as Public Information Officer for the E&SED at the district level

Court cases

1. Initiate disciplinary proceedings against the defaulters/defaulting officials/officers.
2. Ensure that government pleaders in court cases are properly assisted and relevant record provided to them in a timely manner so that cases are not delayed.
3. Ensure attendance of a departmental representative in all type of court case.
4. Ensure that a comprehensive record of cases and attendance is maintained.

President /PM /Governor/CM directives

1. Monitor prompt disposal and timely implementation of all directives.
2. Convene periodic meetings to update progress on the implementation of directives.
3. Refer back to the Directorate of E&SED any directive which is not in accordance with rules.
4. Inform persons/departments concerned keeping in view the rules of business.

Any other tasks assigned by the competent authority

BEFORE THE SERVICE TRIBUNAL KHYBER

PAKHUNKHWA PESHAWAR

Restoration Application No. 346/2019
CM No. _____ of 2019

In

Service Appeal No.748/2019

Ihsan ul Haq SCT Teacher, GHSS Drosh Chitral

... .. Applicant /appellant

VERSUS

Director Elementary & Secondary Education Khyber
Pakahtunkhwa Peshawar and others

... .. Respondents

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3.	Copy of order dated 05/09/2019	"A"	5-6

Dated 18/09/2019

Applicant/ appellant

Through

Hayat Ullah

Hayat Ullah

Advocate

High Court, Peshawar

Cell # 0321-9189277

①

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHUNKHWA PESHAWAR

CM No. _____ of 2019

In

Service Appeal No.748/2019



Ihsan ul Haq SCT Teacher, GHSS Drosh Chitral

... ..Applicant /appellant

VERSUS

- 1- Director Elementary & Secondary Education Khyber Pakahtunkhwa Peshawar
 - 2- Secretary Education Khyber Pakhtunkhwa Civil Secretariat Peshawar
 - 3- District Education Officer, (DEO) (Male) Chirtal
- Respondents

APPLICATION FOR RESTORATION OF
SERVICE APPEAL NO.748 /2019 WHICH
WAS DISMISSED IN DEFAULT FOR NON-
PROSECUTION ON 05/09/2019.

Respectfully Sheweth:

The applicant very humbly submit as under:

- 1- That the above mentioned service appeal was pending adjudication before this Hon'ble Tribunal and which was fixed for hearing on 05/09/2019 and dismissed for non-prosecution. (Copy of order is annexed herewith)
- 2- That the order of dismissal in default vide dated 05/09/2019 is liable to be set aside on the following grounds:

2)

Grounds:

A) The Senior Counsel was gone to Saudi Arabia for performing Hajj and the clerk of counsel not noted the above titled service appeal for 05/09/2019 in Dairy.

B) That another service appeal of the appellant having same titled was fixed for 17/09/2019 before this Hon'ble Tribunal, that the counsel for petitioner and clerk of the counsel were on the impression that Service appeal which was dismissed in default for non-prosecution is fixed for 17/09/2019 and was not noted in dairy for 05/09/2019 due to the above reasons the counsel was unable to attend this Hon'ble Tribunal on the date fixed.

C) That the absence of the applicant / appellant and his counsel was not deliberate but due to the above mentioned reasons.

D) That it will in the interest of justice equity and fair play that the above titled service appeal may kindly be admit /restored and be decided on merit.

E) That the application is will within time and the applicant / appellant will attend in this Hon'ble Tribunal regularly.

It is, therefore, humbly prayed that on acceptance of this application, the above titled appeal may kindly be admit /restored and decided on merit.

Dated 18/09/2019

محمد امان الحق

Applicant/ appellant

Through

Hayat Ullah

Hayat Ullah

Advocate

High Court, Peshawar

(47)

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHUNKHWA PESHAWAR

CM No. _____ of 2019

In

Service Appeal No.748/2019

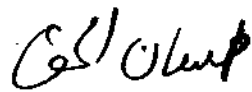
Ihsan ul Haq SCT Teacher, GHSS Drosh Chitral
... .. Applicant/appellant

VERSUS

Director Elementary & Secondary Education Khyber
Pakahtunkhwa Peshawar and others
... .. Respondents

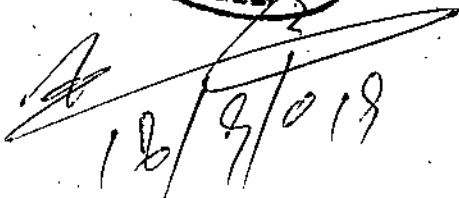
Affidavit

I, Ihsan ul Haq SCT Teacher, GHSS Drosh Chitral do hereby solemnly affirm and declare on oath that the contents of the accompanied application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



DEPONENT




12/9/19

(5)

Annexure A



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

Appeal No. 748 of 2019

Diary No. 836

Ihsan Ul Haq SCT Teacher, GHSS Drosh Chitral Dated 19-6-2019

.....Appellant

Versus

- 1- Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 2- Secretary Education, Khyber Pakhtunkhwa Civil Secretariat, Peshawar.
- 3- District Education Officer (DEO) (Male) Chitral.

-----Respondents

Filed to-day

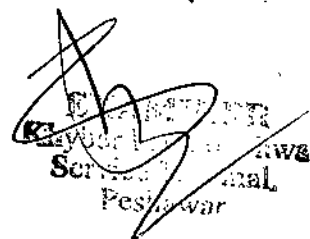
Registrar
19/6/19

**APPEAL UNDER SECTION 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974
AGAINST THE NON ACTION ON THE DEPARTMENTAL
APPEAL DATED 20.02.2019 WHICH WAS FILED
AGAINST ORDER DATED 30.01.2019 VIDE WHICH
THE APPELLANT WAS DOWN GRADED FROM SCT
BPS-16 TO CT BPS-15.**

PRAYER:-

On acceptance of appeal, the impugned order dated 30/01/2019 may kindly be set aside and the original grade of the appellant i.e SCT BPS-16 may be restored with all back benefits.

ATTESTED


Registrar
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(62)



05.09.2019

Nemo for appellant.

It is already past 2.00 PM and no one is present on behalf of the appellant despite repeated calls.

Dismissed for non-prosecution. File be consigned to the record room.

Chairman 

Announced:
05.09.2019

Certificate

Khyber Pakhtunkhwa
Service Commission
Peshawar
This is a true copy

Date of ... 12-9-19
Number ... 12000
Case No. ... 16-00
Type ...
Total ... 16-00
Name of ...
Date of ... 16-9-18
Date of Del. ... 16-9-18

قیمت
50 روپے

27072



پشاور بار ایسوسی ایشن، خیبر پختونخوا

ایڈوکیٹ: نامہ محمد اندر محمد علی صاحب

بار کونسل / ایسوسی ایشن نمبر: 0333-9176275

رابطہ نمبر: 0321-9189277

بعدالت جناب:

مجاہد: مسٹر / لڈشہ	دعویٰ: Restoration Application
احسان الحق	علت نمبر:
بنام گورنمنٹ	مورخہ:
کلیئر ہمتو	جرم:
و کٹرہ	تھانہ:

باعث تحریر آتکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ سے رٹس لیا ہے۔
آن مقام پشاور کیلئے نامہ محمد اندر محمد علی صاحب کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جاندا تو ائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 18/09/19

العواہ شد

مقام پشاور

کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔