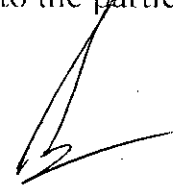


15.06.2023

Clerk to counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General alongwith Mr. Amjid Khan, Section Officer and Mr. Behramand, A.D for the respondents present.

SCANNED
KPST
Peshawar

Reply/comments on behalf of respondents are still awaited. Representative of the respondents requested for further time to submit reply/comment as well as cost of Rs. 5000/-. Granted by way of last chance to submit the same on the next date positively, failing which, their right for submission of reply/comments shall be deemed as struck off. To come up for reply/comments, payment of cost of Rs. 5000/- as well as preliminary hearing on 26.07.2023 before S.B. Parcha Peshi given to the parties.



(Muhammad Akbar Khan)
Member (E)

09.05.2023

Appellant present through counsel.

Fazal Shah Mohmand, learned Additional Advocate General present. Nemo for respondents No.1 to 6.

Despite directions for submission of comments on enhancement of cost to Rs.3000/-, reply was not submitted. Representative of the respondents is also not present. Cost was also not paid. Therefore, this Bench is left with no option but to attach the salary of respondents No.2, 4, 5 & 6. The concerned District Accounts Officers be informed to attach the salaries of the above-mentioned respondents till further orders. They all be put on notice with direction to respondent No.1 to make sure attendance of a representative but not below Grade-17 alongwith comments on behalf of all the respondents, failing which, coercive measures would be taken against all concerned. To come up for submission of comments, payment of cost of Rs.5000/- (2000+3000) and preliminary hearing on 15.06.2023 before S.B. Parcha Peshi given to the parties.

SCANNED
KFST
Peshawar



(Rozina Rehman)
Member (J)

Mutazem Shah

DFD

15.06.2023

Clerk to counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General alongwith Mr. Amjid Khan, Section Officer and Mr. Behramand, A.D for the respondents present.

Reply/comments on behalf of respondents are still awaited. Representative of the respondents requested for further time to submit reply/comment as well as cost of Rs. 5000/-. Granted by way of last chance to submit the same on the next date positively, failing which, their right for submission of reply/comments shall be deemed as struck off. To come up for reply/comments, payment of cost of Rs. 5000/- as well as preliminary hearing on 26.07.2023 before S.B. Parcha Peshi given to the parties.

(Muhammad Akbar Khan)
Member (E)

Kamranullah

submitted that the malafide of the respondents floats from the termination order wherein the proceedings of previous inquiry have been relied by refereeing to advertisement dated 10.12.2020 & 11.12.2020, while the period in dispute is w.e.f. 17.08.2021 to 06.10.2021 and in the said period also, the appellant was not absent from duty; that the respondents have referred in the comments to the previous inquiry while the matter is in respect of a later period; that the appellant has been punished twice, firstly withholding of two annual increments for two years and the second is removal from service which is against law as one person cannot be punished twice. He submitted that the appellant has never been issued show cause notice nor he was provided any opportunity of defense. Lastly, he submitted that neither statement of concerned Headmaster has been recorded nor the attendance register has been examined. Therefore, he requested for acceptance of the instant service appeal.


05. Learned Deputy District Attorney argued that the appellant was rightly removed from service as he was willfully absent from duty. He submitted that the impugned order is in accordance with law and norms of justice and the appellant has been proceeded against under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. Further submitted that the attendance register has been signed by the concerned Head Teacher by force as the appellant belongs to an influential family; that the whole service of the appellant is spotted with absenteeism, disobedience and disinterest towards his job and the department by taking lenient view has given several chances and by given minor penalty for mending his ways but no avail. Further submitted that the appellant is a

03.02.2023

Clerk of counsel for the appellant present. Muhammad Adeel Butt learned Additional Advocate General for respondents present.

Written reply not submitted. Learned AAG requested for time to submit written reply. Last opportunity is extended on payment of cost of Rs. 2000/-. To come up for written reply/preliminary hearing on 21.03.2023 before S.B.

SCANNED
KPST
Peshawar


(Rozina Rehman)
Member (J)

21st March, 2023

Counsel for the appellant present. Mr. Fazal Shah Mohmand, Addl. Advocate General for the official respondents present.

Reply/comments on behalf of the respondents not submitted. Learned AAG sought adjournment in order to contact the respondents and submit reply/comments. Last opportunity is further extended on enhancement of cost to Rs. 3000/- To come up for reply/preliminary hearing and cost on 09.05.2023 before the S.B. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar

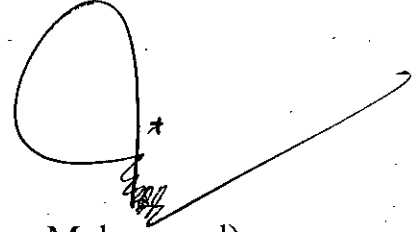

(Fareeha Paul)
Member(E)

18.11.2022

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Reply/comments on behalf of respondents not submitted. Learned Additional Advocate General seeks time to contact the respondents for submission of reply/comments. Adjourned. To come up for reply/comments on 20.12.2022 before S.B.

SCANNED
KPST
Peshawar




(Mian Muhammad)
Member (E)

20.12.2022

Junior to counsel for the appellant present. Muhammad Adeel Butt learned Additional Advocate General for respondents present.

SCANNED
KPST
Peshawar

Reply not submitted. Learned AAG sought time for submission of written reply. Last chance is given. To come up for written reply/comments on 03.02.2023 before S.B.




(Rozina Rehman)
Member (J)

01.08.2022

Appellant present in person. Mr. Kabir Ullah Khattak, Additional Advocate General present.

On previous date notices were not issued. Therefore, fresh notices be issued to respondents for submission of written reply/comments. To come up for written reply/comments on 17.10.2022 before S.B.

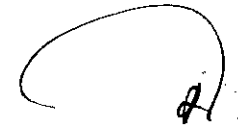

(Fareeha Paul)
Member (E)

17.10.2022

Junior to counsel for appellant present.

Naseer Ud Din Shah, learned Assistant Advocate General for respondents present.

Reply on behalf respondents was not submitted. Learned AAG requested for time to submit reply/comments. Opportunity is granted. To come up for reply/comments on 18.11.2022 before S.B.



(Rozina Rehman)
Member (J)

20.04.2022

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant contended that the appellant was initially appointed as Subject Specialist (Urdu) ^(BS-17) through Public Service Commission vide notification dated 17.07.2008. He was proceeded against departmentally for unauthorized and unsanctioned leave availed by the appellant. He is aggrieved of the original impugned order dated 24.03.2021 whereby major penalty of removal from service with recovery of Rs. 10,61,222/- was imposed. The appellant filed departmental appeal against the impugned order on 24.03.2021 and appellate order maintaining the same penalty, was issued on 11.10.2021 where-after the instant service appeal was filed on 10.11.2021 under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.

The appeal is admitted to 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 respondents for submission of reply/comments. To come up for reply/comments on 16.06.2022 before S.B.

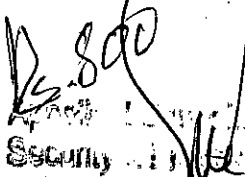

(Mian Muhammad)
Member(E)

16th June 2022

Appellant with counsel present.

Security and process fees are not deposited. The learned counsel seeks permission to deposit security and process fees. Appellant is directed to deposit the same within 02 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 01.08.2022 before S.B.


(Kalim Arshad Khan)
Chairman


Security and Process Fees
16/6/22

21.01.2022

Learned counsel for the appellant present.

Learned counsel for the appellant submitted an application for interim relief as well as application for correction/rectification of the word "Dismissed" to be read and rectified/corrected as "Removed" in the heading of the prayer of the appeal which is placed on file. Application for correction/rectification is allowed and the office is directed to correct the word "dismissed" as "Removed" in the prayer of the appeal. To come up for preliminary hearing on 07.02.2022 before S.B.


(Mian Muhammad)
Member(E)

07.02.2022

Due to retirement of the Hon'able Chairman, the case is adjourned to 20.04.2022 before S.B for the same.

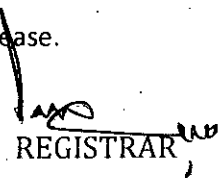
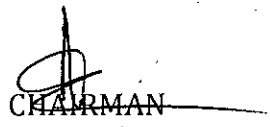


Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7754/2021


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/11/2021	<p>The appeal of Mr. Nageeb Ahmad Jan resubmitted today by Mr. Sajeed Khan Afridi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR,</p> <p>2-</p> <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>07/12/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>07.12.2021</p> <p>Learned counsel for the appellant present.</p> <p>Learned counsel for the appellant requested for adjournment on the ground that he has not prepared the brief. To come up for preliminary hearing on <u>24.01.2022</u> before S.B.</p> <p style="text-align: right;"> (MIAN MUHAMMAD) MEMBER (E)</p>

The appeal of Naqeeb Ahmad Jan S/O Fazal Aziz, Ex-Subject Specialist (Urdu), Govt. Higher Secondary School, Baidara , Swat R/O Village and Tehsil Kabal, District Swat received today i.e. on 10.11.2021 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

1. Checklist is not attached with the appeal.
2. Appeal has not been flagged/marked with annexure marks.
3. Annexures of the appeal may be attested.
4. Affidavit attached is not attested by the Oath Commissioner.
5. Annexures of the appeal is not in sequence which may be placed in order.
6. Copy of representation filed against notification dated 04/03/2021 in respect of appellatant mentioned in Para-14 of memo of the appeal/
7. Eight more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.


No. 2235 /S.T,

Dt. 11/11 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Sajeed Khan Afridi Adv. Pesh.

objections has been
removed


Adv. Sajeed Khan
Afridi
13/11/2021

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal 7754/2021

Naqeeb Ahmad Jan

..... Appellant

Versus

Government of Khyber Pakhtunkhwa and others..... Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Grounds of Service Appeal		1-7
2.	Affidavit		8
3.	Addresses of parties		9
4.	Copy of Notification order dated 17.07.2008	A	10-12
5.	Copy of Notification dated 05.11.2012	B	13
6.	Copy of arrival report	C	14
7.	Copy of application and letter dated 01.03.2018	D & D1	15-16
8.	Copy of letter dated 02.10.2018	E	17
9.	Copy of Questionnaire and reply	F	18-21
10.	Copy of notification dated 27.09.2018 and charge sheet	G & H	22-25
11.	Copy of the written reply	I	26-27
12.	Copy of Inquiry Report	J	28-33
13.	Copies of Show Cause Notices	K	34-40
14.	Copy of Notifications dated 04.03.2021 and dated 11.10.2021	L & L/A L/L	41-43
15.	Copy of notification dated 25.10.2021 and 27.10.2021	M	44-47
16.	Wakalat Nama		48

Appellant

Through


Sajeed Khan Afridi


Tariq Afghan

Advocates, Peshawar

Date: 04.11.2021

①

BEFORE THE SERVICE TRIBUNAL KHYBER PAKTUNKHWA
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 7867

Dated 10/11/2021

Service Appeal _____/2021

Naqeeb Ahmad Jan S/o Fazal Aziz
R/o Village Tehsil Kabal, District Swat.
Ex. Subject Specialist (Urdu)
Govt. Higher Secondary School, Baidara District Swat.

..... Appellant

Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. Chief Minister Khyber Pakhtunkhwa through its Principal Secretary, Chief Minister House, Sahibzada Abdul Qayyum Road, Peshawar.
4. Principal, Govt. Higher Secondary School, Baidara District Swat.
5. District Education Officer (Male), District Swat.
6. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.

..... Respondents

SERVICE APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT
1974 AGAINST THE IMPUGNED NOTIFICATION DATED
11.10.2021 WHEREBY REPRESENTATION / APPEAL OF THE
APPELLANT WAS DISMISSED BY THE RESPONDENTS
AGAINST THE NOTIFICATION DATED 04.03.2021.

Filed by
Registrar
10/11/21

2

PRAYER IN APPEAL:

On the acceptance of instant Appeal, the impugned notifications dated 11.10.2021 and 04.03.2021 passed by respondents may please be declared illegal, unlawful, without lawful authority, based on malafide and consequently be set aside and the appellant be restored / reinstated in service with all back benefits.

Respectfully Sheweth:

1. That appellant is a law abiding citizen of Pakistan and rights guaranteed in Constitution of Islamic Republic of Pakistan have been badly violated.
2. That the appellant was initially appointed as Subject Specialist (Male) BPS-17 vide Order dated 17.07.2008. **Copy of Notification order dated 17.07.2008 is annex. "A".**
3. That during his service period, appellant applied for the higher study i.e. Ph.D at University of Peshawar, therefore, appellant applied for grant of study leave on half pay w.e.f 01.08.2012 to 31.07.2015 which was accordingly granted to the appellant by the respondents. **Copy of Notification dated 05.11.2012 is annex. "B".**
4. That after the completion of Ph.D from University of Peshawar, the appellant joined his duty at Govt. Higher Secondary School Baidara Swat. **Copy of arrival report is annex. "C".**

3

5. That appellant again applied for Leave without Pay for a period of 3 years w.e.f 01.03.2018 to 28.02.2021 and the same was endorsed by the Principal, Govt. Higher Secondary School Baidara Swat. **Copy of application and letter dated 01.03.2018 is annex. "D" & "D1"**.

It is pertinent to mention here that the appellant again issued a reminder to District Officer (E&SE), Swat on 02.10.2018. **Copy of letter dated 02.10.2018 is annex. "E"**.

6. That despite the arrival report, the principal Govt. Higher Secondary School Baidara did not accept the arrival report of the appellant. Appellant again submitted arrival report to the Principal Govt. Higher Secondary School, Baidara Swat but the same was denied by the Principal again by saying that post of the appellant is filled by Mr. Muhammad Iqbal on 25.01.2019 and that too, was on posting and transfer.

7. That respondents without legal process asked the appellant to submit Questionnaire to the Inquiry Committee D.D.O Buner and Principal Govt. Higher Secondary School Tarnab Farm Peshawar to which the appellant on the same date and time submitted a detailed reply of the Questionnaire to the Inquiry Committee. **Copy of Questionnaire and reply is annex. "F"**.

That it is important to note here that nothing illegal or unlawful found by the Inquiry Committee against the appellant.

4

8. That respondents again constituted an Inquiry Committee vide notification dated 27.09.2018 and appointed Mr. Fawad Additional Deputy Commissioner Swat and Muhammad Riaz D.D.E.O Dir Lower as Inquiry Committee with charge sheet and statement of allegations against the appellant. **Copy of notification dated 27.09.2018 and charge sheet are annex. "G" & "H".**

9. That in response to the charge sheet and statement of allegation, appellant again appeared before the Inquiry Committee and again submitted a detailed reply to the charges before the Inquiry committee. **Copy of the written reply is annex. "I".**

10. That upon the completion of inquiry, the Inquiry Committee recommended that:
 - (i) That recovery may please be made from the appellant since 01.08.2012.

 - (ii) Appellant made himself liable for penalty under the E&D Rules. **Copy of Inquiry Report is annex. "J".**

11. That on the recommendation of the Inquiry Committee, respondents issued show cause notices to the appellant by asking that "why not appellant be removed from service along with recovery of Rs.10,61,222/-?". **Copies of Show Cause Notices are annex. "K".**

3

12. That during his service, no complaint whatsoever was made against the appellant to high ups.

13. That respondents issued notification dated 04.03.2021 vide which respondents imposed major penalty of removal from service with recovery of Rs. 10,61,222/- **Copy of Notification dated 04.03.2021 is annex. "L".**

14. That appellant being aggrieved of the said order, filed representation / appeal before the chief Minister Khyber Pakhtunkhwa through proper channel which was also rejected/regretted by the respondent on 11.10.2021. **Copy of Notifications dated 11.10.2021 is annex. "L/1"**

It is pertinent to mention here that respondents issued a notice to the appellant of recovery of Rs. 10,61,222/- **Copy of notification dated 25.10.2021 and 27.10.2021 are annex. "M"**

15. That appellant aggrieved from the impugned notifications dated 11.10.2021 and 04.03.2021, hence, moved this Hon'ble Tribunal, inter alia, on the following grounds:

GROUNDS:

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

B. That appellant after expiry of the leave, joined the Govt. Higher Secondary School Baidara Swat and submitted the arrival report to the Principal of Govt. Higher Secondary School Baidara Swat but the same was not accepted by

6


the respondent No. 4, hence the impugned notifications are based on malafide and needs to be set aside.

- C. That in initial inquiry against appellant/respondents found nothing illegal hence the recommendations of second inquiry are illegal, unlawful and without jurisdiction and the impugned notifications on the basis of recommendations of 2nd inquiry committee also declared illegal, unlawful and without jurisdiction.
- D. That impugned Notification are against the law and facts of the case hence not tenable under the law.
- E. That the appellant has been treated against the law unequally & thus deprived of equal protection of law as envisaged by Art.4 of the Constitution and the official respondents have violated the settled law, Rules and regulation on the subject matter.
- F. That neither proper procedure nor due process were adopted at the time of initiation of inquiry and giving finding in the inquiry as well as passing the impugned notifications.
- G. That the impugned notifications are against the pronouncements of the superior judiciary of the country.
- H. That appellant had been singled out on the impugned discriminatory action which has no precedent/example & thus Art.25 has been flagrantly violated.

2

- I. That the impugned actions/ orders of the respondents are unreasonable as the Appellant is subjected to a naked discrimination for which no justification exists at all.
- J. That the impugned notifications are the result of malafide and discrimination, hence the same is liable to be set aside.
- K. That depriving the appellant of the same treatment like Respondents is prima facie unfair, unjust and illegal.
- L. That the appellant seeks leave of this Honourable Tribunal to raise further points at the time of arguments, with the kind permission of this Honourable Tribunal.

It is, therefore, most humbly prayed that on the acceptance of instant Appeal, the impugned notifications dated 11.10.2021 and 04.03.2021 passed by respondents may please be declared illegal, unlawful, without lawful authority, based on malafide and consequently be set aside and the appellant be restored / reinstated in service with all back benefits.


Appellant

Through


Sajeed Khan Afridi


Tariq Afghan
Advocates, Peshawar

Date: 04.11.2021

CERTIFICATE:

It is certified that no such like civil appeal has earlier been filed before this Honourable Court by the appellant.


ADVOCATE

8

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal _____/2021

Naqeeb Ahmad Jan

..... Appellant

Versus

Government of Khyber Pakhtunkhwa and others.....Respondents

AFFIDAVIT

I, Naqeeb Ahmad Jan S/o Fazal Aziz R/o Village Tehsil Kabal, District Swat, 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 Tribunal.



DEPONENT

CNIC 15602-0310974-7

Cell # 0345-9516961

9

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal _____/2021

Naqeeb Ahmad Jan

..... Appellant

Versus

Government of Khyber Pakhtunkhwa and others.....Respondents

ADDRESSES OF PARTIES

APPELLANT:

Naqeeb Ahmad Jan S/o Fazal Aziz

R/o Village Tehsil Kabal, District Swab.

RESPONDENTS:

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. Chief Minister Khyber Pakhtunkhwa through its Principal Secretary, Chief Minister House, Sahibzada Abdul Qayyum Road, Peshawar.
4. Principal, Govt. Higher Secondary School, Baidara District Swat.
5. District Education Officer (Male), District Swat.
6. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.


Appellant

Through


Sajeed Khan Afridi


Tariq Afghan

Advocates, Peshawar

Date: 04.11.2021

K
Registered

Amree 'A' 10
GOVERNMENT OF NWFP
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the 17-07-2008.

NOTIFICATION.

NO.SO(S)3-2/2008/SS(Male). Consequent upon the recommendations of the NWFP Public Service Commission, the Competent Authority is pleased to appoint the following Subject Specialists (Male) in various subjects in BPS-17 (Rs.8210-615-20510) plus usual allowances as admissible under the rules on Regular basis but without pension and gratuity in terms of Section-19 of the Civil Servant Act 1973 as amended vide NWFP Civil Servants (Amendment) Act, 2005 with immediate effect under the provision of Establishment & Administration Department Circular bearing No.SOR-6 (E&AD) 13-1/2005 dated 10-8-2005:

S#	Name and Address
1	Mr.Rehmat Ali Mian S/O Aqal Zada Mian Vill: & PO Madyan District Swat.
2	Mr.Muzaffar Khan S/O Amir Zaman Vill: Ara Khan Dheri PO Sakhakot Tehsil Dargai Malakand Agency.
3	Mr.Muhammad Imran S/O Aurangzeb Vill: Lailgah PO Muslimabad Via Havelian District Abbottabad.
4	Mr.Khalid Khan S/O Wazir Mohammad Vill:Kamargai PO Haihsan Tehsil Takht Bhai District Mardan
5	Mr.Rehber Khan S/O Gul Zaman C/O Guldar Ali Parchoor ferosh inside Haved gate Bannu City
6	Mr.Ghulam Farooq S/O Khitab Gul Moh:Aikoon Vill:& PO Musazai Tehsil & District Peshawar
7	Mr.Muhammad Yasir S/O Sarfaraz Khan Vill:Tranna PO Shehal Najaf Khan Tehsil Balakot District Mansehra.
8	Mr.Naqeeb Ahmad Jan S/O Fazal Aziz Vill:& PO Kabal Tehsil District Swat Post Code 19060
9	Mr.Abdul Quddus S/O Ulas Khan PO Bara Tehsil Bara Khyber Agency Vill:Nogazi Baba Near Allam Children Academy
10	Mr.Sheraz Khan S/O Muhammad Yaqub Vill:& PO Bagnoter Muhala Jadan District Abbottabad
11	Mr.Irfan Ullah Malik S/O Sher Bad Shah Irfan Ullah Malik Lab;Assitt:GDC Sabir Abad District Karak
12	Mr Shahid Zaman S/O Khyber Zaman Qtr: No 4/244 F-6 RF Colony PAC Kamra District Attock
13	Mr Shakir Ullah S/O Daulat Khan Vill:&PO Paloski District Karak.
14	Mr Yousaf Rehman S/O Shah Zaman Vill:awazy Banda Distt:KarakTehsil Takhti Nasrati PO Bogara.
15	Hafiz Siraj-Ur-Rehman S/O Molvi Nurul-Haq Moh: New Islamabad Par Hoti Mardan
16	Hafiz Muhammad Rasool S/O Murid Rasool Gulabbud Din Clothe Shop Chiu pull Danin Chitral.
17	Mr Amir Muhammad S/O Fazal Rahman Tangi Norah Khial Talash Temer gara Dir Lower PO Naripa Tangi Norah Khial
18	Mr Musa Khan S/o Ghulam Mustafa Vill:& PO Dhakki Tehsil Paharnur District D.I.Khan
19	Mr.Muhammad Imran S/O Abdur Rehman Moh:Haji Imam Pir Vill:& PO Serai Saleh District Haripur.
20	Hafiz Ali Jan S/O Ziarat Gul Vill:Attak PO Shabqadar Fort Tehsil Shabqadar District Charsadda
21	Mr Fareedullah Shah S/O Mehir Shah Fareedullah Shsh GHS Garhi Sherdad PO Warsak Colony Garhi Sherdad Peshawar
22	Mr Bashir-Ul-Haq S/O Habib-Ul-Haq Vill:Mathra New PO Shabqadar Forte Tehsil & District Charsadda
23	Mr Hussain Ahmad S/O Said Habib-Ul-Hassan C/O Wazir Shah Motor Cycle Works Main Bazar Dargai Tehsil Dargai Malakand Agency.
24	Mr Muhammad Junaid S/O Bakht Jamal Moh:Allah Dad Khel Vill: &PO Dagi Swabi.
25	Mr Sher Daraz Khan S/O Gul Daraz Khan Sher Daraz Khan C/O Awami Kutab Khan Wana South Wazirstan Agency.
26	Mr.Mazhar Hussain S/O Ghulam Hussain, Akhtar Gul C/O Saeed Book Bank Arbab Road Peshawar Saddar

27	Mr Muhammad Awais Qarni S/O Nasirullah Jan Moh: Qasim Khel Vill: & PO Turangzai District Charsadda.
28	Mr Rahim Dad S/O Rahim Shah. Rahim Dad Radio Pakistan Kohat
29	Mr Shoukat Ali S/O Zarin Khan Vill: Shah kot C/O Noor Akbar Tailor Oghai PO & Tehsila Oghi District Mansaehra
30	Syed Sawab S/O Mewa Gul PO Gunj Shop No.21 District Peshawar.

- 3- On their appointment they are posted in Government Higher Secondary Schools as noted against each subject to the conditions given below:

S.No.	Name	To be Posted as	Remarks
1	Mr. Rehmat Ali Mian S/O Aqal Zada Mian .	SS (English) (BS-17) GHSS Butyal, Shangla.	A.V.P
2	Mr. Muzaffar Khan S/O Amir Zaman.	SS (English) (BS-17) GHSS Samar Bagh Dir Lower.	A.V.P
3	Mr. Muhammad Imran S/O Aurangzeb.	SS (English) (BS-17) GHSS Langarial Abbottabad.	A.V.P
4	Mr. Khalid Khan S/O Wazir Mohammad	SS (English) (BS-17) services placed at the disposal of Director Education (FATA) for further adjustment.	A.V.P
5	Mr. Rehber Khan S/O Gul Zaman	SS (Urdu) (BS-17) GHSS Nurar Bannu.	A.V.P
6	Mr. Ghulam Farooq S/O Khitab Gul	SS (Urdu) (BS-17) GHSS Musazai Peshawar.	A.V.P
7	Mr. Muhammad Yasir S/O Sarfaraz Khan .	SS (Urdu) (BS-17) GHSS Dalola, Abbottabad.	A.V.P
8	Mr. Naqeeb Ahmad Jan S/O Fazal Aziz	SS (Urdu) (BS-17) GHSS Baidara Swat.	A.V.P
9	Mr. Abdul Quddus S/O Ulas Khan	SS (Urdu) (BS-17) services placed at the disposal of Director Education (FATA) for further adjustment.	A.V.P
10	Mr. Sheraz Khan S/O Muhammad Yaqub	SS (Maths) (BS-17) GHSS Bagnoter, Abbottabad.	A.V.P
11	Mr. Irfan Ullah Malik S/O Sher Bad Shah	SS (Maths) (BS-17) GHSS Landi Kachi Kohat.	A.V.P
12	Mr. Shahid Zaman S/O Khyber Zaman	SS (Maths) (BS-17) GHSS Delola, Abbottabad.	A.V.P
13	Mr. Shakir Ullah S/O Daulat Khan	SS (Maths) (BS-17) GHSS Lachi Kohat.	A.V.P
14	Yousaf Rehman S/O Shah Zaman	SS (Islamiyat) (BS-17) services placed at the disposal of Director Education (FATA) for further adjustment.	A.V.P
15	Hafiz Siraj-Ur-Rehman S/O Molvi Nurul-Haq	SS (Islamiyat) (BS-17) GHSS No.1 Mardan.	A.V.P
16	Hafiz Muhammad Rasool S/O Murid Rasool.	SS (Islamiyat) (BS-17) GHSS Jalozei Nowshera.	A.V.P
17	Mr. Amir Muhammad S/O Fazal Rahman	SS (Islamiyat) (BS-17) GHSS Ziarat Talash, Dir Lower.	A.V.P
18	Mr. Musa Khan S/o Ghulam Mustafa	SS (Islamiyat) (BS-17) GHSS Dhakki, D.I.Khan.	A.V.P
19	Mr. Muhammad Imran S/O Abdur Rehman	SS (Islamiyat) (BS-17) GHSS Panian, Haripur.	A.V.P
20	Hafiz Ali Jan S/O Ziarat Gul	SS (Islamiyat) (BS-17) GHSS Umarazai Charsadda.	A.V.P
21	Mr. Fareedullah Shah S/O Mehir Shah.	SS (Islamiyat) (BS-17) services placed at the disposal of Director Education (FATA) for further adjustment.	A.V.P
22	Mr. Bashir-Ul-Haq S/O Habib-Ul-Haq	SS (Islamiyat) (BS-17) GHSS Chamkani Peshawar.	A.V.P
23	Mr. Hussain Ahmad S/O Said Habib-Ul-Hassan.	SS (Islamiyat) (BS-17) GHSS Palai Malakand.	A.V.P
24	Mr. Muhammad Junaid S/O	SS (Islamiyat) (BS-17) GHSS Ayub Khan Killi Swabi.	A.V.P

12

25	Mr. Sher Daraz Khan S/O Gul Daraz Khan.	SS (Islamiat) (BS-17) services placed at the disposal of Director Education (FATA) for further adjustment.	A.V.P
26	Mr. Mazhar Hussain S/O Ghulam Hussain.	SS(H/C) (BS-17) GHSS Morilasht Chitral.	A.V.P
27	Mr. Muhammad Awais Qarni S/O Nasrullah Jan	SS(Pashto) (BS-17) GHSS Umarzai, Charsadda.	A.V.P
28	Mr. Rahim Dad S/O Rahim Shah.	SS(Pashto) (BS-17) GHSS Manga Dargai Charsadda.	A.V.P
29	Mr. Shoukat Ali S/O Zarin Khan.	SS(Pashto) (BS-17) GHSS Battal Mansehra.	A.V.P
30	Syed Sawab S/O Mewa Gul	SS (Urdu) (BS-17) services placed at the disposal of Director Education (FATA) for further adjustment	A.V.P.

TERMS & CONDITIONS.

- 1- Their services will be considered regular but without Pension and Gratuity in term of Section-19 of the NWFP Civil Servant Act, 1973 as amended vide NWFP Civil Servants (Amendment) Act, 2005. They will however be entitled to Contributory Provident Fund in such a manner and at such rates as prescribed by the Government.
- 2- Their services will be liable to termination on one month's notice from either side. In case of resignation without notice their two month's pay/allowances, shall be forfeited to Government.
- 3- The appointee should join his post within 30-days of the issue of this notification. The Director, Elementary and Secondary Education, NWFP, Peshawar would furnish a certificate to the effect that the candidates have joined the post or otherwise, after one month of the issue of this Notification, failing which his candidature will expire automatically and no subsequent appeal etc shall be entertained.
- 4- They would be on probation for a period of two years extendable for another one year.
- 5- They will be governed by such rules and regulations as may be issued from time to time by the Government.
- 6- Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they will be proceeded against under the NWFP Removal from Service (Special Power) Ordinance, 2000 and the Rules framed from time to time.
- 7- Charge report should be submitted to all concerned.
- 8- No TA/DA will be allowed to the appointees for joining their duty.

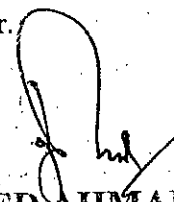
SECRETARY

ENDST. NO. & DATE EVEN.

Copy forwarded for information & necessary action to:

- 1- Accountant General, NWFP, Peshawar.
- 2- Director, Elementary & Secondary Education, NWFP, Peshawar.
- 3- Director of Education (FATA) NWFP, Peshawar.
- 4- District Accounts Officers concerned.
- 5- EDOs, S&L concerned.
- 6- PS to Minister for Education (E&SE) NWFP, Peshawar.
- 7- PS to Chief Secretary, NWFP, Peshawar.
- 8- PS to Secretary, Elementary & Secondary Education Deptt. NWFP, Peshawar.
- 9- Candidates concerned.
- 10- Director Recruitment, NWFP Public Service Commission, Peshawar.
- 11- Deputy Database Administrator, EMIS, E&SE Deptt., NWFP,
- 12- PA to Additional Secretary, E&SE Deptt. NWFP.
- 13- PA to Deputy Secretary (Admn) E&SE Deptt. Peshawar.
- 14- Office order file.

RECEIVED
 TO BE KEPT COPY
 OF THIS ORDER
 IN THE OFFICE
 OF THE
 SECRETARY



(SYED AHMAD KHAN)
SECTION OFFICER (SCHOOLS)

M-Tahir/Rafullah
Taj Muhammad

Annex 'B' (13)

GOVT. OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the November 5, 2012

NOTIFICATION


NO.AO/E&SE/7-26/Study Leave/Swat/05. Sanction is hereby accorded to the grant of (1095 days) Study Leave on half pay with effect from 01-08-2012 to 31-07-2015 in favour of Mr. Naqeeb Ahmed Jan, Subject: Specialist (Urdu), GHSS Baidara District Swat for completion of his Ph.D studies at University of Peshawar under FR-84 read with Appendix 9-1A of FR & SR Vol. I & II, subject to the condition that internal/local arrangements will be made by the administrative Department and no contract employee will be appointed during his study leave period.

Secretary to Govt. of Khyber
Pakhtunkhwa Elementary &
Secondary Edu: Department

Endst: NO.SO/(FR)/FD/5-13/2007.

Dated 06-11-12

Copy forwarded to the District Account Officer Swat for information and necessary action:-


Section Officer (FR)
Finance Department

Endst: NO.AO/E&SE/7-26/Study Leave/Swat/05

Dated 5-11-2012.

1. The Director Elementary & Secondary Education Peshawar w/r to his letter NO.4288/3 study leave dated 28-09-2012.
2. The Section Officer (FR) Govt of Khyber Pakhtunkhwa, Finance Department Peshawar w/r to his letter NO.SO/(FR)/FD/5-13/2010/Vol.II dated 23-10-2012.
3. The Section Officer (Male) Elementary & Secondary Education Department.
4. Mr. Naqeeb Ahmed Jan, Subject Specialist (Urdu), GHSS Baidara District Swat.

ATTENDED
to the
Advocate
M. YOUSUF


(MUHAMMAD YOUNAS)
SECTION OFFICER (ACCOUNTS)

14 Annex = C

OFFICE OF THE PRINCIPAL GOVT HIGHER SEC SCHOOL BAIDARA

ARRIVAL REPORT

Certified that Mr. Naqeeb ahmad jan post subject specialist BPS No 17 of GHSS Baidara swat was on earned leave on half pay W.E.F 01-09-2017 to 24-12-2017. He is reported/Arrival for duty on 25-12-2017. leave sancation is attached.

He took over charge of his duty on 25-12-2017 before noon against his original post subject specialist of GHSS Baidara swat.

Signature of
Govt servant

Principal
GHSS BAIDARA
DISTT SWAT

25/12/17

GHSS BAIDARA
SWAT

ATTESTED
to be true copy
Principal

15

Annex = (D)

The Secretary,
Elementary and Secondary Education,
Khyber Pakhtunkhwa at Peshawar.

THROUGH PROPER CHANNEL

Subject: Leave without Pay for a period of three Years w.e.f. 01-03-2018 to 28-02-2021.

Sir,

With due respect it is stated that I am performing my duty as Subject Specialist (Urdu) at Government Higher Secondary School Baidara, Swat since 18-07-2008. My mother is ill and I have some other domestic problems for which I am in need of leave without pay for a period of three years w.e.f. 01-03-2018 to 28-02-2021. The grant of the same will be a great favour with me. Thanking you very much in anticipation.

Obediently Yours!

Dr. Naqeeb Ahmad Jan
Subject Specialist (Urdu)
GHSS-Baidara Swat.

The application is self explanatory and is forwarded to DEO(M) Swat for onward submission pls.

Dated: 20-02-2018.

Dr. Naqeeb Ahmad Jan
Subject Specialist (Urdu)
GHSS-Baidara Swat.

ATTESTED
to be a copy
Advocate

16

Annex-D/11

②

OFFICE OF THE PRINCIPAL GOVT HIGHER SECONDARY SCHOOL BAIKARA DISTT;
SWAT.

NO 709 /-

Dated 1 / 02 /2018

TO: The District Officer (M)
Elementary & Secondary Education
District Swat at Gulkada

Subject: LEAVE WITHOUT PAY APPLICATION OF MR. NAQEEB AHMAD JAN POST: SS

Memo,

Ref, to the subject noted above. It is submitted that the Earned Leave ^{with} pay Application in respect of Mr. NAQEEB AHMAD JAN SS URDU B-17 of this school is submitted herewith for Sanction /necessary action along with the following documents is as under.

- 1) Leave Accounts Form in Original.
- 2) Leave Application.
- 3) pay slip/ Nic Copy

Lab

ATTESTED
W
16/02/2018
Principal

17

Annex "E"

To

The District Officer (M)
Elementary & Secondary Education
District Swat at Gulkada.

Subject: Apology / Reminder for leave without pay.

Respected Sir,

With due respect it is stated that I had applied for three years leave without pay w.e.f 01-03-2018 to 28-02-2021 through proper channel and have forwarded the same from Principal Government Higher Secondary School Baidara, Swat vide Endst: No 701 Dated 01-03-2018 and it is still awaited there in the office of the Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar, for sanction while this office of your honour being forwarding one has not forwarded up till this time. Once again your noble self is requested to forward the same so far I may not suffer, for being too late who will be held responsible. I reserve my right to go to the court of justice for the same if I am not favoured with the sanction. Thanks.

Sincerely Yours!

Dr. Nageeb Ahmad Jan
Subject Specialist Urdu
GHSS Baidara, Swat.

Dated: 02-10-2018

Copy to:

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
2. Principal GHSS Baidara, Swat.
3. Personal File.

ATTESTED
10/10/2018
10/10/2018

M. Naqeeb Ahmad Jan
55

(18)

Annex-1/P1

As per Director, Ex SE KPK Balochan Endst No 5558-62/

been constituted as enquiry committee to probe into the matter that you are serving in same office department as well in this regard you are directed to report to the following questions.

1- You have furnished with present posting and permanent address in brief.

2- Intimate your tenure your leave during the period of your notice you have provided of you give the detail and also

3- Whether you have provided of the detail and also your notice period of the detail and also

4- As per office to 24-12-2017 whether you have assumed your duty after the expiry of the leave period

5- Whether you department has been levelled against in any other department keeping your

6- A very serious allegation has been levelled against you regarding going in the dark areas during the

7- Whether you have performed regular duty

8- Whether you have performed i.e. Wef. 25-12-2017 to

9- during intervening period i.e. Wef. 25-12-2017 to

9- 2018. Wef. 25-12-2017 to

9- 2018. Wef. 25-12-2017 to

9- 2018. Wef. 25-12-2017 to

9- 2018. Wef. 25-12-2017 to

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9- 2018. Wef. 25-12-2017 to

9- 2018. Wef. 25-12-2017 to

9- 2018. Wef. 25-12-2017 to

Mr. Naqeeb Ahmad Jan
SS

As per Director, E&SE KPK Peshawar Endst No. 5558-62/F.No.8/earned leave dated 27.03.2018, the undersigned have been constituted as enquiry committee to probe into the matter.

That you are serving in some other department as well in this regard you are directed to respond to the following questions:

1. Your introduction with present posting and permanent address in brief.
2. Intimate your tenure at the present post i.e. SS in urdu.
3. Whether you have availed any kind of leave during your service period, if yes give the detail and also provide the photo copy of the said notification.
4. As per office record you have availed EOL 115 days w.e.f. 01.09.2017 to 24.12.2017 whether you have assumed your duty after the expiry of the leave period.
5. Whether you have been appointed against any post in any other department if yes give the detail.
6. A very serious allegation has been leveled against you regarding joining other department keeping your department in the darkness.
7. Whether you have taken salaries during the leave period.
8. Whether you have performed regular duty during intervening period i.e. w.e.f 25.12.2017 to 28.02.2018.
9. If it is proved that you have joined double services how would you defend yourself.

(ifitkahr ul Ghani)
DDEO (M) Buner

(Murawar Gul)
GHSS Tarnab Farm,
Peshawar.

APPROVED
15/03/2018
15/03/2018

The Enquiry Committee

Reply to the enquiry committee is as under (serial wise);

- 1, I Mr. Nazeem Ahmad Jan S/o Fazal Aziz R/o village & P/o Kabal Tehsil Kabal Distt Swat rendering my duties against my post SS in Undu since 17-7-2008.
- 2, my tenure on the current post SS in Undu at G.H.S.S Baidar Swat is since 17-7-2008 upto date.
- 3, yes, I have availed study leave during my phD studies and then earned leave, Sanctions are attached herewith.
- 4, Yes I joined my duties here after my expiry of my earned leave.
- 5, I am appointed on the post of Assistant professor under at Department of Undu women University Swabi on Contract basis.
- 6, I joined the post offered by the University on contract basis, as it was not a permanent post so far I got earned leave for joining there.
- 7, After expiry of my earned leave I joined my duties here but I was on winter vacation so as I continued my job ~~there~~ there, and my salaries here are also withdrawn.
- 8, As I was on winter vacation w.e.f - 25/12/2017 to 28/2/2018.
- 9, As I have been appointed in the University on contract basis, not on permanent basis, so I availed my earned leave and joined the University, I was unaware that this was so serious issue that I should have informed my parent department. Secondly I thought in winter vacation I was already free from my duties I continued my duties in University I have 24 days of earned leave which may be adjusted for duration of my absence period which for the remaining period I will re-deposit my already drawn salaries to the government treasury. I request with written apology that the same practice will not be repeated in future. Because I was in mistake on my part, so kindly provide me with this chance to well do, again.

21

BETTER COPY

To,
The Enquiry Committee

Reply to the enquiry committee is as under (Serial wise)

1. I Mr. Naeab Ahmad Jan S/o Fazal Aziz R/o Village & P/O Kabal Tehsil Kabal District Swat rendering my duties against my post SS in urdu since 17.07.2008.
2. My tenure on the current post SS in urdu at GHSS Baidara Swat is since 17.07.2008 upto date.
3. Yes, I have availed study leave during my PhD studies and then earned leave, sanctions are attached herewith.
4. Yes, I joined my duties hereafter expiry of my earned leave.
5. I am appointed on the post of Assistant Professor urdu at Department of urdu Women University Swabi on contract basis.
6. I joined the post offered by the university on contract basis, as it was not a permanent post so far, I got earned leave for joining there.
7. After expiry of my earned leave, I joined my duties here but I was on winter vacation so far, I continued my job there and my salaries here are also withdrawn.
8. As I was on winter vacation, w.e.f 25.12.2017 to 28.02.2018.
9. As I have been appointed in the university on contract basis, not on permanent basis, so I availed my earned leave and joined the university, I was unaware that this was so serious issue. That I should have informed my parent department. Secondly, I thought in winter vacation, I was already free from my duties I continue my duties in university, I have 24 days of earned leave which may be adjusted for duration of my absence period while for the remaining period I will redeposit my already drawn salaries to the government treasury. I request with written apology that the same practice will not be repeated in future. Because I was ignorant that this is mistake on my part, so kindly provide me with the opportunity to prorogate myself from this charge leveled against me.

Dr. Naqeeb Ahmad Jan
SS Urdu GHSS Baidara Swat

ACCEPTED
to
2018



22

18

Amnez "G"

Date Peshawar the Sep 2018

NOTIFICATION

No. SO/SME&SFD/4-17/2018 Subject: Ahmad Jan SS GHSS Baidara Swat. In view of the powers conferred upon me under Rule-10 of the Khyber Pakhtunkhwa Government Service Efficiency & Discipline Rules 2008, the Competent Authority/Chief Secretary, Khyber Pakhtunkhwa, has been pleased to constitute the Inquiry Committee comprising the following officers to conduct further inquiry against Mr. Naqib Ahmad Jan Subject Specialist (Urdu) BS-17 GHSS Baidara District Swat for the charges mentioned in the Charge Sheet and Statement of Allegations under the rules laid;

- i. Mr. Muhammad Fawad (PMS BS-18) Additional Deputy Commissioner, Swat
- ii. Mr. Muhammad Riaz, Deputy District Education Officer (Male) BS-18 Dir Lower

2. The Inquiry Committee shall submit report to the Competent Authority within 30 days positively. Copies of Charge Sheet & statement of Allegations are enclosed for all concerned.

SECRETARY

Endst: of even No. & Date :-

Copy forwarded to the:

1. Mr. Muhammad Fawad (PMS BS-18) ADC Swat.
2. Mr. Muhammad Riaz, Deputy District Education Officer (Male) BS-18 Dir Lower.
3. Voice Chancellor, Women University Swabi.
4. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
5. District Education Officer (Male), Swat.
6. Mr. Naqib Ahmad Jan Subject Specialist (Urdu) BS-17 GHSS Baidara District Swat.
7. The DDEO(M) Swat is nominated as Departmental Representative to assist the inquiry committee.
8. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
9. Office order file.

RECEIVED
18/09/2018

MILAN HUSSAIN DIN
SECTION OFFICER (SCHOOLS MALE)

(23)

BETTER COPY

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT.

Dated Peshawar the September 27, 2018

NOTIFICATION

No. SO(SM)E&SED/4-17/2018/Naqeeb Ahmad Jan SS GHSS Baidara Swat, to exercise of the powers conferred upon him under Rule-10 of the Khyber Pakhtunkhwa Government Servants Efficiency & Discipline Rules 2011, the Competent Authority/Chief Secretary Khyber Pakhtunkhwa has been pleased to constitute the inquiry committee comprising the following officers to conduct formal inquiry against Mr. Naqeeb Ahmad Jan Subject Specialist (urdu) BS-17 GHSS Baidara District Swat for the charges mentioned in the Charge Sheet and Statement of Allegations under the rules ibid;

- i. Mr. Muhammad Fawad (PMS BS-18) Additional Deputy Commissioner Swat.
- ii. Mr. Muhammad Riaz, Deputy District Education Officer (Male) BS-18 Dir Lower.

2. The Inquiry Committee shall submit report to the Competent Authority within (30) days positively. (Copies of Charge Sheet & Statement of Allegations are enclosed for all concerned).

SECRETARY

Endst. Even No. & Date:

Copy of the above is forwarded to the:

1. Mr. Muhammad Fawad (PMS BS-18) ADC Swat
2. Mr. Muhammad Riaz, Deputy District Education officer (Male) BS-18 Dir Lower.
3. Vice Chancellor, Women University Swabi.
4. Director, E&SE Khyber Pakhtunkhwa, Peshawar
5. District Education Officer (Male), Swabi
6. Mr. Naqib Ahmad Jan Subject Specialist (urdu) BS-17 GHSS Baidara District Swat.
7. The DDEO (M) Swat is nominated as Departmental Representative to assist the inquiry committee.
8. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
9. Office order file.

-sd-

(MIAN HUSSAIN DIN)
SECTION OFFICER (SCHOOLS MALE)

1. Naveed Kamran Baloch, Chief Secretary, Khyber Pakhtunkhwa Government Authority, hereby charge you, Mr. Naqib Ahmad Jan Subject Specialist (Urdu) BS-17 GHSS Baidara District Swat, as follows:-

That you, while posted as Subject Specialist (Urdu) BS-17 GHSS Baidara District Swat committed the following irregularities:

- i. You have been working as Assistant Professor Urdu in the Women University Swabi since 10-08-2017.
- ii. You applied for Extra Ordinary Leave w.e.f 01-03-2018 to 28-02-2021 (1095 days) and have been absent from duty without sanction of earned leave.
- iii. You had been granted 1095 days (w.e.f 01-09-2012 to 31-07-2012) study leave on half pay for Ph.D studies at the University of Peshawar vide Notification dated 05-11-2012 for which you had presented undertaking on legal stamp paper that after completion of your studies, you will serve the Education Department for at least five consecutive years, in case of non-compliance; you will return the amount drawn during the study period, but you left the Department without rendering five years service as such.

2- By reason of the above, you appear to be guilty of misconduct under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Rules ibid.

3- You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the inquiry officer/ inquiry committee, as the case may be.

4- Your written defense, if any, should reach the inquiry officer/ inquiry committee within specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

5- Intimate whether you desire to be heard in person.

6- A Statement of Allegations is enclosed.

Naveed Kamran Baloch

(NAVEED KAMRAN BALOCH)
CHIEF SECRETARY KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

Mr. Naqib Ahmad Jan,
Subject Specialist (Urdu) BS-17 GHSS Baidara District Swat

25
CHARGE SHEET

BETTER COPY

I, Naveed Kamran Baloch, Chief Secretary, Khyber Pakhtunkhwa, as Competent Authority, hereby charge you, Mr. Naqib Ahmad Jan Subject Specialist (urdu) BS-17 GHSS Baidara District Swat committed the following irregularities:

- i. You have been working as Assistant Professor urdu in the Women University Swabi since 10.08.2017.
 - ii. You applied for Extra ordinary Leaver w.e.f 01.03.2018 to 28.02.2021 (1095 days) and have been absent from duty without sanction of earned leave.
 - iii. You had been granted 1095 days (w.e.f 01.09.2012 to 31.07.2012) study leave on half pay for Ph.D studies at the University of Peshawar vide Notification dated 05.11.2012 for which you had presented undertaking on legal stamp paper that after completion of your studies, you will serve the Education Department for at least five consecutive years, in case of non-compliance; you will return the amount drawn during the study period, but you left the Department without rendering five years service as such.
2. By reason of the above, you appear to be guilty of misconduct under Rule-3 of the Khyber Pakhtunkhwa, Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Rules ibid.
3. You are therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the inquiry officer/inquiry committee, as the case may be.
4. Your written defense, if any, should reach the inquiry officer/inquiry committee within specified period, failing which it shall be presumed that you have no defense to put in and in that case ex.parte action shall be taken against you.
5. Intimate whether you desire to be heard in person.
6. A Statement of Allegations is enclosed.

-sd-

NAVEED KAMRAN BALOCH,
CHIEF SECRETARY, KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

RECEIVED
10/03/2021
NAQIB AHMAD JAN

(26)

Annex = '9'

To

**Mr. Muhammad Fawad, (PMS-BS-18)
Additional Deputy Commissioner Swat.**

Sir,

With most profound sense of veneration and esteem I approach your good self with the following in hope that it will kindly be granted.

With reference to Endst: of even No, SO(SM)E&SED/4-17/2018/Naqeeb Ahmad Jan SS GHSS Baidara Swat & date September 27, 2018 of the Notification issued from the Secretariat dated September 27, 2018, in view of charge sheet against me, I put forth my responses accordingly for your kind attention & favorable consideration as under please;

- 1- On my appointment at the Women University Swabi on Contract Basis, I took charge on 15 August 2017 at the Women University, Swabi, telling them for joining from 01 September 2017, for which I took Earned Leave for a period of (115 days) with effect from 01 September 2017 to 24 December 2017. (See No. 1). Fearing that I was not fully conversant for being a Women University, whether I will be adjusted over there or not, and afterwards at the end of this period, realizing that I can keep continue for I was needed over there, then I applied for Leave without pay w.e.f 01-3-2018 to 28 -02-2021(1095 days). (see No. 2).
- 2- I have applied for Leave without pay w.e.f 01-3-2018 to 28 -02- 2021(1095) days (see No. 3) and the same application has been forwarded by & from my Immediate boss to the sanctioning authority (submitted on 20-02-2018) but by irony of situation and fate the same is still awaited over there (DEO (M) Swat), for the DEO swat has not forwarded the same in spite of persistent requests and finally finding no way I in an apologized manner reminded his honor (see No. 4).
- 3- For the third allegation... I have availed the mentioned Study Leave but I have not left the Education Department but have gone to higher education from School to University Where I can better serve the nation rather than school side. It is quite clear that acquiring PhD Degree aims at Higher Education while at School level simple MA, B.Ed is sufficient. Interestingly, for applying to different universities I have obtained prior DEPARTMENTAL PERMISSION twice from Provincial Education Department (see No. 5 & 6).
- 4- Since I can rear the university students well and can render my services for the betterment of the coming generation at University level in view of my previous work, i.e. Five (05) published and three (03) unpublished books &

ATTESTED
15/09/2018

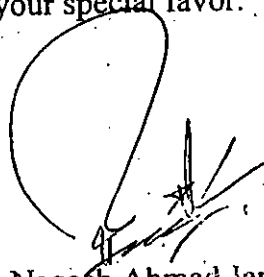
27

research findings in Shape of my MPhil and PhD theses along with eight (08) published research articles in HEC Recognized journals and five (05) more in the pipeline. Moreover, a research project entitled; "دستار نامہ؛ ترجمہ و توضیح" is in final stage of completion under my supervision as Principal Investigator at Women University, Swabi.

In the light of above mentioned points, it is requested if my leave without pay for the mentioned period be sanctioned. I shall be highly obliged for the same – Sir so I can keep continue my services at university and during this period I shall pave my choice either university or otherwise.

How-ever if the Govt: wants me to be back to school side then willy-nilly I shall have no choice after all. I would like to be heard in person.

I shall personally feel highly obliged for your special favor. Thanks



Dr. Naqeeb Ahmad Jan
Subject Specialist Urdu
GHSS Baidara, Swat

Dated: 10/10/2018

ATTACHED
10/10/2018

28 Annex = J¹

**INQUIRY REPORT AGAINST MR. NAQEEB AHMAD JAN SUBJECT
SPECIALIST (URDU) GOVT. HIGHER SECONDARY SCHOOL BAIKARA
DISTRICT SWAT.**

Introduction

The worthy Secretary, Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department Peshawar vide notification bearing No SO(SM)E&SED/4-17/2018/Naqeeb Ahmad Jan SS GHSS Baikara dated Peshawar the 27/09/2018 constituted an inquiry committee comprising of the following officers to conduct formal inquiry regarding the subject issue

1. Mr. Muhammad Fawad (PMS BS-18) Additional Deputy Commissioner Swat
2. Mr. Muhammad Riaz Deputy District Education Officer (M) BS-18 District Lower.

The terms of reference of the inquiry committee mentioned in the above notification is to furnish report and recommendation at the earliest.

Summary of the Complaint

The instant inquiry was ordered on the complaint of Education Department against Mr. Naqeeb Ahmad Jan, SS(Urdu) GHSS Baikara Swat who was working as Assistant Professor Urdu in the Women University Swabi since 01/08/2017. He applied for extra ordinary leave w.e.f 01-03-2018 to 31-02-2021 (1095) days and has been absent from duty without sanction of the department. He was granted 1095 days study leave w.e.f 01-09-2012 to 31-07-2015 for his PhD studies at the University of Peshawar vide notification, dated 05/11/2012 in which he had presented undertaking on legal stamp paper that after completion of his studies, he will serve the Education Department for at least 05 consecutive years and in case of non compliance, he will return the amount of salary during the study leave period, but he left the department without completing five years service as such (charge sheet and statement of allegations) as well as (A)

Furthermore several sessions of inquiry committee were held on 01/10/2018 & 31/01/2019 and other dated in which Mr. Muhammad Amin, Deputy District Education Officer Swat as Departmental representative, presented record of the department. Principal GHSS Baikara Swat also participated in the inquiry proceedings (Statement of Naqeeb Ahmad Jan annexed as (B))

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INQUIRY REPORT AGAINST MR. NAQEEB AHMAD JAN,
SUBJECT SPECIALIST (URDU) GOVT. HIGHER SECONDARY
SCHOOL BAIDARA DISTRICT SWAT

Introduction

The worthy Secretary, Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar vide notification bearing No. SO(SM)E&SED/4-17/2018/Naqeeb Ahmad Jan SS GHSS Baidara District Swat dated Peshawar the 27/09/2018 constituted as inquiry committee comprising of the following officers to conduct formal inquiry regarding the subject issue.

1. Mr. Muhammad Fawad (PMS BS-18) Additional Deputy Commissioner Swat.
2. Mr. Muhammad Riaz Deputy District Education officer (M) BS-18 Dir Lower.

The terms of reference of the inquiry committee mentioned in the above notification is to furnish report and recommendation at the earliest.

Summary of the Complaint

The instant inquiry was ordered on the complaint of Education Department against Mr. Naqeeb Ahmad Jan, SS (urdu) GHSS Baidara District Swat who is working as Assistant Professor urdu in the Women university Swabi since 10/08/2017. He applied for extra ordinary leave w.e.f 01.03.2018 to 28.02.2021 (1095) days and has been absent from duty without sanction of the leave. He was granted 1095 days study leave w.e.f 01.09.2012 to 31.07.2015 to PhD studies at the University of Peshawar vide notification dated 05.11.2012 in which he had presented undertaking on legal stamp paper that after completion of his studies he will serve the Education Department for at least 05 consecutive years and in case of non compliance, he will return the amount drawn during the study leave period but he left the department without serving five years service as such (charge sheet and statement of allegations annexed as (A).

Furthermore several session of inquiry committee were held on 11/2018 & 31/01/2019 and other dated in which Mr. Muhammad Amin, Deputy District Education officer, Swat as Departmental representative, presented record to the department Principal GHSS Baidara Swat also participated in the proceedings (Statement of Naqeeb Ahmad Jan annex. as (B).

2018/09/27
2018/09/27
2018/09/27

In order to dig out more facts pertaining to the case, a plea for verification at Women University Swabi was issued vide No. 52017/Adm. Swabi dated 01/11/2018 to verify the status of pay of the accused but its reply was not received. The accused was called for personal hearing on 20/11/2018 and a summons was served upon him on the same date.

Scrutiny of the Record/Findings

Perusal of the record and statements of all concerned transpires that Mr. Naqeeb Ahmad Jan SS Urdu GHSS Baidara Swat was appointed as SS Urdu on 10/08/2008. He availed study leave w.e.f. 01/08/2012 to 31/07/2015 (1095 days) with proper affidavit that he will serve his parent Department after completion of his PhD studies for at least five years, otherwise he will return the amount to the department back (Annexure C).

His leave was extended from 01-08-2015 to 31-01-2016 (184 days) but he failed to provide his course completion of PhD degree to the department. Then he availed another spell of leave i.e. w.e.f. 01-09-2017 to 25-02-2021 (1095 days) but his leave was not allowed and he left the department without proper leave. Facts finding inquiry was conducted against the accused on 27/03/2018.

Findings:-

From through perusal of material on record, statement of the accused, personal hearing of the accused and detailed deliberation during the inquiry proceedings the following facts are extracted.

- i He has been working as Assistant Professor Urdu in the Women University Swabi since 10-08-2017. Therefore, this charge stands proved.
- ii He applied for Extra Ordinary Leave w.e.f. 01-03-2018 to 28-02-2021 (1095) days and remained absent from duty without sanction of earned leave. So this charge also stands proved.
- iii He was granted 1095 days (w.e.f. 01-09-2012 to 31-07-2015) study leave on half pay for PhD studies at the University of Peshawar vide Notification dated 05-11-2012 for which he presented undertaking on legal stamp paper that after completion of his studies, he will serve the Education Department for at least five consecutive years. In case of non-compliance, he will return the amount drawn during the study period. However, he left the Department without rendering five years service as such and as such this charge stands proved.
- iv He availed benefits of double service and drawn salaries from both Women University Swabi and Education Department Peshawar.

(Signature)

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In order to dig out more facts pertaining to the case, letter to Vice Chancellors of Women University Swabi was issued vide No. 5801/AOC/Swat dated 22.11.2018 to verify the status of pay of the accused but its reply was not received. The accused was called for personal hearing on 29.11.2018 and was served upon him on the same date.

Scrutiny of the Record/Findings

Perusal of the record and statements of all concerned transpires that Mr. Nageeb Ahmad Jan SS urdu GHSS Baidara District Swat was appointed as SS on 17/07/2008. He availed study leave w.e.f 01/08/2012 to 31/07/2015 (1095 days) with proper affidavit that he will serve his parent Department after completion of his PhD studies for at least five years, otherwise he will return the drawn amount to the department back (Annexure C)

His leave was extended from 01.08.2015 to 31.01.2016 (184 days) but he failed to provide his course completion of PhD degree to the department. Then he availed another spell of leave i.e. w.e.f 01.09.2017 to 25.____.2017. the he applied for leave without pay w.e.f 01.03.2018 to 28.02.2021 (1095 days) but his leave was not allowed and he left the department without proper leave. Facts findings inquiry was conducted against the accused on 27.03.2018.

Findings:-

From through perusal of material on record, statement of the accused personal hearing of the accused and detailed deliration during duty proceedings the following facts are extracted.

- i. He has been working as Assistant professor urdu in the Women University Swabi since 10.08.2017. Therefore, this charge stands proved.
- ii. He applied for Extra ordinary Leave w.e.f 01.03.2018 to 28.02.2021 (91095) days and remained absent from duty without sanction of earned leave. So this charge also stands proved.
- iii. He was granted 1095 days (w.e.f 01.09.2012 to 31.07.2015) study leave on half pay for Ph.D studies at the University of Peshawar vide Notification dated 05.11.2012 for which he presented undertaking on legal stamp paper that after completion of his studies, he will serve the Education Department for at least five consecutive years. In case of non compliance he will return the amount drawn during the study period however he left the Department without rendering five years service as such and as such this charge stands proved.
- iv. He availed benefit of double service and drawn salaries from both Women university and E&SE

REGISTERED
BY
10/11/2018

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committed misconduct and corruption and he has given loss to Govt Treasury.

Recommendations

- 1. The inquiry committee recommends that Recovery may please be made from Naqeeb Ahmad Jan SS (urdu) GHSS Baidara Swat since 01-08-2012.
- 2. He has made himself liable for penalty under the E&D Rules.



Mr. Muhammad Riaz,
Deputy District Education Officer
(M) Dir Lower.



Muhammad Fawad
Additional Deputy Commissioner
Swat.

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14/08/2012
11:00 AM

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Committed misconduct and corruption and he has given loss to Govt. Treasury.

Recommendations

1. The inquiry committee recommends that Recovery may please be made from Naqeeb Ahmad Jan SS (urdu) GHSS Baidara Swat since 01.08.2012.
2. He has made himself liable for penalty under the E&D Rules.

-sd-

Mr. Muhammad Riaz
Deputy District Education officer
(M) Dir Lower

-sd-

Muhammad Fawad
Additional Deputy Commissioner
Swat.

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10/08/2012
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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

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Annex 'K'

No. SO (SM) E&SED/ 4-17/2018/Naqeeb Ahmad Jan
Dated Peshawar the November 24, 2020

To

Mr. Naqeeb Ahmad Jan.
Subject Specialist (Urdu) BS-17,
GHSS Baidara Swai.
C/o

Subject: - **SHOW CAUSE NOTICE.**

I am directed to refer to the subject noted above and to enclose herewith a copy of Show Cause Notice wherein the Competent Authority (Chief Minister Khyber Pakhtunkhwa) has tentatively decided to impose upon you the minor penalty of "Removal from Service along with recovery of Rs. 10,61,222/-" under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 in connection with the charges leveled against you.

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

3. Your reply should reach this Department **within Seven (07) days** of delivery of this letter otherwise ex-parte action shall be taken against you.

Encl: As Above:

SECTION OFFICER (SCHOOLS MALE)

Endst: Even No. & Date:

Copy of the above is forwarded to the: -

1. Director E&SE Khyber Pakhtunkhwa, Peshawar
2. District Education Officer (Male), Swat with the request to make sure the delivery of Show Cause Notice to the accused.
3. PS to Secretary E&SE Khyber Pakhtunkhwa, Peshawar.

SECTION OFFICER (SCHOOLS MALE)

35

REGISTERED

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No. SO (SM) E&SE/D/4-17/2018 Naqeeb Ahmad Jan
Dated Peshawar the November 24, 2018



Mr. Naqeeb Ahmad Jan.
Subject Specialist (C rd) BS-17.
CISS, Baidara, Swat

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2-3/11

Subject:- SHOW CAUSE NOTICE.

You are directed to refer to the subject noted above and to enclose herewith a copy of Show Cause Notice wherein the Competent Authority (Chief Minister Khyber Pakhtunkhwa) has ultimately decided to impose upon you the minor penalty of "Removal from Service along with recovery of RS. 10,61,222/-" under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 in connection with the charges leveled against you.

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

Your reply should reach this Department within Seven (07) days of delivery of this notice otherwise ex-parte action shall be taken against you.

Encl: As Above:

[Signature]

SECTION OFFICER (SCHOOLS MALE)

Encl: Even No. & Date:

- 1. Copy of the above is forwarded to the:-
- 1. Director E&SE, Khyber Pakhtunkhwa, Peshawar
- 2. District Education Officer (Male), Swat with the request to make sure the delivery of Show Cause Notice to the accused.
- 3. PS to Secretary E&SE, Khyber Pakhtunkhwa, Peshawar.

[Signature]

SECTION OFFICER (SCHOOLS MALE)

REGISTERED
11/24/18

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT.

No. SO(SM)E&SED/4-17/2018/Naqeeb Ahmad Jan
Dated Peshawar the November 24, 2020

Mr. Naqeeb Ahmad Jan
Subject Specialist (Urdu) BS-17
GHSS Baidara Swat.

Subject: **SHOW CAUSE NOTICE**

I am directed to refer to the subject noted above and to enclose herewith a copy of Show Cause Notice wherein the Competent Authority (Chief Minister Khyber Pakhtunkhwa) has tentatively decided to impose upon you the minor penalty of "Removal from Service along with recovery of Rs. 10,61,222/- under Rule-4 of the Khyber Pakhtunkhwa Government Servants Efficiency & Discipline) Rules, 2011 in connection with the charges leveled against you.

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

3. Your reply should reach this Department within Seven (07) days of delivery of this letter otherwise ex.parte action shall be taken against you.

Ends. As Above.

-sd-

SECTION OFFICER (SCHOOLS MALE)

Endst. Even No. & Date:

Copy of the above is forwarded to the:

1. Director E&SE Khyber Pakhtunkhwa, Peshawar
2. Director Education officer (Male), Swat with the request to make sure the delivery of Show Cause Notice to the accused.
3. PS to Secretary E&SE Khyber Pakhtunkhwa, Peshawar.

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SHOW CAUSE NOTICE

I, Dr. Kazim Naz, Chief Secretary Khyber Pakhtunkhwa, as competent authority under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, do hereby serve you, Mr. Nazeem Ahmad Jan, Subject Specialist (Urdu) BS-17, Gilgit-Baltistan Swat

That consequent upon the completion of inquiry conducted against you by the inquiry committee for which you submitted your written defense before the inquiry committee vide communication dated 10-10-2018; and

ii Through the findings and recommendation of the inquiry officer, the material on record and other connected papers including your defense before the inquiry officer.

I am satisfied that you have committed the following acts/omissions specified in rule-3(b) of the said rules.

- (a) Misconduct
- (b) Corruption

As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of ~~2 months' leave without pay~~ under Rule-11 of the said rules. *Penalty 5; Re-1061222/-*

You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

A copy of the findings of the inquiry officer is enclosed.

Kazim Naz
(DR. KAZIM NAZ)
CHIEF SECRETARY KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

Mr. Nazeem Ahmad Jan, Subject Specialist (Urdu) BS-17,
GHSS, Baidara Swat.

RECEIVED
10/11/2018
10/11/2018

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SHOW CAUSE NOTICE

I, Dr. Kazim Niaz Chief Secretary Khyber Pakhtunkhwa as competent authority under the Khyber Pakhtunkhwa Government Servants (Efficiency) & Discipline Rules, 2011, do hereby serve you Mr. Naqeeb Ahmad Jan, Subject Specialist (urdu) BS-17, GHSS Baidara Swat.

- i. That consequent upon the completion of inquiry conducted against you by the inquiry committee for which you submitted your written defense before the inquiry committee vide communication dated 10.10.2018; and
- ii. Through the findings and recommendation of the inquiry officer, the material on record and other connected papers including your defense before the inquiry officer

I am satisfied that you have committed the following acts/missions specified in rules-3(b) of the said rules.

- (a) Misconduct
- (b) Corruption

As a result thereof, I as competent authority, have tentatively decided to impose upon you the penalty of removal from service along with recovery of Rs. 1061222/- under Rule-___ of the said rules.

4. You are thereof, requested to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
5. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex.parte action shall be taken against you.
6. A copy of the findings of the inquiry officer is enclosed.

-sd-

(DR. KAZIM NIAZ)

CHIEF SECRETARY KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

Mr. Naqeeb Ahamd Jan, Subject Special (Urdu) BS-17, GHSS Baidara Swat.

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To,

The Chief Secretary,
Government of Khyber Pakhtunkhwa, Peshawar
Through: The Secretary to Government of Khyber Pakhtunkhwa, Elementary and Secondary
Education Department, Peshawar.

Subject: Reply to the Show Cause Notice

Respected Sir,

With Due Respect it is submitted that I am in receipt of the subject notice through SO(SM)E&SED/4-17/2018/Naqeeb Ahmad Jan dated November 24, 2020 from the Elementary and Secondary Education Department whereby I am required to show cause as to why the penalty of "Removal from Service along with Recovery of Rs. 1, 061,222" should not be imposed upon me. With all humility at my command, I avail this opportunity to respond to the subject notice.

BACKGROUND OF THE INQUIRY: I joined the Elementary and Secondary Education Department as Subject Specialist (Urdu) on August 17, 2008 and was posted to GHSS, Baidara, Swat. I opted to be teacher in Elementary and Secondary Education Department and left the job of lecturer in Government Degree College Jowar in district Buner. I completed my MPhil in October 2011 and PhD in March, 2016. After completion of my Doctorate Degree from the University of Peshawar I joined my duties in Government Higher Secondary School Baidara, Swat. I availed earned leave from September 01, 2017 till December 24, 2017 and resumed duty on December 25, 2017. I applied for extra ordinary leave (EOL) with effect from March 01, 2018 till February 28, 2021. This leave was intended to avail the opportunity of a temporary contract job as Assistant Professor in Women University, Swabi. I received no response from the Department or the Directorate. It was after more than one year that I received a Charge Sheet and Statement of Allegations on account of absence from duty without leave. In August, 2018 I reported my arrival for duty in Government Higher Secondary School Baidara but I was asked to wait for the outcome of the inquiry. On March, 25, 2019 I again reported my arrival to Principal GHSS Baidara. This time I was told in writing that the post was filled and as such I was not allowed to resume duty. I also approached the office of District Education Officer, Swat, but he advised me to wait till the completion of the inquiry. During this period, I repeatedly approached District Education Officer for forwarding my case for grant of extra ordinary leave but to no avail. During this period, I also volunteered to deposit my salary for the period of 25-12-2017 to 28-02-2018 as it was termed as double drawal. Documentary proofs of all these events are added as Annexures "A"- "G" for ready reference.

A WORD ABOUT MY BACKGROUND: With due veneration, I may be allowed to put up a few words on my own background. I hail from district Swat and belong to a family which has served the Education Department for three generations. Both my father and grand-father have unblemished record of service till their retirement on attaining superannuation. In line with these family traditions of attachment with Education I joined the Department. It may be mentioned that I opted as a "Teacher" in Elementary and Secondary Education Department and left the job of "Lecturer" in Government Degree College Jowar in district Buner. I completed my MPhil in October 2011 and PhD in March, 2016.

RESPECTED SIR,

With regard to the imposition tentative penalties, it is stated that:

- 1) **ON REMOVAL FROM SERVICE:** I had submitted a formal request for Leave without Pay. I was never informed that the application was regretted. It was after more than one year that I was slapped with a Charge Sheet. On receipt of the information in this way, I reported my arrival for duty but was neither allowed to resume my duties nor posted to some other station.

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As stated in the preceding paragraphs, I had tried my level best to redeem the situation but was always asked to wait. For all practical purposes I had made my services available to the Department since 2018 but was not allowed an opportunity to discharge my duties. In view of this situation, I do not deserve to be punished with removal from service or any other penalty under the Efficiency and Discipline Rules.

- 2) **ON RECOVERY OF RS. 1,061,222/-:** My study leave has been debited to my account of earned leave and as such expenditure on my Doctorate were neither sanctioned as grant nor paid as scholarship. I am consciously committed to render services to the Elementary and Secondary Education Department and have never gone back on my written declaration. I firmly believe that my attachment with the Department is a sacred relationship as against a sort of contractual or business relationship. In view of this factual position, I very humbly submit that it would be against justice and equity if I am asked to pay the phenomenal amount of Rs. 1,061,222/- as penalty; and
- 3) **ON THE ALLEGATION OF DOUBLE DRAWAL:** If my case is stretched to the limit, the only irregularity on my part could be the receipt of salary for the period between 25-12-2017 to 28-02-2018 (two months and seven days of winter vacations). While reporting my arrival in 2018, I had volunteered to deposit this amount despite my objection to the allegation and accusation that it amounted to an intentional Double Drawal. My lapse on this account and misunderstanding may not be constituted into an unfounded allegation of corruption or misconduct, particularly in view of the fact that I was not provided an opportunity of defending my position against this allegation.

PRAYER: In view of the above details, it is very humbly submitted that the Show Cause served on me may very kindly be withdrawn and I may be exonerated of the charges. I had submitted an application for leave without pay with effect from March 01, 2018 till February 28, 2021 as such the period since March 01, 2018 till date may be considered as Leave Without Pay and I may be allowed to resume my duties as Subject Specialist in Urdu. I very humbly submit that I may be given an opportunity of hearing in person.

Obediently Yours

Dr. Nageeb Ahmad Jan

Subject Specialist (Urdu), GHSS Baidara Swat

Dated December 07, 2020

ANNEXURES:

Annexure "A": Earned Leave w.e.f. 01-09-2017 to 24-12-2017

Annexure "B": Resumption of duty and Application for leave without Pay w.e.f. 01-03-2018 to 28-02-2021

Annexure "C": Enquiry Proceedings

Annexure "D": Report for resuming duty

Annexure "E": Submission for processing of my case for Extra Ordinary leave

Annexure "F": Reporting for resuming duty and refusal of Principal;

Annexure "G": Vacancy certificate with regard to GHSS Baidara

Annexures "H" & "I": Grant of Study Leave for PhD Studies.

(Handwritten signature and stamp)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT
Dated Peshawar the March 04, 2021

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Annex = 11

NOTIFICATION

NO.SO(SM)E&SED/4-14/2018/Naqeeb Ahmad Jan: WHEREAS Mr. Naqeeb Ahmad Jan, Subject Specialist (Urdu) BS-17 GHSS Baidara Swat was proceeded against under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

2. AND WHEREAS the inquiry committee comprising the following officers was constituted to conduct formal inquiry against the accused official, for the charges leveled against him in accordance with the rules.

- i. Mr. Muhammad Fawad PMS (BS-18) Additional Deputy Commissioner Swat
- ii. Mr. Muhammad Riaz, Deputy District Education Officer (Male) Dir Lower

3. AND WHEREAS the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) after having considered the charges and evidence on record, inquiry report, explanation of the accused in response to the show cause notice and personal hearing granted to him by Additional Secretary Establishment Department on behalf of the Competent Authority on 03.02.2021 is of the view that charges against the accused have been proved.

4. NOW, THEREFORE, In exercise of the powers conferred under section-14 of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) is pleased to impose major penalty of "Removal from Service with recovery of Rs. 10,61,222" upon Mr. Naqeeb Ahmad Jan, Subject Specialist (Urdu) BS-17 GHSS Baidara District Swat with immediate effect. The intervening period of unauthorized absence from duty w.e.f 10.08.2017 to 04.03.2021 shall be treated as without pay.

SECRETARY

Endst: of even No. & Date

Copy forwarded to the:

- 1- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2- Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 3- District Education Officer (Male), Swat
- 4- District Accounts Officer, Swat.
- 5- Principal GHSS Baidara Swat.
- 6- PS to Chief Secretary Khyber Pakhtunkhwa Peshawar.
- 7- PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
- 8- Mr. Naqeeb Ahmad Jan, Subject Specialist (Urdu) BS-17 GHSS Baidara Swat
- 9- Office order file.

17/3/2021

Received

GHSS Baidara Swat

(Signature)

(MUJEEB UR RAHMAN)
SECTION OFFICER (SCHOOLS MALE)

(41/A)

Annex = (L/A)

**The Honourable Chief Minister,
Khyber Pakhtunkhwa, Peshawar**

Dated. March 24, 2021

Subject: Appeal against the enquiry decision

Respected Sir,

With most profound sense of veneration and esteem, I approach your good self as the competent authority with the following request in hope that it will kindly be granted. After a departmental enquiry which took almost three years, I have been punished harshly i.e. removal from my service has been recommended and have also been to deposit an amount of Rs. 10,62,222/-

A Brief Background

Respected Sir

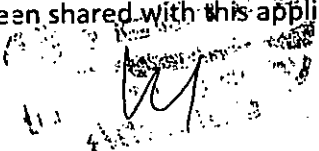
I am serving Elementary & Secondary Education Department Government of Khyber Pakhtunkhwa as Subject Specialist in Urdu since July 18, 2008. I had proceeded on approved earned leave (85 days days) w.e.f. 01-09-2017 to 24-12-2017 (See Annexure A), then resumed my duty on 25-12-2017 to 28-02-2018. Then I applied for leave without Pay w.e.f. 01-03-2018 to 28-02-2021 (Period of three years) (See Annexure B).

However, as I was of the opinion that the said leave will be sanctioned but by irony of fate after 17-03-2018, I came to know that an enquiry had been initiated upon me (See Annexure C) and I tried my best to find solution to this inquiry due to uncertainty as well as delay of the inquiry, on 4th August 2018, I approached my immediate boss, the Principal Government Higher Secondary School Baidara Swat, to accept my charge and let me resume the duty, and which he refused to it on behalf of the then DEO Swat (See Annexure D).

I approached the concerned DEO, but he forced me to wait till the completion of the inquiry. During that period, as I came to know that my leave case had been deliberately with-held by that DEO and was not forwarded to the next high ups, I once again approached the DEO to forward my case. (See Annexure E) but in vain.

Finding no solution to my case and inquiry which remained for a long period of more than two years (at that time), I once again tried to take charge and resume my duty and also to deposit my double drawl, i.e. salary of two months w.e.f. 25-12-2017 to 28-02-2018, but the principal declined and informed me that my post had been occupied by another subject specialist, M. Iqbal on 25-01-2019 (which was an unlawful act for neither I had resigned nor my leave had been sanctioned), it had been materialized on the order of the concerned highest officer (See F).

Moreover, the inquiry report submitted by the concerned officer neither reflects the statement to recommend my removal from service nor ask for any major penalty against me. It only recommends payment of the absence period. However, again there is a confusion that: my absence period is only two months and rest of the period is my approved leave and the documented proof of which has been shared with this application.



(4/13)

Respected Sir! Now that I have availed approved leave of mentioned periods, and that I have approached my concerned principal twice to re-take my charge and resume my duty and he refused to allow me taking charge, and that I am still ready to continue my duty at this department of Elementary & Secondary Education, then how can I be punished in this harsh manner.

Sir! In a nutshell, I am desirous to

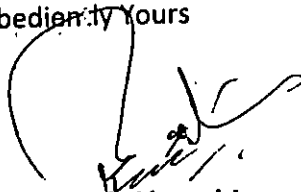
1. Resume my duty as Subject Specialist Urdu at School Level.
2. Allow me to repay the salary causing double drawl w.e.f. 25-12-2017 to 28-02-2018.
3. Sanction of leave without pay w.e.f. 25-12-2017 up till my resuming the duty at school side is requested please, to Join my parent department because neither I had resigned from my post nor am intended to.
4. Since, I have been granted Study Leave for PhD Studies (See Annexure H & I) then how can I refund the same amount as neither I am leaving the Department nor desirous to do so.

My Request

The Decision taken against me is the harshest and unjust, so it may be stand cancelled and I may be allowed to refund the double drawl on my behalf which was drawn un-knowingly and let me join my post of Subject Specialist Urdu back at school side.

Thanking you most in anticipation.

Obediently Yours



Dr. Naqeeb Ahmad Jan
SS Urdu
GHSS Baidara Swat

RECEIVED
13/12/2017
13/12/2017



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the October 11, 2021

Annex = 4/11

42

NOTIFICATION

NO.SO(SM)E&SED/4-14/2018/Naqeeb Ahmad Jan; WHEREAS Mr Naqeeb Ahmad Jan. Subject Specialist (Urdu) BS-17 GHSS Baidara Swat was proceeded against under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations

2. **AND WHEREAS** the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) after having considered the charges and evidence on record, inquiry report, explanation of the accused in response to the show cause notice and personal hearing granted to him by Additional Secretary Establishment Department on behalf of the Competent Authority on 03 02 2021 is of the view that charges against the accused have been proved.

3. **AND WHEREAS** the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) imposed major penalty of "Removal from Service alongwith recovery of Rs. 10,61,222" upon Mr. Naqeeb Ahmad Jan. Subject Specialist (Urdu) BS-17 GHSS Baidara District Swat with immediate effect. The intervening period of unauthorized absence from duty w.e.f 10.08.2017 to 04.03.2021 shall be treated as without pay.

4. **AND WHEREAS** he filed a Departmental Appeal before the Appellant Authority (Chief Minister Khyber Pakhtunkhwa)

5. **NOW, THEREFORE**, In exercise of the powers conferred under section-17 (1) of the Khyber Pakhtunkhwa Govt Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) has rejected his appeal having no valid grounds and this Department Notification of even number dated 04.03.2021 regarding "Removal from Service alongwith recovery of Rs 10,61,222" is here by intact.

**SECRETARY TO GOVT OF KHYBER AKHTUNKHWA
E&SE DEPARTMENT**

Endst: of aven No. & Dale

Copy forwarded to the:

- 1- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2- Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 3- District Education Officer (Male), Swat.
- 4- District Accounts Officer, Swat.
- 5- Principal GHSS Baidara Swat.
- 6- PS to Chief Secretary Khyber Pakhtunkhwa Peshawar.
- 7- PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
- 8- Mr. Naqeeb Ahmad Jan, Subject Specialist (Urdu) BS-17 GHSS Baidara Swat
- 9- Office order file.

(HAFEEZ UR RAHMAN SHAH)
SECTION OFFICER (SCHOOLS MALE)

43

BETTER COPY

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT.

Dated Peshawar the October 11, 2021

NOTIFICATION

No. SO(SM)E&SED/4-14/2018/Naqeeb Ahmad Jan WHEREAS Mr. Naqeeb Ahmad Jan, Subject Specialist (Urdu) BS-17 GHSS Baidara Swat, was proceeded against under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

2. AND WHEREAS the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) after having considered the charges and evidence on record, inquiry report, explanation of the accused in response to the show cause notice and personal hearing granted to him by Additional Secretary Establishment Department on behalf of the Competent Authority on 03.02.2021 is of the view that charges against the accused have been proved.

3. AND WHEREAS the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) imposed major penalty of "Removal from Service along with recovery of Rs. 10,61,222" upon Mr. Naqeeb Ahmad Jan, Subject Specialist (Urdu) BS-17 GHSS Baidara District Swat with immediate effect. The intervening period of unauthorized absence from duty w.e.f 10.08.2017 to 04.03.2021 shall be treated as without pay.

4. AND WHEREAS he filed a Departmental Appeal before the Appellant Authority (Chief Minister Khyber Pakhtunkhwa)

5. NOW, THEREFORE, in exercise of the powers conferred under section-17 (1) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) has rejected his appeal having no valid grounds and this Department Notification of even number dated 04.03.2021 regarding "Removal from Service along with recovery of Rs. 10,61,222" is hereby intact.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst. Even No. & Date:

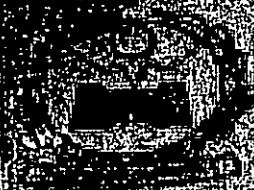
Copy of the above is forwarded to the:

1. Accountant Genial, Khyber Pakhtunkhwa, Peshawar.
2. Director, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male), Swat
4. District Accounts officer, Swat.
5. Principal GHSS Baidara Swat.
6. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
7. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
8. Mr. Naqeeb Ahmad Jan, Subject Specialist (Urdu) BS-17 GHSS Baidara District Swat.
9. Office order file.

-sd-
(HAFEEZ UR RAHMAN SHAH)
SECTION OFFICER (SCHOOLS MALE)

44

Amroz-M'



OFFICE OF THE DISTRICT EDUCATION OFFICER
MALE SAIDUSHIP SWAT.
Phone No. 0946-02-40210
No. 1192
Dated 16/10/2021

The Principal
GSS Badara Swat.

NOTIFICATION

Enclosed please find herewith Notification received from the honorable Secretary to Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department vide No SO(SM)/ESSED/4-14/2018/Naqeeb Ahmad Jan. dated Peshawar the 11/10/2021 for compliance and to submit implementation report to this office within a week for further submission to the higher authorities

DISTRICT EDUCATION OFFICER
MALE DISTRICT SWAT

Dated 16/10/2021

Copy forwarded for information to:

- 1. Secretary Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department
- 2. The Director Elem & Secondary Education KPK Peshawar.
- 3. The Monitoring Officer District Swat
- 4. The SAO Male D.E.O. of local office
- 5. To D.E.O. Male local office.

DISTRICT EDUCATION OFFICER
MALE DISTRICT SWAT



(Handwritten signature)

BETTER COPY

45
OFFICE OF THE DISTRICT EDUCATION OFFICER
MALE SAIDUSHARIF SWAT,
Phone No. 0946-9240228
No. 11922
Dated 25/10/2021

To,

The Principal
GHSS Baidara Swat.

Subject: **NOTIFICATION**
Memo:

Enclosed please find herewith Notification received from the honorable Secretary to Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department vide No. SO(SM)/E&SED/4-14/2018/Naqeeb Ahmad Jan dated Peshawar the 11/10/2021 for compliance and to submit implementation report to this office within a week for further submission to the higher authorities.

DISTRICT EDUCATION OFFICER
MALE DISTRICT SWAT

Endst. No. ____/SS

Dated ____/2021

Copy forwarded for information to:

1. S to Secretary Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department.
2. The Director Elem & Secondary Education KPK Peshawar.
3. The Monitoring Officer District Swat.
4. P. A to D.E.O Male Local office.

RECEIVED
TO
45

OFFICE OF THE PRINCIPAL GOVT HIGHER SECONDARY SCHOOL
BAIDARA DISTRICT SWAT

Date: 27/10/2021

NO 149

To: Nageeb Ahmad Jan

Subject: Recovery of amount RS.1061222/

Enclose please find herewith notification received from district education officer(M) swat Vide No 11922 Dated 25/10/2021 and honourable secretary to government of Khyber pakhtunkhwa Elementary & Secondary Education Department vide No SO(SM)/E&SED/4-14/2018/ Nageeb Ahmad Jan dated Peshawar the 11/10/2021. You are hereby directed to deposit Rs 1061222 to GOVT treasury through challan and copy of challan provide to this office immediately.

Copy forwarded for information to :

1) District education officer male swat

PRINCIPAL

GHSS BAIDARA SWAT

Principal

27/10/2021

47

**OFFICE OF THE PRINCIPAL GOVT. HIGHER SECONDARY
SCHOOL BAIDARA DISTRICT SWAT.**

No. 349

Dated 27/10/2021

To,

Naqeeb Ahmad Jan

Subject: Recovery of amount RS. 1061222/-

Enclose please find herewith notification received from district education officer (M) swat vide No. 11922 dated 25/10/2021 and honourable secretary to government of Khyber Pakhtunkhwa Elementary & Secondary Education Department vide No. SO(SM)/E&SED/4-14/2018/Naqeeb Ahmad Jan dated Peshawar the 11/10/2021. You are hereby directed to deposit Rs. 1061222 to GOVT treasury through challan and copy of challan provide to this office immediately.

Copy forwarded for information to ;

1) District education officer male swat.




-sd-

PRINCIPAL

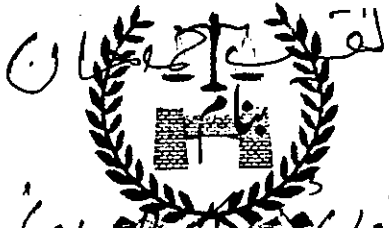
GHSS. BAIDARA SWAT

RECEIVED
27/10/2021
47

48

قیمت 50 روپے	82859			
ایڈوکیٹ: <u>محمد خان آفریدی</u>		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل ایسوسی ایشن نمبر: <u>32-1-09-BC</u>				
رابطہ نمبر: <u>9173354-0333</u>				

بعدالت جناب: مسٹر سید کریم علی شاہ

منجانب: <u>Appellant</u>	دعویٰ:
	علت نمبر:
<u>گورنمنٹ ہائی اسکول</u>	کوڑھ:
	جج:
	تھانہ:
باعث تحریر آئیکہ	

لقیب احمد جان ولد فضل خزانہ سکنہ گلڈن کبیل ڈسٹرکٹ سوات

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 آؤ مقام محمد خان آفریدی کو گورنمنٹ ہائی اسکول میں مقرر
 کر کے اقرار کیا گیا ہے۔ مقدمہ مکمل کاروائی کا مکمل اختیار ہو گیا ہے۔ صاحب کو
 راضی نامہ کرنے کی ضرورت و فیصلہ برحلاف دیے جوائے دعویٰ اقبال دعویٰ اور درخواست ہرم کی تصدیق
 زیریں پر دستخط کیے۔ اختیار ہوگا، نیز بصورت عدم ہمدردی یا سرفہ یا اپیل کی برآمدگی اور محمد خان، نیز
 دائر کر فیصلہ کرنا اور نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت غیر ہمدردی مقدمہ مذکورہ کے مکمل بلتھوئی
 کاروائی کے مکمل اور مکمل یا اختیار ہوگا اور محمد خان کے اختیار ہوگا۔ اختیار ہوگا اور صاحب
 مقرر شدہ کو محمد خان کے اختیار ہوگا اور محمد خان کے اختیار ہوگا اور محمد خان کے اختیار ہوگا اور
 دوران مقدمہ میں محمد خان کے اختیار ہوگا اور محمد خان کے اختیار ہوگا اور محمد خان کے اختیار ہوگا اور
 باہر ہو تو وکیل صاحب پر مقدمہ ہونے کے لیے ہی مذکورہ کر کے اختیار ہوگا اور محمد خان کے اختیار ہوگا اور
 المرقوم:



مقام: پشاور کے لیے منظور ہے۔

محمد خان آفریدی

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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKTUNKHWA
PESHAWAR

Service Appeal _____/2021

Naqeeb Ahmad Jan

..... Appellant

Versus

Government of Khyber Pakhtunkhwa and others

.....**Respondents**

Application for correction / rectification of the word "dismissed"
be read and rectify/correct as "removed" in the heading of the
prayer of the appeal

Respectfully Sheweth:

1. That above titled appeal has been filed before this Hon'ble Tribunal which is fixed for today i.e. 21.01.2022.
2. That inadvertently, the word "removed" was mentioned as "Dismissed" in the prayer of the appeal which needs to be rectify/correct accordingly.

It is, therefore, most humbly prayed that on the acceptance of instant Application, the word "Dismissed" may please be corrected/rectified as "Removed" in the prayer of the appeal, in the larger interest of justice.

Through Appellant

Sajeed Khan Afridi

Tariq Afghan

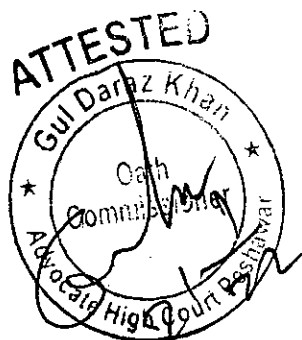
Advocates, Peshawar

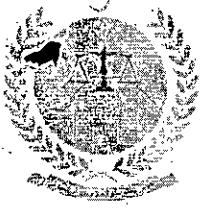
Date: 21.01.2022

AFFIDAVIT

As per instruction of my client, I do hereby solemnly affirm and declare that the contents of the application are true and correct and nothing has been concealed from this Hon'ble Tribunal.

Deponent





KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

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

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

No: 1678-79/ST Dated: 09/06/2023

To

1. The Accountant General,
Government of Khyber Pakhtunkhwa,
Peshawar.
2. District Account Officer, Swat.

Subject: SALARY ATTACHMENT OF RESPONDENTS No. 2, 4, 5 & 6 IN SERVICE APPEAL NO. 7754/2021 TITLED "NAQEEB AHMAD JAN VS. EDUCATION DEPARTMENT".

Dear Sir,

I am directed to forward herewith a certified copy of Order dated 09.05.2023 passed by this Tribunal on the above subject for strict compliance, please.

Encl: As Above.

(AAMIR FAROOQ)
ASSISTANT REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

BEFORE THE SERVICE TRIBUNAL KHYBER PAKTUNKHWA
PESHAWAR

Service Appeal _____/2021

Naqeeb Ahmad Jan Appellant

Versus

Government of Khyber Pakhtunkhwa and others.....Respondents

**Application for interim relief by way of suspension of
impugned Notifications dated 11.10.2021 and
04.03.2021, till the final decision of the case.**

Respectfully Sheweth:



1. That the above titled appeal has been filed before this Hon'ble Tribunal which is fixed for hearing on 21.01.2022.
2. That the applicant/appellant has a prima facie case and is hopeful of its success.
3. That balance of convenience also lies in favour of the applicant/appellant.
4. That if the Notifications dated 11.10.2021 and 04.03.2021 are not suspended, the applicant/appellant will suffer irreparable loss.

5. That grounds of the Civil Appeal may be read as part and parcel of this Application.

It is, therefore, prayed that by accepting this application, the Notifications dated 11.10.2021 and 04.03.2021 may please be suspended, till the final decision of the case.


Appellant

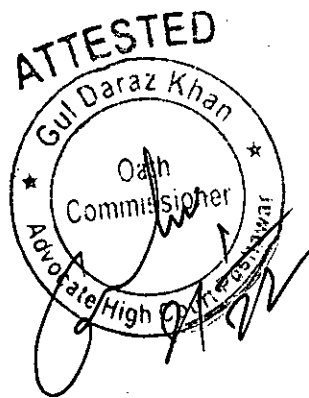
Through


Sajeed Khan Afridi

Tariq Afghan
Advocates, Peshawar

Date: 20.01.2022

AFFIDAVIT

I, 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 Tribunal.




DEPONENT