

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR CAMP COURT ABBOTTABAD

Appeal No. 316/2023

Dilawar Zaman.....Appellant

VERSUS

Government of Khyber Pakhtunkhwa & Others..... Respondents


SERVICE APPEAL

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 01 TO 03

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Dated: ___/___/2023


Assistant Director (Lit-II)
E&SE Khyber Pakhtunkhwa
Peshawar

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Respectfully Sheweth:-

Comments on behalf of respondents are submitted as under:-

PRELIMINARY OBJECTIONS:-

1. That the appellant has no cause of action to file the instant appeal.
2. That the appellant has no locus standi to file the present appeal.
3. That the appellant did not come to this Honorable Tribunal with clean hands.
4. That the present appeal has been filed to pressurize and blackmail the respondents.
5. That instant appeal is hopelessly time barred hence, liable to be dismissed.
6. That the instant appeal is not maintainable in its present form hence, liable to be dismissed.
7. That the appellant has suppressed the material facts from this Honorable Tribunal, hence, not entitled for any relief and appeal is liable to be dismissed without any further proceeding.
8. That impugned order dated 30-09-2022 was issued after observing all the codal formalities hence, same is liable to be maintained.

Factual Objections:-

1. That the Para No. 1, of the instant service appeal pertains to service record of the appellant hence, need no comment.
2. That the Para No. 2, of the instant service appeal is subject to cogent proof.
3. That the Para No. 3, of the instant service appeal as composed is incorrect hence, denied as appellant not acquitted from criminal charge as Annexure "D" is **pre-arrest bail order not acquittal one**. Furthermore, as per report of Principal GHSS

Ziarat Masoom Abbottabad vide Endstt: No. 157 dated 06-06-2022, appellant remained absent from duty without any application / information w.e.f 21-05-2022 to 30-09-2022. Furthermore, as per **Rule 20** of Govt of Khyber Pakhtunkhwa Conduct Rules 1987, it was the duty of the appellant to inform the Principal concerned regarding his involvement in a criminal case but he failed to do so. (Copy of Absent Report dated 06-06-2022 and relevant pages of Rules are annexed herewith as **Annexure "A" & "B"** respectively)

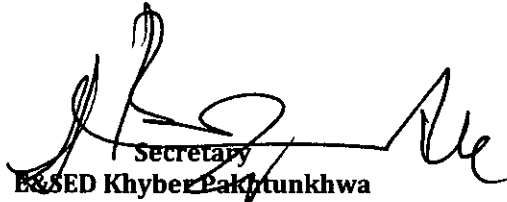
4. That the Para No. 4, of the instant service appeal as composed is incorrect hence, denied as no application was received.
5. That the Para No. 5, of the instant service appeal is correct. Furthermore, Show-cause notice was served upon appellant vide Memo No. 3979 dated 02-07-2022 through Principal GHSS Ziarat Masoom Abbottabad but appellant failed to submit reply within stipulated time and also failed to appear for personal hearing. Moreover, absence notice was published in leading newspapers vide letter No. 6290 dated 01-09-2022 whereas, appellant failed to appear in person and also failed to reply the reasons of absence of notice. (Copy of letter No. 3979 dated 02-07-2022, Show-cause notice, letter No. 6290 dated 01-09-2022 and Newspaper cutting are annexed as **Annexure "C", "D", "E" & "F"** respectively)
6. That the Para No. 6, of the instant service appeal is correct.
7. In reply to Para No. 7, of the instant service appeal it is submitted that as impugned order dated 30-09-2022 has been issued by competent authority after observing all codal formalities. Hence, same is liable to be maintained.

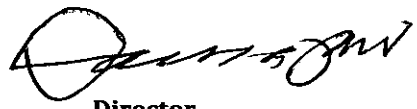
GROUND:-

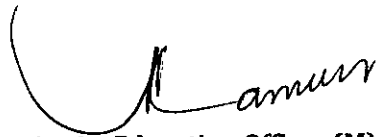
- a. That ground a, of the instant appeal as composed is incorrect hence, denied as replied above.
- b. That ground b, of the instant appeal as composed is incorrect hence, denied and not admitted as replied in para-5 above.
- c. That ground c, of the instant appeal as composed is incorrect hence, denied as Show-cause notice was served upon appellant vide Memo No. 3979 dated 02-07-2022 through Principal GHSS Ziarat Masoom Abbottabad but appellant failed to submit reply within stipulated time and also failed to appear for personal hearing. Moreover, absence notice was published in leading newspapers vide letter No. 6290 dated 01-09-2022 whereas, appellant failed to appear in person and also failed to reply the reasons of absence of notice.
- d. That ground d, of the instant appeal as composed is incorrect hence, denied and not admitted. The appellant has treated according to law, rules and policy.

- e. That ground e, of the instant appeal as composed is incorrect hence, denied as impugned order dated 30-09-2022 has been issued by competent authority after observing all codal formalities.
- f. That ground f, of the instant appeal as composed is incorrect hence, denied and not admitted. No valuable rights of appellant have been violated
- g. That ground g, of the instant appeal as composed is incorrect hence, denied and not admitted. Appeal is hopelessly time barred.
- h. That the respondents seek leave of this Honorable Tribunal to raise additional points at the time of arguments.

It is, therefore, very humbly prayed that in the light of forgoing comments the service appeal in hand may graciously be dismissed with cost throughout.


 Secretary
 E&SE Khyber Pakhtunkhwa
 Peshawar
 (Respondent No. 01)


 Director
 E&SE Khyber Pakhtunkhwa
 Peshawar
 (Respondent No.2)


 District Education Officer (M)
 Abbottabad
 (Respondent No.3)

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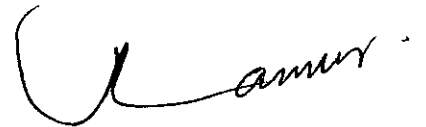
Government of Khyber Pakhtankhwa & Others..... Respondents

SERVICE APPEAL

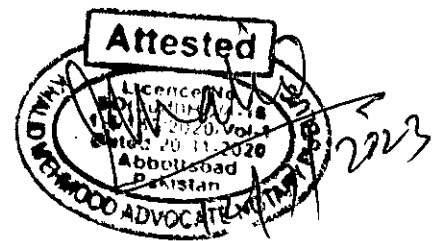
JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 01 TO 03

AFFIDAVIT

I, Mr. Muhammad Tanveer, District Education Officer (M) Abbottabad, do hereby affirm and declare on oath that the contents of forgoing comments are correct and true according to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.



DEPONENT



05

Nov '17

OFFICE OF THE PRINCIPAL GHSS ZIARAT MASOOM ABBOTTABAD

ENROST NO 157

DATE 14/11/22

TO,

THE DEO (M)
ABBOTTABAD

SUBJECT ABSENT REPORT OF DILAWAR ZAMANI (LA)

MEMO,

It is stated that DILAWAR ZAMANI (LA) of Ghss Masoom found absent from 21/10/22 till date from school with out any information

You are requested to take necessary action please

[Handwritten signature]
PRINCIPAL
GHSS ZIARAT MASOOM
ABBOTTABAD

RECEIVED
DATE 14/11/22

[Handwritten mark]

EB-III
For further necessary
action please
u/10/22

CHAPTER-3

GOVERNMENT OF KHYBER PAKHTUNKHWA
CONDUCT RULES, 1987

Statutory Provision regarding Conduct.

Section.15 Civil Servants Act, 1973.-The conduct of a civil is regulated by rules made, or instruction issued, by Government or a prescribed authority, whether generally or in respect of a specified group or class of civil servants.

The Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987.

1. Short title and commencement. (1) These rules may be called The Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987.

(2) They shall come into force at once.

2. Extent of application:-These rules apply to every person, whether on duty or on leave within or without The Khyber Pakhtunkhwa serving in connection with the affairs of The Khyber Pakhtunkhwa, including the employees of the Provincial Government deputed to serve under the Federal Government or with a statutory Corporation or with a non-Government employer, but excluding:-

- (a) members of an All-Pakistan Service serving in connection with the affairs of the Province;
- (b) employees of the Federal Government or other authority deputed temporarily to serve under the Provincial Government; and
- (c) holders of such posts in connection with the affairs of the Province of Khyber Pakhtunkhwa as the Provincial Government may, by a notification in the official Gazette, specify in this behalf.

3. Definitions :- (1) In these rules, unless there is anything repugnant in the subject or context;

(a) "Government" or "Provincial Government" means the Government of The Khyber Pakhtunkhwa;

(b) "Government Servant" means a person to whom these rules apply;

(c) "Member of a Government Servant's family" includes:-

(i) his wife, children and step children, parents, sisters and minor brothers, residing with and wholly dependent upon the Government Servant; and

(ii) any other relative of the Government servant or his wife when residing with and wholly dependent upon him; but does not

20. **Report by Government servant in case of his involvement in criminal case:-** If a Government servant is involved as an accused in a criminal case, he shall bring the fact of such involvement or conviction, as the case may be, to the notice of the Head of the Office or Department immediately or, if he is arrested, released on bail, soon after such release.

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21. **Unauthorized communication of official documents or information:-** Government servant shall, except in accordance with any special or general order of Government, communicate directly or indirectly any official information or contents of any official document to a Government servant not authorised to receive it or to a non-official person, or to the press.

22. **Approach to Members of the Assemblies:-** No Government servant shall directly or indirectly approach any member of the National Assembly or a Provincial Assembly or any other non-official person to intervene on his behalf in any matter.

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23. **Management, etc. of Newspapers or Periodicals:-** No Government servant shall except with the previous sanction of Government, own wholly or in part or conduct or participate in the editing or management of any newspaper or other periodical publication.

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24. **Radio-Broadcast and communications to the Press:-** No Government servant shall, except with the previous sanction of Government, or any other authority empowered by it in this behalf, or in bonafide discharge of his duties participate in a radio broadcast or television Programme or contribute any article or write any letter, either anonymously or in his own name or in the name of any other person to any newspaper or periodical:

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Provided that such sanction shall generally be granted if such broadcast or television programme or such contribution or letter is not, or may not be considered likely to jeopardize the integrity of the Government servant, the security of Pakistan or friendly relations with foreign states or to fend public order, decency or morality, or tantamount to contempt of court, defamation or incitement to an offence:

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Provided further that no such sanction shall be required if such broadcast or television programme or such contribution or letter is of a purely literary, artistic or scientific character.

***Note:-**Government officials unless so authorized are not allowed to hold press conferences and to have direct contacts with media. *No.SOR-VI/E&AD/Misc/VOL-IV Dt: 11-10-2010

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25. **Publication of information and public speeches capable of embarrassing Government :-**(1) No Government servant shall, in any document published or any public utterance, radio broadcast or television programme, or in any other manner make any statement of fact or opinion which is capable of embarrassing the Federal or any Provincial Government.

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OFFICE OF THE DISTT. EDUCATION OFFICER (MALE) ABBOTTABAD.

No. 3979 EB-III/Compl/Expl

Dated 02/07/2022

To

The Principal
GHSS Ziarat Masoom
Abbottabad.

Subject: SHOW CAUSE NOTICE

Memo:

Show Cause Notice in respect of Mr. Dilawar Ramzan, Lab Attendant of your school is attached herewith. You are hereby directed to serve the same to him and return one copy to this office as a token of receipt.

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD.

(10)

Ann E

(09)

Ann D

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) ABBOTTABAD

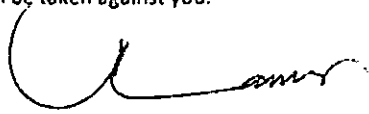

No 397A EBIII/Comp/Exp/CIV

Dated 2/7 2022

SHOW CAUSE NOTICE

I Mr. Muhammad Tanveer, District Education Officer (Male) Abbottabad as Competent Authority under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you Mr Dilawar Ramzan, Lab Attendant GHSS Ziarat Masoom Abbottabad, as follows:

1. You were found willful absent from duty without any information/approval of competent authority w.e.from 21-05-2022 to till date as per report of Principal GHSS Ziarat Masoom vide No. 157 dated 06-06-2022.
2. There is no need of holding formal inquiry in this case.
3. In exercise of the power conferred by the Khyber Pakhtunkhwa, Govt: servant (Efficiency & Discipline) Rules, 2011, the Competent Authority is hereby pleased to dispense with the conduct of formal inquiry and serve you with the instant show cause notice regarding your willful *absence from duty* with the direction to submit your defense in writing within ten (10) days of the issuance of this notice as to why the major penalty of Rule 4 (b) of the said rules should not be imposed upon you and also intimate whether you desire to be heard in person.
4. In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defense to offer and ex-parte decision will be taken against you.


COMPETENT AUTHORITY


Mr. Dilawar Ramzan, Lab Attendant, GHSS Ziarat Masoom Abbottabad



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Amr E

NO 5290 EBIII/C-IV/Comp/Evt *Regd* Dated 21/9/2022

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To
The Director Information
Khyber Pakhtunkhwa Peshawar

Subject:- ABSENT NOTICE OF MR. DILAWAR ZAMAN LAB ATTENDANT

Memo:
Enclose Please find herewith six copies of Absent Notice in r/o Dilawar Ramzan Sweeper CHSS Ziarat Masoom Abbottabad for publication in two leading and one local newspapers of Abbottabad at any early dates.

[Signature]
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Endst of even number and date

Copy Forwarded to Director Elementary and Secondary Education Department Peshawar for information.

[Signature]
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

[Handwritten mark]

Government of Khyber Pakhtunkhwa
 Directorate General of Science & Technology
 118 Old Jamrud road University Town Peshawar 091-0016580
 INF(P)
 5104/2022

**URBAN AREA DEVELOPMENT AUTHORITY,
 GKTS MANSEHRA
 CORRIGENDUM
 PRE-QUALIFICATION OF CONTRACTORS**

It is notified for information of all concerned that as per advertisement of daily newspaper DAWN INF (P) 4843/22 published on 22-8-2022 and as per KPPRA letter no. KPPRA/Discrepancies/11137/2022-23 dated: 24-08-2022, the following corrections / additions are hereby made:

- 1. The bids will be opened on 08-09-2022 at 02:00 PM.
- All the remaining terms and conditions will remain intact.

DIRECTOR
URBAN AREA DEVELOPMENT AUTHORITY
GHAZIKOT TOWNSHIP MANSEHRA TFL # 0997-303930
 INF(P)
 5130/2022

نوٹس غیر حاضری

آپ دلاور رمضان لیڈ انٹرنٹ گورنمنٹ ہائر سیکنڈری سکول زیارت مضمون آہٹ آباد مورخہ 21-05-2022 سے بغیر کسی اطلاع تا حال اپنی ذمہ داری سے غیر حاضر ہیں۔ اس میں آپ کو ایک سو تیس سو کا نوٹس بحوالہ مورخہ 3979 مورخہ 02-07-2022 جاری کیا گیا جس میں آپ کو 10 ایام کے اندر جواب دینے کا کہا گیا لیکن آپ کی طرف سے کسی قسم کا جواب موصول نہیں ہوا۔ لہذا اب ریورس اخبار آپ کو نوٹس دیا جاتا ہے کہ اسٹیمپز کے ساتھ ہونے کے 10 ایام کے اندر رائٹرز ذمہ داری میں حاضر ہو کر غیر حاضری کی وجوہات بیان کریں بصورت دیگر آپ کے خلاف قانونی کارروائی کر لی جائے گی جس میں آپ کو کوئی سزا سے درخواست بھی کیا جاسکتا ہے۔

محمد تنویر ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) ضلع ایبٹ آباد
 INF(P)
 5148/2022

معذوری کے حامل افراد کی رجسٹریشن جاری ہے

محکمہ سماجی بہبود خصوصی تعلیم و خود مختاری کی سوانحیہ بھرتیوں کے تحت کام کرنے والی سرکاری کونسل برائے معال معذوران (PCRD) کے حامل افراد کی رجسٹریشن کر رہی ہے تاکہ حکومت اور دیگر اداروں کی جانب سے رجسٹرڈ معذور معذوری کے حامل افراد کو مزید فوائد کے مطابق دی جانے والی مختلف مراعات کی فراہمی کو یقینی بنایا جاسکے۔

(District Assessment Board) میں محکمہ سماجی بہبود کے تحت ایک جانچ پڑتال کمیٹی (District Assessment Board) قائم کر دی گئی ہے جو کہ اپنے متعلقہ ضلع میں ایبٹ آباد میں دن بر معذوری کے حامل افراد کی جانچ پڑتال اور مطلوبہ معذوری سرٹیفکیٹ جاری کرتی ہے۔

تمام خصوصیات کے حامل افراد سے درخواست ہے کہ مذکورہ معذوری سرٹیفکیٹ (سند) کے حصول کیلئے سب سے پہلے محکمہ سماجی بہبود کی جانب سے دیئے گئے ویب سائٹ www.mis.swkpk.gov.pk کو اپنے سوبائس یا کمپیوٹر پر کھولیں اس کے بعد "enter disability data" کے آپشن پر کلک کریں آپ کے سامنے ایک فارم "Form" کھل جائے گا جس کو اپنا حوالہ نام کے ساتھ پُر کریں پھر اس پر شدہ فارم کو اپ لوڈ کریں جس کے بعد آپ کو ایک پیغام آئے گا جس پر آپ کو اپنے لئے "District Assessment Board" سے اپنا معائنہ کرانے اور معذوری سرٹیفکیٹ وصول کرنے کے لئے اپنی معائنہ کے لئے اپنے ساتھ قومی شناختی کارڈ یا فارم ب ڈویژن اور دیگر ادارہ دو عدد تازہ تصاویر ساتھ لے جانے ہوں گی۔ معذوری سرٹیفکیٹ کی آن لائن درخواستیں کیلئے <http://mis.swkpk.gov.pk> پر جائیں۔ اس کے بعد "Disability search" کے آپشن پر جائیں۔ مطلوبہ جگہ پر قومی شناختی کارڈ کا نمبر درج کریں اور "submit" پر کلک کریں۔ معذوری سرٹیفکیٹ آپ کو سب سے پہلے پر آجائے گا اس کا پرستار وصول کریں۔