

6<sup>th</sup> July, 2023

1. Nobody present on behalf of the appellant. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

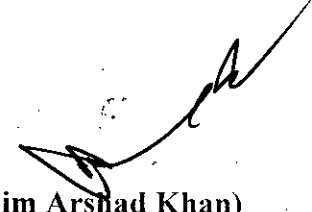
2. The case was called time and again but neither appellant nor his counsel put appearance, therefore, the appeal in hand is dismissed in default.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 6<sup>th</sup> day of July, 2023.*



(Rashida Bano)  
Member(J)

\*Adnan Shah, P.A\*



(Kalim Arshad Khan)  
Chairman

SCANNED  
KF ST  
Peshawar

21.11.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments on 16.01.2023 before the D.B.

SCANNED  
KPST  
Peshawar



(Mian Muhammad)  
Member (E)



(Salah-Ud-Din)  
Member (J)

16.01.2023

Counsel for the appellant present. Naseerud Din Shah learned Assistant Advocate General for the respondents present.

SCANNED  
KPST  
Peshawar

Miss Fareeha Paul, learned Member (Executive) is on leave today, therefore, case is adjourned to 25.04.2023 for arguments before the D.B.



(Rozina Rehma)  
Member (J)

25<sup>th</sup> April, 2023

25<sup>th</sup> April has been declared as public holiday on account of Eid-UI-Fitr, therefore, the case is adjourned. To come up for the same on 06.07.2023.

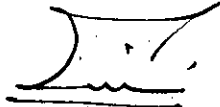


Reader

27<sup>th</sup> July 2022

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not prepared the brief of the instant appeal. Adjourned. To come up for arguments on 12.10.2022 before the D.B.



(Salah-Ud-Din)  
Member (J)

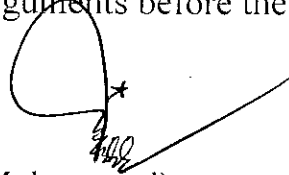


(Kalim Arshad Khan)  
Chairman

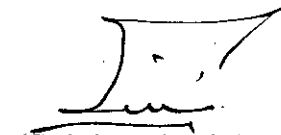
12.10.2022

Mr. Kamran Khan, Advocate for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not gone through the record. Adjourned. To come up for arguments before the D.B on 21.11.2022.



(Mian Muhammad)  
Member (E)



(Salah-Ud-Din)  
Member (J)

01.12.2021

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

Written reply/comments not submitted. Learned AAG seeks time to contact respondents for submission of written reply/comments. Adjourned. To come up for written reply/comments on 19.01.2022 before S.B.

  
(MIAN MUHAMMAD)  
MEMBER (E)

19.01.2022

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

Reply/comments on behalf of respondents are still awaited. Learned Additional Advocate General sought time for submission of reply/comments. Last opportunity is granted to respondents to furnish reply/comments on or before next date, failing which their right to submit reply/comments shall be deemed as struck off by virtue of this order. To come up for arguments before the D.B 12.05.2022.

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

12-5-22

*Proper DB not available. The case is adjourned on 27-7-22*

*Shari  
Reader -*

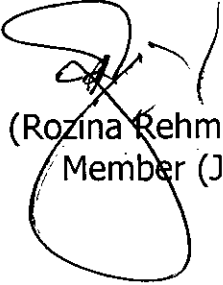
02.04.2021

Appellant present through counsel. Preliminary arguments heard. Record perused.

Points raised need consideration. Appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to the respondents. To come up for written reply/comments on 8/07/2021 before S.B.

Appellant Deposited  
Security Process Fee

2/4/21

  
(Rozina Rehman)  
Member (J)

08.07.2021

Appellant in person and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Learned AAG is required to contact the respondents for submission of reply/comments in office within 10 days, positively. If the written reply/comments are not submitted within the stipulated time, office shall put up the file with a report of non-compliance. To come up for arguments on 01.12.2021 before the D.B.

*Stipulated period has passed and reply has not been submitted.*

  
Chairman

P.S

28.07.2021

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





  
Chairman

Form- A

# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 3146 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/02/2021	<p>The appeal of Mr. Salim Khan presented today by Mr. Shahzaullah Yousafzai 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 26/02/2021</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>02/04/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

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

**APPEAL NO. \_\_\_\_\_/2021**

**SALIM KHAN VS EDUCATION DEPARTMENT**

**INDEX**

<b>S.NO.</b>	<b>DOCUMENTS</b>	<b>ANNEXURE</b>	<b>PAGE</b>
1	Memo of appeal	.....	1-4
2	Copy of judgment	A	5-6
3	Copy of implementation petition	B	7
4	Copies of order sheets	C	8-10
5	Copy of reliving order	D	11.
6.	Copy of impugned order	E	12-13
7.	Copy of departmental appeal	F	13-15
8	Copy of order dated 22/10/2020	G	16
8	Wakalat Nama		17.

**APPELLANT**

**THROUGH:   
SHAHZULLAH YOUSAFZAI,  
ADVOCATE**

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

**APPEAL NO. 3146 / 2021**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 3240

Dated 26/2/2021

Mr. Salim Khan, Ex: Lab-Attendent,  
GHSS Ghalanai Tribal District Mohmand.

**APPELLANT**

**VERSUS**

- 1- The Secretary E&SE Department, Khyber Pakhtunkhwa Peshawar.
- 2- The Director E&SE Department, Khyber Pakhtunkhwa Peshawar.
- 3- The District Education Officer Tribal District Mohmand At Ghalanai.

**RESPONDENTS**

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 18/11/2020 WHEREBY THE APPELLANT WAS DISMISSED FROM SERVICE AND AGAINST THE INACTION OF THE RESPONDENTS BY NOT RESPONDING THE DEPARMENTAL APPEAL OF APPELLANT WITHIN STATUTORY PERIOD OF NINTEY DAYS.**

**PRAYER:**

That on acceptance of this appeal the impugned order dated 18/11/2020 may kindly be set aside and the appellant may please be re-instated in to service with all back benifits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

Brief facts giving rise on the present appeal are as under:

- 1- That appellant was serving as lab-attendant in the respondents department quite efficiently and up to the entire satisfaction of his superiors.
- 2- That it is pertinent to mention here that during service the appellant was transferred from GHSS Ghalanai vide order dated 25/04/2018, that feeling aggrieved the appellant filed service appeal no. 174/2018 before this honorable court. That during pendency of the above mentioned appeal the

Filed to-day

Registrar  
26/2/2021



respondents issued order dated 04/07/2019 whereby the transfer order dated 25/04/2018 has been withdrawn/cancelled.

- 3- That it is pertinent to mention here that the above mention service appeal was disposed of by this honorable court vide judgment dated 09/07/2019 with observation " **in the circumstances, the instant appeal has become anfractuious and is disposed of accordingly. The concerned officials are required to execute the order dated 04/07/2019 in accordance with law as soon as possible**". Copy of judgment dated 09/07/2019 is attached as annexure ..... **A.**
- 4- That it is worth mentioning that after withdrawal/cancellation of transfer order dated 25/04/2018 the appellant approached principal GHSS ghalanai for assumption of charge but he was not giving charge of duty to appellant therefore the appellant file implementation petition no.331/2019 before this court. Copy of implementation petition is attached as annexure.....**B.**
- 5- That after repeated direction of this honorable court principle GHSS ghalanai give charge to appellant but he was not assigning the duty of lab-attendant to appellant, rather he was taking the work of sweeper from him, despite repeated order sheets of this honorable court. Copies of order sheets are attached as annexure.....**C.**
- 6- That it is worth mentioning that the principle GHSS ghalanai was pressurizing the appellant to withdraw the aforementioned implementation petition from this honorable court and finally appellant was relieved from GHSS ghalanai vide order dated 17/10/2020 on the basis of baseless charges and his services were placed at the disposal of district education officer district mohmand in utter disregard of this honorable court judgment. Copy of reliving order is attached as annexure.....**D.**
- 7- That thereafter the appellant was dismissed from service vide impugned order dated 18/11/2020 by respondent no.3 on the basis of baseless alleged complaint of principle GHSS ghalanai with out following the law on the subject. Copy of impugned order dated 18/11/2020 is attached as annexure.....**E.**
- 8- That feeling aggrieved from the above mentioned impugned dismissal order the appellant filed departmental appeal but

the same has not been responded by the respondents within statutory period of ninety days. Copy of departmental appeal is attached as annexure.....F.

- 9- That feeling further aggrieved and having no other remedy the appellant filed the instant appeal on following grounds inter alia.

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**GROUND:**

- A- That the impugned order dated 18/11/2020, whereby major penalty of dismissal from service was imposed on appellant, is against the law, facts and norms of natural justice hence not tenable in the eye of law and is liable to be set aside.
- B- That the appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- 
- C- That the respondents acted in arbitrary and malafide manner by issuing the impugned dismissal order whereby the appellant was dismissed from service.
- D- That it is pertinent to mention here that the principle GHSS ghalanai was not implementing the judgment of this honorable court and he was pressurizing the appellant to withdraw implementation petition. That when the appellant refused to withdraw the aforementioned implementation petition the principle GHSS ghalanai relieved the appellant and was later dismissed by respondent no.3, hence the impugned dismissal order has been issued on the basis of malafide and personal grudges of principle GHSS ghalanai.
- E- That no charge sheet, statement of allegations and show cause notice has been served on appellant before passing the impugned order which is mandatory under efficiency and disciplinary rules 2011.
- F- That no opportunity of personal hearing has been extended to appellant which is not only against the law on the subject but also against the principle of natural justice.
- G- That no regular inquiry has been conducted by the respondents before issuing the impugned order.
- H- That it is pertinent to mention here that a regular inquiry was order in to the matter after dismissal of appellant vide order dated 22/02/2010 and but the same has never been

conducted. Copy of order dated 22/10/2020 is attached as annexure.....G.

- I- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 19.02.2021

**APPELLANT**

  
**Saleem Khan**

**THROUGH:**

  
**SHAHZULLAH YOUSAFZAI**

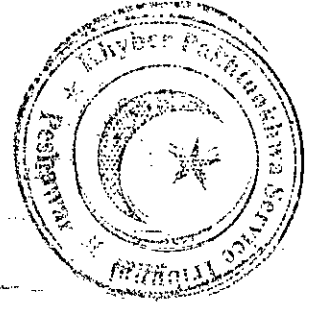
  
**KAMRAN KHAN**  
**ADVOCATES**

Annexure A-5

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

AMENDED SERVICE APPEAL

APPEAL NO. \_\_\_\_\_/2018



Mr. Salim Khan, Lab Attendant,  
GHSS, Ghalani, Mohmand Agency.

(APPELLANT)

VERSUS

1. The Additional chief secretary (FATA) Secretariat, Warsak Road, Peshawar.
2. The Director Education (FATA) Secretariat, Warsak Road, Peshawar.
3. The Agency Education Officer Mohmand Agency at Ghalani.
4. The Head master GHS Danishkool Mohmand Agency.

(RESPONDENTS)

-----  
AMMENDED APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNALS ACT, 1974, AGAINST THE IMPUGNED ORDER DATED 29.09.2017 WHEREBY THE APPELLANT WAS ADJUSTED TRANSFERRED TO GHS DANISHKOOL, AGAINST THE RESERVED LEAVE VACANCY AND AGAINST THE INACTION OF THE REPENDENT BY NOT ADJUSTING THE APPELLANT IN COMPLIANCE WITH THE ORDER DATED 1.02.2018 ISSUED DURING THE PENDENCY OF THE INSTANT SERVICE APPEAL.

PRAYER:

THAT THE ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS DEPARTMENT MAY BE DIRECTED TO ADJUST THE APPELLANT IN COMPLAINE WITH THE ORDDER DATED 1.2.2018 ISUUED DURING THE OENDENCY OF THIS APPEAL AGAINST HIS ORIGINAL POST AT GGHS GHALANI. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

ATTESTED

ATTESTED

MEMBER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

(6)

09.07.2019

Appellant in person and Addl: AG for respondents present.

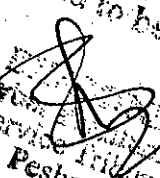


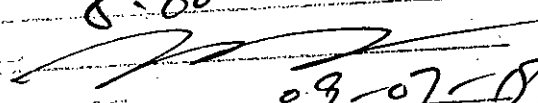
The appellant has produced copy of order dated 04.07.2019 issued by the District Education Officer, Mohmand Tribal District, whereby the transfer order dated 25.04.2018 has been withdrawn/cancelled. As a consequence, the appellant has been posted at GHSS, Ghalanai. The appellant states that he is left with no grievance pertaining to impugned transfer, however, the Principal of concerned school is reluctant in giving charge to him.

In the circumstances, instant appeal has become infructuous and is disposed of accordingly. The concerned official(s) are required to execute the order dated 04.07.2019 in accordance with law as soon as possible. File be consigned to the record room.

Announced:  
09.07.2019

  
Chairman

Certified to be true copy  
  
Kyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application	09-07-19
Number of Words	800
Copying Fee	6.00
Urgent	2.00
Total	8.00
Name of Copyist	
Date of Completion of Copy	09-07-19
Date of Delivery of Copy	09-07-19


19.04.2019

Learned counsel for the appellant and learned AAG present. Adjournment requested. Adjourn. To come up for further proceedings on 12.06.2019 before S.B.

  
Member

12.06.2019

Appellant in person present. Addl: AG alongwith Mr. Daud Jan, Supdt for respondents present. Written reply/comments not submitted. Requested for adjournment. Adjourned but as a last chance. Case to come up for written reply/comments on 09.07.2019 before S.B.

  
(Ahmad Hassan)  
Member

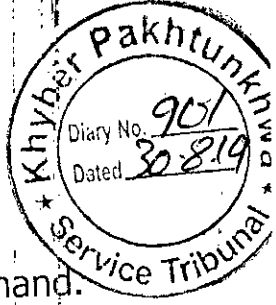
B-7

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

**IMPLEMENTATION PETITION No. 331 /2019**

**IN APPEAL No. 174/2018**

Mr. Saleem Khan Lab Attendant, GHSS Ghalanai, District Mohmand.  
.....**Petitioner**



**VERSUS**

- 1- The secretary education Khyber pukhtunkhwa peshawar.
- 2- The director education merged area secretariat, warsak road peshwar.
- 3- The district education officer, district mohmand.
- 4- Principle GHSS ghalanai, district mohmand.



**IMPLEMENTATION PETITION FOR DIRECTING THE**  
**RESPONDENT DEPARTMENT TO IMPLEMENT THE**  
**ORDER DATED 09-07-2019 IN APPEAL NO.174/2018**  
**IN LETTER AND SPIRIT**

**R/SHEWETH:**

- 1- That the above mentioned appeal has been disposed of by this august Service Tribunal vide order dated 09-07-2019 in favor of the Petitioner. Copy of the order sheet dated 09/07/2019 is attached as annexure.....**A.**
- 2- That the respondents during pendency of the above mentioned appeal issued order dated 04/07/2019 whereby the previous impugned transfer order dated 25/04/2018 was cancelled and Petitioner was directed to resume duty at GHSS ghalanai. copy of order dated 04/07/2019 is attached as annexure.....**B.**
- 3- That petitioner being satisfied from order dated 04/07/2019 produce the same before this honorable court and this honorable was pleased to disposed of the appeal vice order dated 09/07/2019 with the direction to respondents to implement the order dated 04/07/2019.
- 4- That Petitioner after obtaining attested copy of the order dated 09.07.2019 submitted before the respondent no 4 for implementation, but the respondents are not willing to implement the order passed by this august Service Tribunal.

**Certified to be true copy**  
**SALEEM KHAN**  
**Khyber Pakhtunkhwa**  
**Service Tribunal,**  
**Peshawar**

C-8



21.10.2019

Petitioner in person present. Mr. Zia Ullah learned  
Deputy District Attorney present. Respondent No.4 in person  
present.

Respondent No.4 states that the order of Tribunal  
dated 09.07.2019 will be implemented in letter and spirit by  
22.10.2019. Adjourned. To come up for further proceedings  
on 30.10.2019 before S.B.

Chairman

30.10.2019

Petitioner with counsel and Addl. AG alongwith Fazole  
Yazdan; Assistant for the respondents present.

The respondent No. 4 has handed over charge to the  
petitioner on 29.10.2019 . Copy of the charge report has been  
submitted today by the representative of the respondents. On  
the other hand, the petitioner states that despite the taking over  
charge as Laboratory Assistant he has not yet been assigned the  
duty as such.

Instant matter is adjourned to 03.12.2019 for further  
proceedings towards the implementation of order dated  
09.07.2019 in true sense.

Chairman

**Certified to be true copy**  
S. B. Khan  
Chairman  
Peshawar Service Tribunal,  
Peshawar

Date of Presentation of Application: 30-10-19  
 Number of Words: 800  
 Copying Fee: 10/-  
 Urgent: Yes  
 Total: 14/-  
 Name of Copyist: \_\_\_\_\_  
 Date of Completion of Copy: 30-10-19  
 Date of Delivery of Copy: 30-10-19



9

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

**IMPLEMENTATION PETITION No. 331 /2019**

**IN APPEAL No. 174/2018**



Mr. Saleem Khan Lab Attendant, GHSS Ghalanai, District Mohmand.  
.....**Petitioner**

**VERSUS**


- 1- The secretary education Khyber pukhtunkhwa peshawar.
- 2- The director education merged area secretariat, warsak road, peshwar.
- 3- The district education officer, district mohmand.
- 4- Principle GHSS ghalanai, district mohmand.



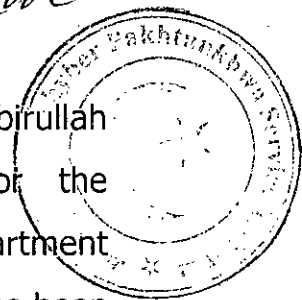
**IMPLEMENTATION PETITION FOR DIRECTING THE**  
**RESPONDENT DEPARTMENT TO IMPLEMENT THE**  
**ORDER DATED 09-07-2019 IN APPEAL NO.174/2018**  
**IN LETTER AND SPIRIT**

**R/SHEWETH:**

- 1- That the above mentioned appeal has been disposed of by this august Service Tribunal vide order dated 09-07-2019 in favor of the Petitioner. Copy of the order sheet dated 09/07/2019 is attached as annexure.....**A.**
- 2- That the respondents during pendency of the above mentioned appeal issued order dated 04/07/2019 whereby the previous impugned transfer order dated 25/04/2018 was cancelled and Petitioner was directed to resume duty at GHSS ghalanai. copy of order dated 04/07/2019 is attached as annexure.....**B.**
- 3- That petitioner being satisfied from order dated 04/07/2019 produce the same before this honorable court and this honorable was pleased to disposed of the appeal vide order dated 09/07/2019 with the direction to respondents to implement the order dated 04/07/2019.
- 4- That Petitioner after obtaining attested copy of the order dated 09.07.2019 submitted before the respondent no 4 for implementation, but the respondents are not willing to implement the order passed by this august Service Tribunal.

**Certified to be true copy**  
  
**Khyber Pakhtunkhwa**  
**Service Tribunal,**  
**Peshawar**

Qo  
B.P. 331/2019, Saleem Khan vs Govt



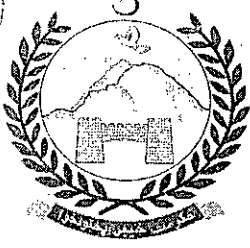
03.12.2019

Petitioner alongwith his counsel present. Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Representative of the department furnished order 02.12.2019 whereby the petitioner has been already assigned his duty of Lab Attendant on 29.10.2019. The order dated 02.12.2019 is placed on record but the petitioner present in court, stated that neither any key of Lab is handed over to the petitioner nor he has been assign duty of Lab Attendant rather the respondent department has assign other duty i.e. Chowkidar/Mali/Bahishti to him. Respondents are directed to implement the order dated 02.12.2019 in letter and spirit. Adjourned. To come up for further proceedings on 14.01.2020 before S.B.

Certified to be true copy  
Khy. Service Tribunal,  
Peshawar

M A  
(M. Amin Khan Kundi)  
Member

Date of Presentation of Application 3-12-19  
Number of Words 800  
Copying Fee 10-00  
Urgent \_\_\_\_\_  
Total 10-00  
Name of Court \_\_\_\_\_  
Date of Completion of Copy \_\_\_\_\_  
Date of Delivery of Copy 3-12-19



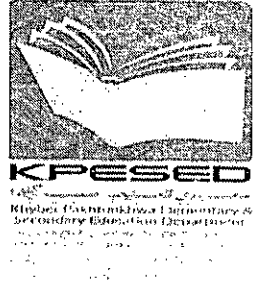
OFFICE OF THE PRINCIPAL GHSS, GHALLANAI  
TRIBAL DISTRICT MOHMAND

Ph. No. ☎: 0924-290125

FAX: 09 ☎

Email ✉ :-

No 297 Dated 17-10-2020.



To

The District Education Officer,  
Tribal District Mohmand.

Subject:

**RELIEVING CHIT**  
**IN R/O MR SALEEM KHAN LAB; ATTENDANT .**

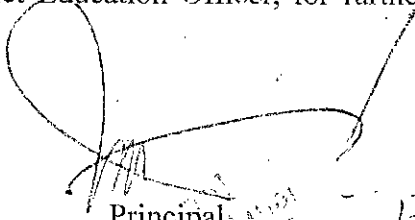
Memo,

It is submitted that Mr. Saleem Khan Lab;Att; is consistently interfering into the affairs of administration of the school, students, teacher's activities and clerical staff. He does not obey even the lawful orders of the Principal, teachers and clerical staff. He always hatches conspiracies against the institute. He always instigates other class-IVs from the day when he took over charge in this school on 04/07/2019. He was warned time and again to desist from such activities but he always bluntly refused to obey.

Yesterday, he was interrupting in class room activities and disturbing the smooth teaching learning process and when the undersigned checked him, he started quarreling with the principal and started abusive language, tried to attack on the undersigned in the presence of teaching staff.

It is pertinent to mention that he was relieved of his duties on 14/01/2015 by the then principal, Mr Idress khan due to his misconduct, intransigent attitude and corruption of Rs.178000/- in terms of MRC by putting fake signatures of the then Principal.

Therefore, the undersigned was not left with any other option except to relieve him of his duties and put his services at the disposal of the District Education Officer, for further, disciplinary action.

  
Principal,  
GHSS, Ghallanai,  
Tribal District Mohmand.

17/10/20

**ATTESTED**

E-12



OFFICE OF THE DISTRICT EDUCATION OFFICER  
MOHMAND TRIBAL DISTRICT

Ph. No. ☎: 0924-290180

FAX 📠: 0924290180

Email ✉: - deomohmand@gmail.com

NO. \_\_\_\_\_ / DATED \_\_\_\_\_ / 2020



NOTIFICATION

1. **WHEREAS** Mr. Saleem Khan Lab: Attendant has been reported by the principal GHSS Ghallanai with torn clothes that the said lab. Attendant had misbehaved, used vulgar language and even try to quarrel with him in front of the staff. And further told that the said Lab: Attendant was also involved in forgery, corruption etc. in the past.
2. **AND WHEREAS** keeping in view the situations and complaints the undersigned constituted an enquiry committee against Mr. Saleem Khan Lab. Attendant GHSS Ghallanai vide No. 4942 dated 20/10/2020. The enquiry committee comprising Mr. Sherin Khan Principal GHSS Prang Ghar District Mohmand and Mr. Muhammad Ashraf Assistant Director M & E NMD Peshawar to dig out actual/factual position without any discrimination and submit enquiry report along with recommendation within five days with the undersigned.
3. **AND WHEREAS** the enquiry committee comprised of above officers enquires from the students and staff of the said school, after thoroughly investigating the enquiry committee came to the conclusion that Mr. Saleem Khan Lab: Attendant is guilty of misconduct, misbehavior, disobedience, instigation, corruption, making conspiracies, interfering in the affairs of school administration.
4. **AND WHEREAS** the enquiry committee recommended that Mr. Saleem Khan Lab: Attendant is just like a cancerous tissue which may need surgical treatment/operation. They recommended strongly and proposed the said lab: Attendant for dismissal from the Government Service.
5. **NOW THEREFORE**, In exercise of the Powers conferred under Rules-4 (b) iv of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, the competent Authority, District Education officer Tribal District Mohmand is pleased to impose major penalty of " **Dismissal from service** " upon Mr. Saleem Khan Lab: Attendant GHSS Ghallanai with immediate effect on account of the recommendation of the enquiry committee.

(NOOR HASSAN KHAN)  
District Education Officer,  
Tribal District Mohmand

Endst: No. 578693 Dated 18/11/2020

Copy forwarded to the:

1. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar
2. Deputy Commissioner Tribal District Mohmand
3. District Accounts officer Tribal District Mohmand.
4. ADEO concerned for entry in his service book.
5. Principal GHSS Ghallanai
6. Accountant local office for stoppage of his pay forth with.
7. Pay clerk local office for entry in his service book.
8. Official concerned

**ATTESTED**

District Education Officer,  
Tribal District Mohmand

F-13

C-21

To,

The Worthy Director,  
E&SE Department KP  
Peshawar.

APPE (Admin.)

Subject: DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 18/11/2020 WHEREBY THE APPELLANT WAS DISMISSED FROM SERVICE.

22/11/20  
DD/F/12  
23/11  
DD/12/20  
24/11/20

Respected Sir,

With most respect, it is stated that I was serving as Lab-Attendant in GHSS Ghalangi District Mohmand.

1- That it is very pertinent to mention here that I was transferred from GHSS Ghalanai vide order dated 25/04/2018.

2- That feeling aggrieved from the above mentioned transfer order I filed departmental appeal which was later on followed by service before KP Service Tribunal. That during pendency of the service, the District Education Officer withdraw the above mentioned order vide order dated 04/07/2019.

S26

3- That it is worth mentioning that my service appeal was disposed off by the Hon'ble Service Tribunal being in fructuous as the grievance of the appellant was addressed.

3367  
24/11/2020

ATTESTED

(14)

- 4- That in light of withdrawn / cancellation order dated 04/07/2019, I approached the Principal GHSS Ghalanai for assumption of charge. Bu the principal of GHSS Ghalanai in utter violation of order dated 04/07/2019 was not giving charge to me.
- 5- That feeling aggrieved I file an execution petition before the Service Tribunal, that after receiving notice Service Tribunal, the Principal GHSS Ghalanai give charge to me but was not assigning the duty of Lab-Attendant to me, rather he was taking the duty of Sweeper from me. /
- 6- That it is worth mentioning that my execution petition is still pending before Service Tribunal and the above mentioned Principal was threatening and pressurizing me for the withdrawal of the above mentioned execution petition.
- 7- That when I did not scummed to the pressure of Principal GHSS Ghalanai for the withdrawal of execution petition, he malafidely leveled baseless allegation against me.

**ATTESTED**

(15)

(19)

8- That an inquiry was ordered against me and I submit objection within time to the member of inquiry committee.

9- That it is pertinent to mention here that neither I have been associated to inquiry nor any statement of allegations, charge sheet and show cause notice has been served on me. Which is not only against the relevant law but also against the principal of natural justice.

10- That no opportunity of personal hearing has been given to me.

It is, therefore, most humbly prayed that on acceptance of the instant appeal, the impugned dismissal order dated 18/11/2020 may kindly be set aside and I may kindly be reinstated into service with all back benefits.

Dated 19/11/2020

Yours Obediently



Salim Khan  
Ex-Lab-Attendant  
GHSS Ghalanai,  
District Mohmand  
Cell # 0303-5040154

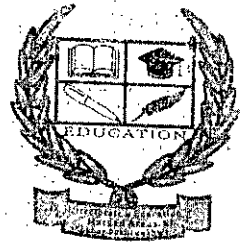
~~ATTACHED~~



C-16

**DIRECTORATE OF EDUCATION**  
**MERGED AREAS**

Khyber Pakhtunkhwa  
Warsak Road Peshawar, Pakistan  
Phone. 091-9210166 Fax 091-9210216



No. \_\_\_\_\_ / dated \_\_\_\_ / \_\_\_\_ / 2020

**NOTIFICATION**

The Competent Authority is pleased to appoint **Mr. Muhammad Javed**, Deputy Director Monitoring & Evaluation (M&E), Directorate of Education Merged Areas, Khyber Pakhtunkhwa as enquiry officer to conduct Formal / Regular inquiry into the enclosed **Dismissal from Service** issued by District Education Officer concern in respect of Mr. Salim Khan, Ex-Lab-Attendant, Govt. Higher Secondary School Ghallanai, District Mohmand in the light of inquiry recommendations (Copy attached).

Detailed enquiry report along with findings and recommendations should reach to the undersigned within 15 days positively.

Enclosed as above:

**Additional Director (Estab)**  
**Directorate of Education**  
**Merge Areas Khyber Pakhtunkhwa**

Endst: No. 7163-66 /

Dated 22 / 12 / 2020.

Copy to the:-

1. Addl: Director (Estab:) Directorate of Education Merged Areas, Khyber Pakhtunkhwa Peshawar.
2. Deputy Director (M & E) Directorate of Education Merged Areas, Khyber Pakhtunkhwa Peshawar
3. P.A to Director Elementary & Secondary Education Khyber, Pakhtunkhwa, Peshawar.
4. Mr. Salim Khan, Ex-Lab-Attendant, Govt: High Secondary School Ghallanai, District Mohmand

**Deputy Director (F&A)**

**ATTACHED**



قیمت  
50 روپے

76443



ایڈوکیٹ: Shah Gulzar  
بار کونسل / ایسوسی ایشن نمبر: bc-14-4933  
رابطہ نمبر: 0302-8572851

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: Kp service tribunal peshawar

مخانب: <u>Appellant</u>	دعویٰ: <u>Service Appeal</u>
<p><u>Salim Khan</u> بنام <u>Secretary, E&amp;SE &amp; others</u></p>	علت نمبر: _____
	مورخہ: _____
	جرم: _____
	تھانہ: _____

**باعث تحریر آگہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ  
 آن مقام شاہ گزرا کیلئے مشاہد زوال اللہ منسٹرنگی امور کا مقرر کو وکیل مقرر  
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو  
 راضی نامہ کرہے و تقرر ثالث و فیصلہ بر حلف دینے جو اب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز  
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی  
 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے بقرار کا اختیار ہوگا اور صاحب  
 مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور ان کا ساختہ پر داخستہ منظور و قبول ہوگا  
 دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے  
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سندر ہے

المقوم: 25/02/2021  
 PESHAWAR BAR ASSOCIATION  
 خیبر پختونخواہ

مقام پشاور خیبر پختونخواہ سرورسی نرسٹری کے لیے منظور ہے۔

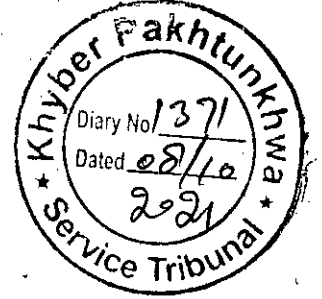
نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

Attended  
 &  
 Accepted  
 by  
Shah Gulzar Young Azai  
 Advocate

Salim Khan  
 5% Noor Ali

DBL 8/7 01/12

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



CM No. \_\_\_\_\_ of 2021  
Service Appeal No. 3146/2021

Saleem Khan ..... Petitioner

*put up to the worthy chair - see with relevant appeal.*  
**Versus**

Education Department ..... Respondents

*8/10/2021.*

*Reader.*

**APPLICATION FOR EARLY HEARING OF THE CAPTIONED CASE.**

**Respectfully Sheweth:**

*NFA*

*08/10/2021*

Brief facts leading to the instant application are under:

- 1) That the instant case is pending adjudication before this Hon'ble Tribunal which is fixed for 01/12/2021.
- 2) That the mentioned appeal is against the dismissal from service of the applicant.
- 3) That the applicant was an employee of the respondent department and was performing his duties as Laboratory Attendant in Govt Higher Secondary School, Ghalanai District Mohmand.

- 4) That it is important to mentioned that in the mentioned appeal, the applicant is challenged his dismissal order, which was issued prior to the initiation of disciplinary proceedings.
- 5) That the applicant is very poor person and he has no other means / resources of income and his livelihood become quite difficult having no service.
- 6) That the instant application is preferring for fixation of his appeal pending before this Hon'ble Tribunal, so that it could be decided as early as possible.

It is, therefore, most humbly prayed that on acceptance of the instant application, the above mentioned appeal may kindly be fixed for an early hearing/early date.

Dated 08/10/2021

Applicants / appellants

Through

  
**Kamran Khan**  
**Advocate High Court,**  
**Peshawar**