

BEFORE THE HONOURABLE SERVICE TRIBUNAL
KPK PESHAWAR CAMP COURT ABBOTTABAD

Service Appeal No, 1111/2022

Anwar Khan.....APPELLANT.

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education KPK Peshawar.
2. Director Elementary & Secondary Education KPK Peshawar.
3. District Education Officer (Male) Manshra

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO 1, 2, & 3 ARE
AS UNDER:-

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DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

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PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO 1, 2, & 3 ARE AS UNDER:-

PRELIMINARY HEARING.

1. That the Appellant is not the "AGGRIEVED" person.
2. That the Appellant is estopped by his own conduct.
3. That the Appellant has not come to the Hon'ble Tribunal with clean hand.
4. That the Appellant has no cause of action/locus standi to file the instant appeal.
5. That instant Appeal is against the prevailing law and rules.
6. That the Appellant has concealed the material facts from this Hon'ble Tribunal. Hence not entitled for any relief and appeal is liable to be dismissed without any further processing.
7. That the appeal is groundless and based on malafide, ulterior motive, hence the same is liable to be dismissed.
8. The instant appeal is not maintainable in the present form and also in the present circumstances of the issue.
9. That the demand of the appellant is against the law and facts hence the appellant is not entitled for any relief and appeal is liable to be dismissed on this score alone.
10. That the Appellant has not come to this Hon'ble Tribunal with clean hands.
11. That the Appeal of the appellant is barred by law and not maintainable in the eye of law.

Factual Objections:-

1. Para No.01 is correct.
2. Para No.02 pertains to the record.

3. Para No.03 is incorrect that after expiry of leave w.e.f 25-12-2009 to 28-01-2018 he remained absent from his duty without prior Permission of the department, Whereafter 29-01-2018 he submitted an application at the office of DEO (M) Mansehra for his adjustment, whereas DEO (M) Mansehra considered that application for conduct of inquiry, whereas DEO (M) Mansehra nominated Mr. Luqman Ali Khan Principal BPS-20 as an inquiry officer vide Endst No.17916 dated 07-12-2018, whereas the inquiry officer submitted the detail report vide diary No.1658 dated 11-03-2019 with the remarks that ***“Entry of leave without pay availed w.e.f 10-03-2009 to 25-12-2009 (292 days) already sanctioned by the competent authority be made in his service Book which has not been recorded by the then DDO Concerned and the Showcause notice be issued by the competent authority to the accused in which the major penalty of “Compulsory Retirement” may be quoted under Govt, of Khyber Pakhtun Khawa E &D Rules 4, Sub Rule (b) (ii).”*** Whereafter called for personal Hearing vide order No.7175 dated 24-09-2020 and notify the inquiry committee for personal hearing vide dated 24-09-2020 and directed to the appellant to attend the office on date fixed 28-09-2020, and the appellant attend the office on 28-09-2020 heard in persons and recorded their statement before the inquiry Committee, whereas the inquiry committee submitted the detail report on 23-12-2020 with the remarks that “Major penalty of Compulsory retirement may be imposed against the appellant w.e.f 25-12-2009. further more the said teacher foreign Stay visit/Stay be ascertained before imposing the Major Penalty, The Director General FIA Peshawar or Islamabad may approached in this regard, whereas in the light of recommendation of the inquiry committee send a letter reminder III for verification of record of the appellant from Director Federal Investigation Authority Peshawar vide letter No.264 dated 08-01-2021, but still not received any reply from this office, Whereafter in the light of inquiry committee served a show cause notice vide Endst No.9196 dated 17-08-2021 and reply of showcause notice received vide this office No.6167 dated 31-08-2021, whereas competent authority called for personal hearing vide letter No.10383 dated 4-09-2021 before the inquiry committee and the appellant attend the office on 8-09-2021, whereas the inquiry committee submitted personal hearing report on 13-09-2021 with the remarks that “the accused official appeared before the committee on the scheduled dated and failed to defence himself to have the charges levelled against him, that the competent authority and other participants members of committee has recommend the major Penalty under rule 4 (b) E&D Rule 2011. whereas the District Education officer in exercise of his power conferred upon him under rule 4 sub rule 1(b) (iii) of KPK Govt Servant (Efficiency and Discipline) Rules, 2011 is pleased to imposed the major penalty “Removal from Service” imposed upon Mr. Anwar Khan PST Vide Endst No.12818-23 dated 30-11-2021. ***(Copy of Application dated 29-01-2018, Copy of nominated inquiry officer vide Endst No.17916 dated 07-12-2018, inquiry report dated***

03 - 2011

No.1658 dated 11-03-2019, copy of personal Hearing letter vide order No.7175 dated 24-09-2020, Copy of notify inquiry committee for personal hearing vide dated 24-09-2020, Copy of Attendance Sheet, Copy of inquiry committee submitted the detail report on 23-12-2020, Copy of reminder III for verification Director Federal Investigation Authority Peshawar vide letter No.264 dated 08-01-2021, Copy of show cause notice vide Endst No.9196 dated 17-08-2021, Copy of personal hearing letter vide dated 04-09-2021, Copy of notify personal hearing committee vide dated 04-09-2021, Copy of attendance certificate vide dated 08-09-2021, Copy of personal hearing report dated 13-09-2021, Copy of Removal from service order dated 30-11-2021 are annexed as annexure A,B,C,D,E,F,G,H,I,J,K,L,M.& N)

4. Para No.4 is pertains to the record.
5. Para No.05 is incorrect.
6. Para No.06 is correct, detail reply has already been given in above Para.
7. Para No.07 is incorrect and misleading that respondent department passed an order after observing all codal formalities.
8. Para No. 8 pertains to the record. That the appellant has no right to invoke the jurisdiction of this Hon'ble Tribunal, Whereas The Respondent also seek the permission of this Honorable Tribunal to adduce more grounds, proofs and Explanation at the time of arguments. That the appellant is not aggrieved person inter alia on the following grounds.

GROUND:

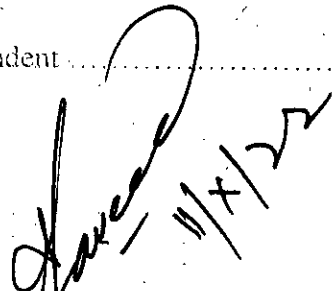
- a) Incorrect hence denied, whereas the entire action of the answering respondent is within the ambit of Law, Rules and regulations, respondent Department passed an order after observing all legal and codal formalities.
- b) Incorrect and denied respondent department nominated the inquiry officer for conducting the detail inquiry, whereas inquiry committee submitted his detail report after conducting detail inquiry as per inquiry report respondent Department was properly issued a showcase to the appellant and also conducting a personal hearing, after observing all codal formalities and the order was issued by Respondent Department without any bias or prejudices after observing all codal formalities.
- c) Incorrect and denied, respondent department are bound to exercise his power in the light of rules and policy of the Govt, respondent Department passed any order after observing all codal formalities.


- d) Para D is incorrect and misleading prima facie evidence of the matter is that Mr. Anwar Khan was doing some job abroad during the absence period (w.e.f 25-12-2009 to 29-01-2018) and after completion his task abroad he returned to the country and starting submitting the application after lapse of 2594 days w.e.f 25-12-2009 to 29-01-2018 to the department for reinstatement in service.
- e) Incorrect and denied.
- f) Incorrect and denied he defraud the department he reportedly remained abroad during his prolonged absence from his duty (this has also been admitted verbally by his maternal uncle Mr.Fida Muhammad Khan Ex-SST that he was abroad during the absence period after 25-12-2009.)
- g) Para No.g is incorrect .
- h) However the Respondents seek leave of this Honorable Tribunal to submit addition grounds & record at the time arguments before this Honorable Tribunal.

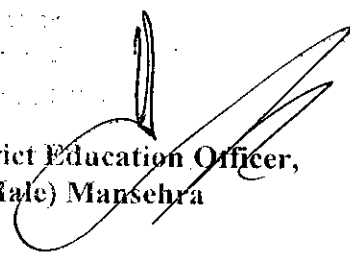
PRAYER:-

It is therefore, humbly prayed that on acceptance of the above submissions, the instant appeal may very graciously be dismissed in the favour of the answering Respondents in the interest of the Justice.

Respondent


The Secretary
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.


The Director,
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.


The District Education Officer,
(Male) Mansehra

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3. District Education Officer (Male) Mansehra

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO 1, 2, & 3 ARE AS UNDER:-

AFFIDAVIT

I, Mr. Faheem Anwar Assistant District Education officer on Behalf of District Education Officer (M) Mansehra do, hereby solemnly affirm and declare that the Para wise comments of the Service Appeal No.1111/2022 titled Anwar Khan versus Govt of KPK, is true to the best of my conviction and belief and nothing has been concealed from this Honourable Court.

DEPONENT



**DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA.**

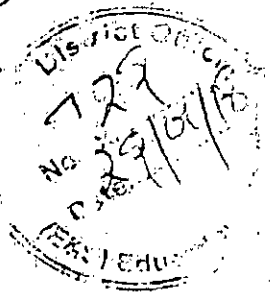
Annex 3.9
66A

(Annex 3.9)

DEO صاحب
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جواب نمائی

دربارہ عدالتش کے لئے سائل فہرہ نمبر 1 سے PSI کے لئے
27-11-1993 کو آرڈر کیا۔ سائل اسٹریٹ لٹریچر سے
دیارہ۔ سائل سرکل بننے کے سائل GmPS Thome سے ڈیوٹی سرایم
دیارہ۔ سائل نے Leave صرف 04-03-2006 تا 03-03-2008

شکریہ۔ جی۔ جی۔ فتح عورت کے لئے سائل صحتی کے لئے
سائل کو آئے تو وہاں پر ایسٹ فلک سنس تھی۔ سائل نے دفتر
سے دوبارہ جی۔ جی۔ کے در خواست دی ہے۔ لیکن سائل
کے جی۔ جی۔ سنس صوفی۔ نہیں سائل کو کوئی جواب دیا گیا
سائل دفتر کے حکم لگانا رہا۔ سائل کی ریٹرنس سائل کوئی
سینڈ پیر ہائی فرما کر سائل کے مسئلے کو حل کیا جائے
تا کہ سائل کو ذمہ سونپا جائے۔



شکریہ
سائل

محمد الوداد خان
PSI
GmPS Thome
سرکل فتح

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OFFICE OF THE PRINCIPAL GOVERNMENT
HIGHER SECONDARY SCHOOL NO.
MANSEHRA

EMAIL: principalghssno1@gmail.com

PHONE # 0997301337

LETTER NO. 45

DATED MANSEHRA THE 02-02-2019

To

The District Education Officer
District Manselhm

SUBJECT: INQUIRY REPORT IN I/O MR. ANWAR KHAN EX. PST BHAG DANNA CIRCL. RAFF
MANSEHRA

Memo:

Reference your good office Letter No. 17916 dated 07-12-2018, the undersigned has been appointed as enquiry officer to conduct enquiry of the above named Ex-Teacher, the report of which is submitted to your good-self for further necessary action. (Annex- A&B)

VENUE:

GHSS No. 1 Manselhra & GPS Bhag Danna Manselhra.

DATES OF INQUIRY:

10-12-2018, 29-01-2019 & 30-01-2019

CONSTITUTION OF INQUIRY COMMITTEE:

Luqman Ali Khan Principal GHSS No.1 Manselhra

NAME OF DEPARTMENTAL REPRESENTATIVE:

Mr. Muhammad Arshid S/C GHSS No.1 Manselhra.

BRIEF HISTORY OF THE CASE:

Mr. Anwar Khan was initially appointed as PST (PTC) at GPS Manda Gucha Vide DEO (Mak primary Manselhra, Notification under Endstt: No.1601-61 dated 27-02-1993. (Annex-C)

He performed w.e.f 28-02-1993 to 25-12-2009 during which he was granted various types of leave by then DO/EDO. His personal No. is 00421199. After expiry of his leave without pay sanctioned by EDO(S & I. Manselhra w.e.f 10.03.2009 to 25.12.2009 vide Notification under Endstt: No.651-54 dated 16.1.2009. He approached several times to EDO office for his adjustment but no response was given from that side. His written application for the purpose of adjustment are available in record. Now he again processed his last application on 18.01.2019 for the continuation of his service in light of which DEO (M) Manselhra appointed the undersigned as inquiry officer for the conduct of inquiry. It is surprising that why the ex-authorities neglected such an essential case.

DATE OF BIRTH OF MR. ANWAR KHAN EX-PST

25/12/1973 (Approximately 45 years)

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PROCEDURE:

The following procedure was adopted by the undersigned Inquiry officer for the conduct of inquiry.

FACTS:

1. Mr. Anwar Khan was initially appointed as PST (PTC) at GPS Manda Gucha Vide DEO (Male) primary Manshra Notification under Endst: No.1601-61 dated 27-02-1993.
2. He took over charge of the post on 28-02-1993 as per Service Book record and performed upto 25-12-2009.

PERIOD OF LEAVE AVAILED.

3. He availed the following types of leave during his service,
 - i. He has been granted leave of full pay w.e.f 04.03.2004 to 01.7.2004 & leave without pay w.e.f 02.7.2004 to 03.3.2006 Vide DO (M) Manshra order under Endst: No.2967-68, dated 15.12.2003 as per Service Book record. (Annex-D)
 - ii. Extra Ordinary leave w.e.f 04-03-2006 to 03-03-2008 (731 days) sanctioned by the competent authority vide Notification No.3460-63 dated 28.2.2006. (Annex-E)
 - iii. Leave without Pay w.e.f 04-03-2008 to 31-08-2009 to sanctioned vide EDO (E&S) Manshra order under Endst: No. 22565-67 dated 01-09-2008. (Annex-F)
 - iv. Leave without pay w.e.f 10-03-2009 to 25-12-2009 (292 days) sanctioned Vide DEO (S/L) Manshra Notification under Endst: No: 651-54 Dated 16-01-2009. However entry of this leave is not on the record of Service Book. (Annex-G)
4. He has been a regular contributor of GPF bearing GPF No. IV EDU: MA 9302. (Pay Roll & Acquaintances roll enclosed as Annex H&I)
He performed at GPS Bhag Danna Manshra w.e.f 01-09-2008 to 01-03-2009 as per Head Teacher report and attendance register record. The ADO circle has checked the said attendance register during his surprise visit on 18-11-2008 to the said school. (Annex-J&K)

CROSS EXAMINATION:

He was cross-examined through various questions on 29/1/2019. Mr. Muhammad Arshid being Departmental representative recorded questions-answers. His reply to all the questions was observed as satisfactory. (Questionnaire and reply are enclosed Annex-L&M)

FINDINGS: Elementary & Secondary Education

- Keeping in view the above mentioned facts following are the findings of the conduct of Inquiry.
1. Mr. Anwar Khan EX-PST was granted leave without pay w.e.f 10-03-2009 to 25-12-2009 (292 days) vide EDO Notification under Endst: No. 651-54 Dated 16-01-2009. Entry of which is not recorded in the service book due to unknown reason. However the notification of the said leave is available in the file sent by DEO (M) Manshra office.
 2. After the expiry of above mentioned leave the concerned teacher paid several visits to EDO/DEO office for his adjustment. He submitted four number of applications on dates 20-12-2009, 02-06-2010, 10-08-2011 and 10-03-2014 but no response is given from the office. Lastly he submitted an application on 29-01-2018 in light of which the DEO (M) Manshra considered that for conduct of Inquiry.
 3. In light of his response to question No. 11 he told that previously an enquiry was conducted but still no response given to him. Answer to question No.12, he replied that after the expiry of his leave on 25-12-2009, no letter in the shape of Show Cause Notice or Personal Hearing is received to him nor he was guilty. His statement is based on facts as the original record is also silent in this connection.

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2009, no letter in the shape of Show Cause Notice or Personal Hearing is received to him nor he was gu
His statement is based on facts as the original record is also silent in this connection.

- d) The overall record shows that the teacher concerned has performed w.e.f 28-02-1993 (date of in
appalment) upto 25-12-2009 which includes various types of leave cases properly sanctioned by the l
competent authority i.e; there is no service break during the whole period.
- e) In case after the expiry of his leave on 25/12/2009 he was absent, then proper inquiry was needed to
conducted at that time. But no such evidence is available on record.
- f) The then state-holders concerned have mentally tortured him due to the fact that his 04 number
applications as already mentioned have not been processed for adjustment whereas posts were also vaca.
- g) His total service (qualifying + Non Qualifying) from the date of taking over charge in Educati
Department is 16 years, 09 Months and 27 Days. His qualifying Service is 11 years, 04 Months and (

4. CONCLUSION:

In light of the above mentioned facts, it is concluded that no enquiry has been conducted against the
teacher concerned. The teacher has insisted that he has not been adjusted after the expiry of EOL without pu
however no appeal to the competent authority (Director Education) is on record or provided by the teache
concerned which is negligence on his part.

5. RECOMMENDATIONS:

The undersigned Inquiry officer proposes the following recommendations.

- 1. Entry of leave without pay availed w.e.f 10-03-2009- to 25-12-2009 (292 days) already sanctioned by
competent authority be made in his service book which has not been recorded by the then DDO concerned.
- 2. Show Cause Notice be issued by the competent authority to the accused in which the major penalty of
"Compulsory Retirement" may be quoted under Govt. of Khyber Pakhtunkhwa E&D Rules 4, Sub Rule (h)

(v)

(LUQMAN ALI KHAN)
PRINCIPAL/Inquiry Officer
GISS GOJ MANSEHRA

Elementary & Secondary Education
Government of Khyber Pakhtunkhwa

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AMREER
D 99

Regd:

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OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA.

No 7/75 /F.No 21/PST/Adj/Vol-II
Dated 24/09 /2020.

To

Muhammad Anwar Khan
S/O Muhammad Miskeen Khan,
Mohallah Lughmani,
Baffa Town, Tehsil Baffa District Mansehra.

Subject:- PERSONNEL HEARING.
Memo:

Reference to the subject cited above, You are hereby directed to attend the Office of Undersigned for personnel hearing on 28-09-2020 at 10.00 AM positively.

9
u

[Handwritten Signature]

DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA.

Amuqur
23

(12)

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OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA.

NOTIFICATION

In continuation with this office letter No 7175/F.No 21/PST/Adj./Vol:II dated 24-09-2020, following committee is formed to conduct personnel hearing in r/o Muhammad Anwar Khan S/O Muhammad Miskeen Khan Ex-PST for reinstatement in service.

COMMITTEE


S. No	Name of Committee Chairman & members	Venue date & Time
1	Muhammad Naseem Khan Principal GHSS-Behali	Chairman
2	Sher Muhammad Principal GHS-Gandhian	Member
3	Syed Sultan Ahmed Shah B&AO Local Office	Member
4	Waheed Ahmed SDEO(Estt.) Local Office	Member
5	Zhoor Alam SUPDTT: Local Office	Member


DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA.

Endstt: No Even No & Date.


Copy of the above is forwarded for information to the :-

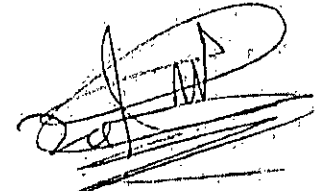
1. Principal GHSS Behali/Gandhian
2. B&AO Local Office
3. ADEO(Estt) Pry: Local Office
4. Supdt: Estt: Branch Local Office



DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

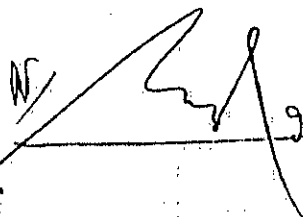
Attendance Certificate

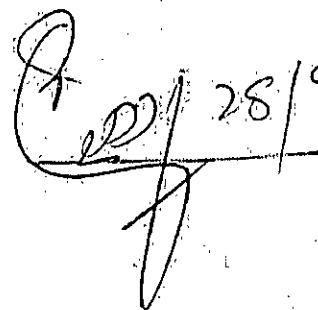
28.9.2020
مستند من Personal History (مستند من DEO) من
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EX-PT


Supdt


Sher Mahomed
Pr. GHS, Ghandian


M. Naseem Khan
Pr. GHS, Behati


M. Waseel
ADD, EST

certified signed by DEO


28.9.2020

ANSWER (14)
#109

OFFICE OF THE PRINCIPAL GHSS BAHALI MANSEHRA NO: 609

Dated: 12/12/2020

To,

The District Education officer (Male),
Mansehra

District Office
75/2
23/12

Subject: PERSONAL HEARING

Reference to the District Education officer (Male), Mansehra No:7166 dated 23/09/2020 by following committee was constituted to conduct personal hearing on behalf of the competent authority in respect of Mr. Anwer Khan S O Muhammad Miskeen Khan Ex- PST:

1. Muhammad Naseem Khan Principal GHSS Bahali(chairman)
2. Sher Muhammad Principal GHS Gandhian (member)
3. Syed Sultan Shah B&AO DEO (M)Mansehra office(member)
4. Waheed Ahmed ADEO (estt:) DEO (M)Mansehra office(member)
5. Zahoor Alam supdt: DEO (M)Mansehra office(member)

The personal hearing of the said teacher was conducted in the office of DDEO male Mansehra by the notified committee on 28/09/2020 and was administered a questionnaire to him. The report of personal hearing is submitted as under:

Background of the case

The background of the case is elaborated as under:

1. Mr. Anwer Khan Ex-PST was appointed as PST on 28.2.93 at GPS Manda Gucha, circle Baffa, Mansehra .(annexure 1)
2. He was on study leave w.e.f 04/04/1995 to 31/12.95(272 days) vide office order No: 52/ dated 2/07/95
3. He remained on leave (with full pay) w.e.f 4.03.2004 to 1.07.2004 and from 2.7.2004 to 03.03.2006 (without pay) Vide District Officer male Mansehra No: 2967-68 dated 15.12.2003.Total period of leave is 612 days.
4. He was again on leave without pay w.e.f 04.03.2006 to 03.03.2008 Vide EDO (E&SE) Mansehra No: 3460-63 dated 28.02.2006 .Total period of leave is 731 days. .(annexure 2)
5. He was treated on leave without pay for the intervening period w.e.f 4.03.2008 to 31.08.2009 and adjusted at GPS Phag Danna vide DO (S& L) Mansehra vide NO: 225065-67 dated 01/09/2008.
6. AS PER THE OFFICIAL RECORD, AFTER THE TERMINATION OF HIS LAST LEAVE ON 25.12.2009, MR. ANWER KHAN HAD NOT SUBMITTED ANY APPLICATION FOR ADJUSTMENT/POSTING IN ANY SCHOOL TILL 29/01/2018. HE SUBMITTED HIS APPLICATION FOR ADJUSTMENT AFTER 08 YEARS, ONE MONTH AND 4 DAYS ON 29.01.2018 VIDE DIARY NO 729 OF THE DEO MALE MANSEHRA. .(annexure 3A)
7. The competent authority appointed Mr. Luqman Khan, the then Principal GHSS Mansehra NO 1 Mansehra vide NO 17916/P-24/adjustment PST/Vol II/AE-III dated 07.12.2018, to conduct an inquiry into the matter .Mr Luqman Khan , submitted his report vide NO :45 dated 02.02.2019 in which he made the following recommendations:

"SHOW-CAUSE NOTICE BE ISSUED BY THE COMPETENT AUTHORITY TO THE ACCUSED IN WHICH MAJOR PENALTY OF COMPULSORY RETIREMENT MAY BE

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25/12

QUOTED UNDER GOVT. OF KHYBER PAKHTUNKHWA, E& D RULES 4, SUB RULE (B)II." (annexure 3B)

8. Mr. Anwer Khan reportedly remained abroad during his prolonged absence from his duty (this has also been admitted verbally by his maternal uncle, Mr. Fida Muhammad Khan, EX-SST that he was abroad during his absence after 25.12.2009).
9. In order to ascertain his foreign stay /visit the competent authority has written two letters to DG FIA Peshawar vide NO 17066/F.21/ retr: from leave/2011 dated 22.10.2019 and NO: 2330/F.21/ ret from leave/2011 dated 04.03.2020 respectively. However, no reply was received from DIG FIA, Peshawar for either letter. (annexure 4, & 5)
10. The guidance was sought by the competent authority from The Director E&SED, Khyber Pakhtunkhwa, Peshawar regarding Mr. Anwer Khan's case vide NO 3208-12/establishment/dated 26.03.2020. The Director E&SED, Khyber Pakhtunkhwa, Peshawar vide NO 6334/F.No 100/vol 23/appeals PST dated Peshawar the 23.06.2020 directed the competent authority to resolve this case in the light of inquiry report recommendation of Mr. Luqman Khan, the then Principal GHSS NO1 Mansehra, submitted vide NO 45 dated 02/02/19. (annexure 6 and 7)

Reply of Mr. Anwar Khan to Personal Hearing questionnaire

In response to the questionnaire Mr. Anwar Khan, Ex-PSt has submitted the following reply:

1. When asked whether he had visited abroad and done any job there during the following leave periods, he replied that the sanctioned leaves were unconditional & he was involved in his unavoidable domestic problems:

S.NO	From	to	No of Days
1	4/03/2004	3/3/2006	612 days
2	4/3/2006	3/3/2008	731 days
3	4/03/2008	3/08/2008	292 days
4	10/03/2009	25/12/2009	

When asked to justify his absence for the absence period without any information w.e.f 25/12/2009 to 29/01/2018 (2954 days), he replied that he had submitted an application for readjustment on 25/07/2009 in his actual school wherefrom he proceeded on leave (GPS Bhag Danna circle Baffa Mansehra) but he had not been adjusted anywhere. [This application bears no diary No of District Education Office to confirm the same was actually submitted.]

2. Mr. Anwar Khan was asked to provide his all-passports copies. In response he said this question is irrelevant and there was no proof against him in this regard.
3. In the end he submitted that no codal formalities have been observed in his case to prove him guilty and impose major penalty of removal from service. He appealed to be provided his right. (annexure 8)

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Facts

1. Mr. Anwar Khan Ex PST has failed to provide valid reasons for availing long leaves w.e.f 23/12/2009 to 25/12/2009
2. He has also failed to provide any valid reason for his willful absence w.e.f 25/12/2009 to 29/01/2018 and has also failed to provide any proof of submitting any applications for readjustment after termination of his last leave 25/12/2009. HE SUBMITTED HIS READJUSTMENT APPLICATION ON 29/01/2018 VIDE DIARY NO 729 AFTER 2954 DAYS
3. He has also not provided his passport copies as were asked for by the personal hearing committee, to ascertain his any foreign stay visit. It also proves that he wants to hide his foreign visit stay during absence period. Had it not been the case, he would have not been reluctant to provide the same.
4. He has also not provided any proof of approaching higher authorities if the district education office Mansehra was not making his adjustment after the termination of his last leave on 25/12/2009.
5. Mr. Anwar Khan attempts to hide facts by avoiding answers or making ambiguous, misleading statements in his reply show that he was no more interested to be reinstated in service during his willful absence period w.e.f 25/12/2009 to 29/01/2018 (2954 days)
6. After the lapse of 2954 days, he suddenly appeared and asked the department to be reinstated in service. Prima facie evidence of the matter is that Mr. Anwar Khan was doing some job abroad during his absence period (w.e.f 25/12/2009 to 29/01/2018) and after completing his task abroad, he returned to the country and started submitting applications to the department to be reinstated in service.

RECOMMENDATIONS

1. KEEPING ALL THE ABOVE STATED FACTS IN VIEW, AS PER THE DIRECTIONS OF THE DIRECTOR EASED, KHYBER PAKHTUNKHWA, PESHAWAR, MAJOR PENALTY OF COMPULSORY RETIREMENT MAY BE IMPOSED ON MR. ANWAR KHAN SO MISKEEN KHAN, EX-PST, W.E.F 25/12/2009.
2. IF THE COMPETENT AUTHORITY CONSIDERS IT NECESSARY THAT THE SAID TEACHER FOREIGN STAY VISIT/STAY BE ASCERTAINED BEFORE IMPOSING MAJOR PENALTY, THE DIRECTOR GENERAL FIA PESHAWAR OR ISLAMABAD MAY APPROACHED IN THIS REGARD.

Personal Hearing Committee

1. Muhammad Naseem Khan Principal GHSS Bahali(chairman)
2. Sher Muhammad Principal GHS Gandhian (member)
3. Syed Sultan Shah B&AO DEO (M)Mansehra office(member)
4. Waheed Ahmed ADEO (Estt:) DEO (M)Mansehra office(member)
5. Zahoor Alam supdt: DEO (M)Mansehra office(member)

Amazure
26/11/21
17

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA

III- Reminder

No. 264 /F.21/Ret;from Leave/2011

Dated 8-01/2021

To

Director
Federal Investigation Authority (F.I.A)
Peshawar.

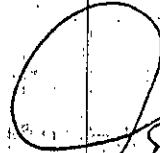
Subject: VERIFICATION IN R/O MUHAMMD ANWAR KHAN.

Memo,

Reference this office memo No.17066/F.21/Ref;from Leave/211 dated 22-10-2019 & No.2330/F.21/Ret;from Leave/2011 dated 04-03-2020 on the subject cited above . You are once again requested to please provide the detail of any Foreign visit by Mr.Anwar Khan Ex-PST District Mansehra, as the same is required for settlement of complaint against the concerned.

Name with Father Name	CNIC	Address
Muhammad Anwar Khan S/O Muhammad Miskeen Khan	13503-0510152-3	Mohallah Lughmani Baffa Town Tehsil & District Mansehra.

Your early cooperation in this regard will be highly appreciated please.


8/1/21
DY DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

dc

Annexure 18
273

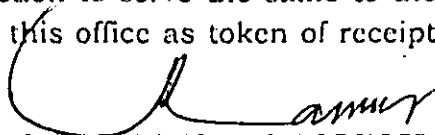
OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
DISTRICT MANSEHRA

No 9196 Date 17/8/2021

To
The SDEO (Male)
Baffa.

Subject: SHOW CAUSE NOTICE
Memo;

Show cause notice in R/O Mr. Anwar Khan PST of your school is attached herewith with the direction to serve the same to the concerned official and return one copy to this office as token of receipt duly received by him


DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA



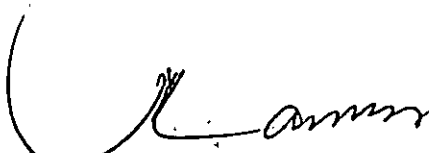
OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
DISTRICT MANSEHRA

No 9196 Date 17/8/2021

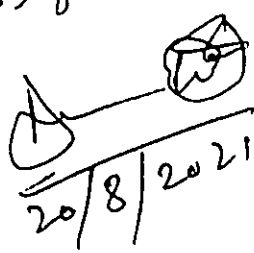
To
The SDEO (Male)
Baffa.


Subject: SHOW CAUSE NOTICE
Memo;

Show cause notice in R/O Mr. Anwar Khan PST of your school is attached herewith with the direction to serve the same to the concerned official and return one copy to this office as token of receipt duly received by him

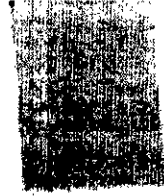

DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

no office


20/8/2021

Received
Photo copy

21-8/2021

SHOW CAUSE NOTICE



- I Muhammad Tanveer District Education Officer (M) Manshra, as competent authority under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you Mr. Mr. Anwar Khan Ex.PST GPS Paghdanna Circle Baffa Manshra, as follows:-
- i. WHEREAS you were absent w.e.f 25-12-2009 to 29-01-2018 without any information hence you have declared willful absent w.e.f 25-12-2009 to 29-01-2018.
 - ii. WHEREAS you were appointed as PST on 28-02-1993 at GPS Mandagucha Circle Baffa Manshra.
 - iii. WHEREAS you were on study leave w.e.f 04-04-1995 to 31-12-1995, and also you were remained on leave w.e.f 04-03-2004 to 01-07-2004 and w.e.f 02-07-2004 to 03-03-2006 without pay, and you were also leave without pay w.e.f 04-03-2008 to 31-08-2009.
 - iv. WHEREAS you were willfully absent from 25-12-2009 to 29-01-2018 without any information to the office of undersigned and all in sudden you were appeared and submitted an application for adjustment after laps of 2954 days.
 - v. WHEREAS this office has initiated an inquiry committee to probe in to the matter whereupon inquiry committee submitted his inquiry report vide this office diary No. 7518 dated 23-12-2020.
 - vi. I am satisfied that you are guilty of willfully absent, misconduct and inefficiency as specified in rule 3 of the said rules. Thus you have rendered yourself liable to be proceeded against under the said rules.
 - vii. In exercise of the powers conferred by the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011. The competent authority is pleased to issue show-cause notice with the direction to submit your reply within 07 (seven) days of the receipt of this notice, as, why one of the major penalty under rule-4 of the said rule should not be imposed against you and also intimate whether you desire to be heard in person.
 - viii. In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defense to offer and an ex-parte decision will be taken against you.


COMPETENT AUTHORITY

Mr. Anwar Khan Ex.PST GPS Paghdanna,
Circle Baffa Manshra,
Village & P.O Baffa Kalan Mohallah Lughmani,
Tehsil & District Manshra.

Anwar Khan
20

2021

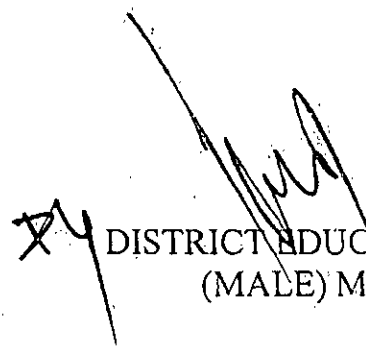
OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA.

No 10383 /F.No 21/PST/Adj/Vol-II
Dated 4/9 /2021

To
Muhammad Anwar Khan
S/O Muhammad Miskeen Khan,
Mohallah Lughmani,
Baffa Town, Tehsil Baffa District Mansehra.

Subject:- PERSONNEL HEARING.
Memo:

Reference to the subject cited above, You are hereby directed to attend the Office of Undersigned for personnel hearing on 8/9/2021 at 10.00 AM positively.


DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA.

Amulawke
BC
23
87

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA

NOTIFICATION.

In continuation to this office letter no 10383 F.No 21 /PST Adjustment Voll 11 Dated 4/9/2021, following committee is formed to conduct personal hearing in r/o Muhammad Anwar Khan Ex PST.

COMMITTEE

S.No	Name of committee Chairman & Member	Venue Date & Time
1	Raja Babu Jahangir DDEO Chairman	Office of the DEO (M) Mansehra on 08-09-2021 at 10 am.
2	Muhammad Aslam Principal Member	
3	Sakinullah ADO Member	
4	Shoukat Ali SC Member	


DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

Endstt: Even No & Date.

Copy of the above is forwarded for information to:-

1. Principal GHS Shohal Mazullah Khan.
2. B&AO Local Office.
3. ADO (Estt) Pry: local Office.


DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

Anwar Khan 22

ATTENDANCE CERTIFICATE

Mr. Anwar Khan Ex PST has attended the office of the DEO (M) Mansehra To Day on 08-09-2021 for personal haring

1. Anwar Khan [Signature]
8/9/2021

1. Raja Babu Jahangir DDEO (M) Mansehra. [Signature]

2. Muhammad Aslam Prncipal GHS SN Khan [Signature]
08/09/2021

3. Sakinullah ADO Estt.: [Signature]
8/9/2021

4. Shoukal Ali. [Signature]
8/9/2021

Amended to MD
23

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA
Phone: 0992-32271 Fax: 0992-32244
E-mail: Address: Bahawalpur, Mansehra, Peshawar
Internet: Page: www.facebook.com/DDEOMANSEHRA
No. 105 / Dated 17 / 9 / 2021

PERSONAL HEARING IN R/O MR. MUHAMMAD ANWAR KHAN EX-
PST GPS PHAG DANNA CIRCLE BAFFA MANSEHRA UNDER RULE
15. OF GOVT OF KPK PESHAWAR.

The Competent authority was saman, Mr. Muhammad Anwar Khan
Ex-PST GPS Pagh Danna Circle Baffa Manshra vide dated 08-09-
2021 at 10:00 AM at the office of Deputy District Education Officer
(Male) Mansehra for the opportunity of hearing and chance of self
Defence and cross-examination.

VENUE: DEO (Male) Mansehra

CONSTITUTION OF PERSONAL HEARING COMMITTEE

1. Raja Babo Jahangir DDEO (M) Mansehra.(Chairman)
2. Muhammad Aslam Principal GHS Shohal Mazullah.(Member)
3. Sakin Ullah Khan ADEO(Estt) (Member)
4. Shoukat Ali S/Clerk (Member)

The Competent Authority along with other members of the Committee
has participated at the time of personal hearing.

That the accused official appeared before committee on the schedule
date and failed to defence himself, to have the charges levelled against him. The
competent authority has satisfied with the allegation levelled against accused
under rule 3 of E&D rule 2011.

That after affording personal hearing to the accused, the competent
authority alongwith participant of committee of personal hearing, keeping in view
the finding and recommendation of inquiry officer, deference of accused during the
hearing, not satisfied.

That the competent authority, and others participant members of
committee has recommended the major penalty under rule 4 (b) E&D rule 2011.

1. Raja Babo Jahangir DDEO (M) Mansehra.(Chairman)
2. Muhammad Aslam Principal GHS Shohal Mazullah.(Member)
3. Sakin Ullah Khan ADEO(Estt) (Member)
4. Shoukat Ali S/Clerk (Member)

Signature
Signature
Signature
Signature
DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA
18/9/21

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA

Phone # 0997-382271 Fax # 0997-382244
E-mail Address: edoffice_mansehra@pdso.gov.pk
Facebook Page: www.facebook.com/DIO.MANSEHRA

NOTIFICATION:-

Mr. Muhammad Anwar Khan PST Phag Dana Circle Baffa District Mansehra proceeded against under Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011 on account of willful and unauthorized absence from duty:

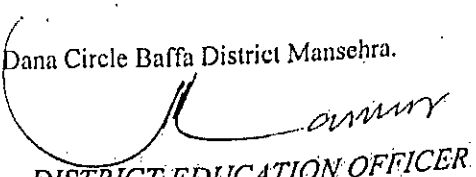
- 1) AND WHEREAS absent report was received from the SDEO (Male) Concerned wherein you were willfully absent from duty w.e.f 25/12/2009 to 29-01-2018 without any information.
- 2) AND WHEREAS that the undersigned initiated an inquiry committee to be probed into the matter, whereupon inquiry committee submitted his report on 02-02-2019.
- 3) AND WHEREAS you were served a show cause notice vide this office No. 9196 dated 17-08-2021, and reply of Show Cause was received to the office of the undersigned vide dated (31-08-2021).
- 4) AND WHEREAS you were called for personal hearing and also provided an opportunity of self defence as well as cross examination was also provided and you were failed to defence the charge leveled against you.
- 5) AND WHEREAS the competent authority District Education Officer (M) Mansehra after having considered the charges and evidence on record and on the basis of the report of the inquiry committee that the charges against the accused have been proved.
- 6) THEREFORE the competent authority in exercise of the power conferred upon him under rule 4 sub rule 1 (b) (iii) of the Khyber Pakhtunkhwa Government servants (Efficiency & Discipline) rules 2011, is pleased to impose the major penalty of "REMOVAL FROM SERVICE" upon Mr. Muhammad Anwar Khan PST Phag Dana Circle Baffa District Mansehra with immediate effect.

-Sd-
DISTRICT EDUCATION OFFICER
(MALE) MANSEHR
Dated. 30/11/2021

Endst: No. 12818-23/Estt :(M)/

Copy forwarded for information to the:

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Mansehra.
3. District Monitoring Officer (EMA) Mansehra.
4. District Account Officer Mansehra.
5. SDEO (Male) Concerned.
6. Mr. Muhammad Anwar Khan PST Phag Dana Circle Baffa District Mansehra.
7. Office File.


DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

Received by
Mr. Paristan V.
-24-12-2021