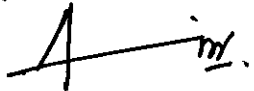


FORM OF ORDER SHEET

Court of _____

Appeal No. 1478/2023

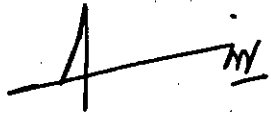
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/07/2023	<p>The appeal of Mr. Liaqat Ullah resubmitted today by registered post through Mr. Arif Hussain Nizi Advocate. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on</p> <p>By the order of Chairman  REGISTRAR</p>

The appeal of Mr. Liaqat Ullah son of Sona Khan caste Gandapur Chowkidar GPO Chaj baray Wala D.I.Khan received today i.e on 21.06.2023 is incomplete on the following score which is returned to her attorney for the appellant for completion and resubmission within 15 days:

- 1- Check list is blank be filled up.
- 2- Annexures of the appeal are unattested.
- 3- Law under which appeal is filed is not mentioned.
- 4- The authority whose order is challenged has not been arrayed a necessary party.
- 5- Pages No. 22 & 23 of the appeal are illegible which may be replaced by legible/better one.

No. 1832 /S.T,

Dt. 22-06 /2023.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Arif Hussain Niazi Adv.
High Court D.I.Khan.

The needful is done as under:

1. The check list is duly filled up along with signature.
2. The Annexure's pertained to the departmental record are not adjudicatory orders, hence attested it's authenticity by the appellant himself.
3. The further representation/appeal before the honorable Service Tribunal KPK is governed by Section 4 of the KPK Service Tribunal 1974 and the rules made their under.
4. The concerned authorities are respondent No.2 (Director E&SE Peshawar) and the present DEO (District Education Officer) who is in the alternative in the substitute of respondent No.3 EDO of respondent No.3 and concerned present authority is DEO Male D.I.Khan has been added through pen writing along with signature.
5. The clear / better legible copies of page 22 &23 are added as pages 32&33 of present case file.

This case may kindly be held entertainable and maybe put up before honorable Service Tribunal for further proceeding at the end.

THE REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR


ARIF HUSSAIN NIAZI ADVOCATE
HIGH COURT DERA ISMAIL KHAN

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. 1477 /2023

Liaqat Ullah Appellant

VERSUS


Govt of Khyber Pakhtunkhwa, Etc..... Respondents

INDEX


S #	Particulars	Annexure	Pages
1.	Grounds of Service Appeal with affidavit	—	1-5
2.	Copy of the service book of the appellant	A	6-9
3.	Copy of service appeal	B	16-12
3.	Copy of judgment dated 28/11/2017	C	13-15
4.	Copy of Notification No.2615-19 dated 06/02/2018	D	16
5.	Copy of Enquiry report	E	17-20
6.	Copy of Adjusted order dated 35611-16 dated 30/11/2018	F	21
7.	Copy of department appeal and order dated 31/05/2023 Order Endst.No 8914-15	G	22-26
8.	Wakalatnama + Court Fee Notice		27-31
9	Better copy of page 22 p 23		32-33

Dated:-20/06/2023

Your Humble Appellant


LIAQAT ULLAH

Through Counsel


Arif Hussain Niazi
Advocate High Court
Dera Ismail Khan

0346-5961282

①

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,

PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 1478/2023

Diary No. 6135

Dated 21-6-2023

Liaqat Ullah S/O Sona Khan Caste Gandapur R/O Gara Galandar,
Tehsil & District Dera Ismal Khan. Chowkidar at Primary School Chah
Baray Wala, Tehsil & District Dera Ismail Khan.

.....Appellant

VERSUS

1. Govt of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education Department, Peshawar.
2. Director Elementary & Secondary Education Department KPK *The Distt Education officer (Male) D.I.Khan*
3. Executive District Officer, Elementary & Secondary Education Department Dera Ismail Khan.
4. District Accounts Officer, District D.I.Khan

.....Respondents

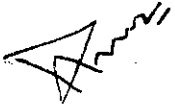
APPEAL AGAINST THE ORDER OF DIRECTOR ELEMENTARY & SECONDARY EDUCATION DEPARTMENT KPK ENDST: NO8914-15 DATED 31/05/2023 WHERE IN DEPARTMENTAL APPEAL AGAINST ORDER OF DISTRICT EDUCATION OFFICER, EDUCATION DEPARTMENT D.I.KHAN ORDER DATED 30/11/2018 WAS REJECTED AND APPELLANT DEPRIVED FROM ALL BACK BENEFITS SALARIES I.E. PERIOD RANGING FROM MARCH 2011 TO 30/11/2018.

Brief Facts of the Case are as under:

1. Appellant joined the service as as Chowkidar in the office of respondent NO.3 and posted as Chowkidar on contract basis at Government primary School Gara Qalandar Tehsil and District Dera Ismail Khan vide Endst No.6093-96 dated 15/03/2007. As per policy of the Government of Khyber Pakhtunkhwa Peshawar the service of

the contract employees were regularize through letter No.BOI/1-22/2007-08FD dated 29/01/2008. Copy of the service book of the appellant on which a note of regularization of the service is written by the Deputy District Officer (M), D.I.Khan as ANNEXURE-A.

2. That due to termination of 1613 Teachers belonging to District D.I.Khan respondent No.3 vide letter No.2410-12 dated 21/04/2010 directed to appellant to work as PST teacher to work against PST post as Government Primary School Nasir Bagh Tehsil and District D.I.Khan on his own pay and grade in the interest of the public service. In the month of March 2011 the monthly salary of the appellant stopped without any reason and justification. Appellant enquired from respondent NO.3 about his stoppage of salary but respondent No.3 decline to release the salary of the appellant. That after the disallowing appellant preferred department appeal to respondent NO.2 on 23/04/2011 but respondent No.2 did not decided the same. Appellant preferred a service appeal No.1501/2011 instituted against the illegal stoppage of salary of appellant on 23/07/2011. The honourable service tribunal decided the above mentioned appeal on 28/11/2017 where in it was held by the service tribunal that record reveals that is no order of removes / dismissal form the service of appellant, therefore, it is not clear from the record that the appellant was terminated / removed from the service by the respondent are the appellant is in service as honourable service tribunal partially accepted the service appeal of the appellant and remit the case to the departmental authority to decide the department appeal through a speaking order within the period of three months. The service appeal and the judgment dated 28/11/2017 are enclosed as ANNEXURE B & C.
3. The Director Education Office vide Endst: No.2615-19 dated 06/02/2018 constituted enquiry committee regarding the stoppage of salary of the appellant in the light of direction of honourable service tribunal in service appeal No.1501/2011. The copy of notification is annexed as ANNEXURE-D.
4. That under the above notification of the director education enquiry committee submitted his detail report, where in it is clearly mentioned that the actual status of appellant was Chowkidar because he was adjusted as PST in his own pay and scale but astonishing to say that the post vacated by the appellant at GPS Gara Qalandar from where he was transferred was filled by another person named Rafi



Ullah the son of Head Teacher of the said school. It seem that whole drama was played only to vacate a post held by appellant and just to obliged the person mentioned above. The enquiry committee recommended the competent authority to consider the appellant as Chowkidar (Class-IV) and to adjust him against vacant post in district D.I.Khan. Copy of enquiry report is enclosed as ANNEXURE-E.

5. That in the light of direction of honourable service tribunal vide judgment dated 28/11/2017 and enquiry committee report appellant was adjusted as Chowkidar (Class-IV) at GPS Chah Baray Wala vide Endst: Order 35611-16 dated 30/11/2018. But in the said order the DEO Male considered intervening period as leave and deprived the appellant from salary from March, 2011 to 28/11/2017. Copy of adjusted order is enclosed as ANNEXURE-F.
6. That appellant preferred department appeal against the order No.35611-16 dated 30/11/2018 where appellant were deprived of salaries from the period March, 2011 to 30/11/2018 the then re-appeal which was rejected vide endst: No.8914-15 dated 31/05/2023 by the Director Education Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar. Copy of Appeal and order dated 31/05/2023 is enclosed as ANNEXURE-G.
7. That the feeling aggrieved from about said action, the appellant is constrained to approach this honourable Court enter-alia on the following Grounds:



GROUND:

- I. That the appellant is not treated according with law and the actions of the respondent's melafide being discriminatory and harsh.
- II. That the appellant was appointed as Chowkidar not as a PST Teacher because there is no appointment order as a PST Teacher neither applicant applied any post of PST nor promoted to the post of PST but the respondents illegally and melafiedly stopped the salary fo the appellant from the month of march 2011 till adjustment order 30/11/2018.
- III. That appellant is being penalized with giving any legal justification. Act of the respondents is totally against the law the principal of natural justice.
- IV. That earlier appeal No.1501/2011 which was instituted on 23/07/2011 was against the illegal stoppage of the salary of the

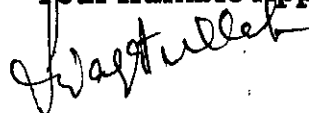
appellant but in the light of enquiry report which is totally in favour of the appellant and wherein clearly mentioned that Education Department play a drama just to vacate the post with the melafide intention and deprived the appellant from his salary for a period of about 08 years.

- V. That appellant is a poor person. He continuously remain in litigation with department in service appeal No.1501/2011 for a period 08 years and lad miserable life being poor person lend loans for the welfare of his children but instead of releasing salaries of the appellant from period ranging march 2011 to 30/11/2018 only adjusted the appellant and deprived him from all back benefits salaries.
- VI. That the appellant may also be produce further record at the time of arguments.
- VII. That the counsel of the appellant may kindly be permitted to argue the further grounds at the time of hearing of appeal.

It is, therefore, humbly prayed that a period ranging from March 2011 to 30/11/2018 may be deemed to spend on duty and all the attendance benefits salaries aggregates, annulments of the said period may also be granted to appellant.


Dated: 27/06/2023

Your Humble Appellant



LIAQAT ULLAH

Through Counsel



**Arif Hussain Niazi
Advocate High Court
Dera Ismail Khan**

5

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,

PESHAWAR

Service Appeal No. _____/2023

Liaqat Ullah Appellant

VERSUS

Govt of Khyber Pakhtunkhwa, Etc..... Respondents

AFFIDAVIT

I, **LIAQAT ULLAH S/O SONA KHAN** Caste Gandapur R/O Gara Galandar, Tehsil & District Dera Ismal Khan, the Appellant, do hereby solemnly affirm and declare on Oath:-

1. **That** accompanying service appeal has been drafted by my Counsel following my instructions.
2. **That** all Para wise contents of the service appeal are true and correct to the best of my knowledge, belief and information;
3. **That** nothing has been deliberately concealed from this August Tribunal nor anything contained therein is based on exaggeration or distortion of facts.

Dated: 20/06/2023

Liaqat Ullah
Deponent
12101-7720810-9



Duplicate Name (نام) Liaquat Ullah

2- Nationality and Religion Pakistani (Islam)
(قومیت اور مذہب)

3- Residence Cara Balandar, Dikhan
(مستقل رہائش)

4- Father's name and residence Sona Khan
(والد کا نام اور پتہ)

5- Date of birth by christian era as First April 1967
nearly as can be ascertained 21-04-1967
(تاریخ پیدائش مطابق سن عیسوی)

6- Exact height by measurement _____
(قد و قامت)

7- Personal mark of identification _____
(نشان شناخت)

Authentic record / Photo Copy of _____ / book (attached)

Left hand/right hand thumb and finger-impressions of _____
(مردی صورت میں بائیں اور عورت کی صورت میں دائیں ہاتھ کی انگلیوں کے نشانات)

Little Finger (چھنگلیا)
Ring Finger (چھنگلیا کے ساتھ کی انگلی)
Middle Finger (انگشت میانیہ)
Thumb (انگوٹھا)

9. Signature of Govt. Servent (سرکاری ملازم کے دستخط)
Liaquat Ullah

10. Signature and designation of the Head of the Office or other Attesting officer (تصدیق کنندہ افسر کے دستخط اور مہر)
Liaquat Ullah

Verified _____
Sub: Dist: Edu: Officer (Male) D.I.Khan

Note: The entries in this page should be renewed or re-attested at least every five years and the signatures in lines 9 and 10 should be dated. Finger prints need no be taken after every 5 years under this rule.

اس صفحہ کے مندرجہ کم از کم پانچ سال بعد تصدیق ہونا ضروری ہیں اور نمبر 9 اور 10 میں دستخطوں کے نیچے تاریخ لکھنی چاہیے۔
انگلیوں کے نشانات کے لئے ہر پانچ سال کے بعد تصدیق کی ضرورت نہیں

1	2	3	4	5	6	7
Name of Post	Whether Substantive or officiating and whether permanent or temporary	If officiating state- (i) substantive appointment or (ii) whether service counts for pension under rule 3-20 of C.S.R. (Pb.) Volume II	Pay in substantive position	Additional pay for officiating	Other emoluments falling under the term pay	Date of appointment
درجہ ملازمت	عارضی مستقل یا یا قائم مقام	اگر عارضی ہے تو رول کے مطابق پیش کیا سحق ہے؟	تنخواہ بطور عارضی ملازمت	زائد تنخواہ بطور قائم مقام	ماسوائے تنخواہ دیگر الادیس	تاریخ تقریری
Chowkiदार C.P.S.						
Gara Qalandar			Rs. 4000/- Fixed			15-03-2007
			Revised Entry in BPS-01 in the light of Finance Deptt: no: B.O. / F.D. / 1-22 / 2007-08 dated 29-01-2008			
2156-65-4100 (2005)						
BPS-01			Rs. 2150/-			15/03/07
Revised (2007) BPS-01						
2475-75-4725						
Chowkiदार			Rs. 2475/- PM			01/01/07
BPS-2			Rs. 2530/-			01/01/07
			Rs. 2615/-			1/01/07
BPS-07			2100/-			
do			Rs. 2550/- PM			01/01/07
Revised (2008)						
2970-90-5670 / BPS-2			3225/-			
Chowkiदार			Rs. 3060/- PM			01/01/07
do			3335/-			
do			Rs. 3150/- PM			01/01/07
do			3455/-			
do			Rs. 3240/- PM			01/01/07
do			3535/-			
do			Rs. 3330/- PM			01/01/07

9	10	11	12	13	14	15
nature and ignition of Head of the ce or other sting officer estation of umn 1 to 8	Date of termination or appointment	Reason of termination (such as Promotion, transfer, Dismissal	Signature of the head of the officer or other Attesting Officer.	Nature and duration of leave taken Allocation of period of leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debitab to another Government چار ماہ تک کی رخصت کے لئے اوسط خواہ کا تین دوسرے سرکار	Signature of the Head of the office or other attesting officer	Reference to any recorded punishment or censure, reward, or praised o the Government servants سزا یا جزایا غیر مناسب کارکردگی کا ریکارڈ
اسفحجاز دستخط	تاریخ انتظام ملازمت	وجوہات انصراف ملازمت ترقی تبادلہ بایطریقہ	دستخط اسفحجاز	Sub: Divl: Edu: Officer (Male) D. I. Khan	دستخط اسفحجاز	Appointed as Chowkidar on contract with EDC S.O.L. D.I.Khan NO. 6093 96 dt. 15/3/2007
			Selected		Sub: Divl: Edu: Officer (Male) D. I. Khan	
				RPS-2007	Sub: Divl: Edu: Officer (Male) D. I. Khan	Service verified w.e.t... 15/3/2007
					Sub: Divl: Edu: Officer (Male) D. I. Khan	Service verified w.e.t... 15/3/2007
					Sub: Divl: Edu: Officer (Male) D. I. Khan	Service verified w.e.t... 01/12/2007
					Sub: Divl: Edu: Officer (Male) D. I. Khan	Service Regularized and placed in BPS-01 w.e.f 01-7-2008 vide Govt. 07 N.E.P. Peshawar No: 8011-22/2007-08/ED dt. 29/07/2008
					Sub: Divl: Edu: Officer (Male) D. I. Khan	
					Sub: Divl: Edu: Officer (Male) D. I. Khan	
					Sub: Divl: Edu: Officer (Male) D. I. Khan	
					Sub: Divl: Edu: Officer (Male) D. I. Khan	
					Sub: Divl: Edu: Officer (Male) D. I. Khan	
					Sub: Divl: Edu: Officer (Male) D. I. Khan	

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1	2	3	4		5		6	7
Name of Post	Whether Substantive of officiating any whether permanent or temporary	It officiating state. (i) substantive appointment of (ii) whether service counts for pension under rule 3-20 of C.S.R. (Pb) Volume II	Pay in substantive position		Additional pay for officiating		Other emoluments falling under the term pay	Date of appointment
	عارضی مستقل قائم مقام	اگر عارضی ہے تو رول کے مطابق پیشین کا سٹیج ہے	تنخواہ بطور عارضی ملازمت		زائد تنخواہ بطور قائم مقام		ماسوائے تنخواہ دیگر الائٹس	تاریخ تقرری
			Rs.	Ps.	Rs.	Ps.		
Revised BPS (2011)								
BPS-02 (4800-150-9300)								
Chowk			Rs.	Ps.	Rs.	Ps.		01/07 2011
- Do -			Rs.	Ps.	Rs.	Ps.		01/12 2011
- Do -			Rs.	Ps.	Rs.	Ps.		01/12 2012
- Do -			Rs.	Ps.	Rs.	Ps.		01/12 2013
- Do -			Rs.	Ps.	Rs.	Ps.		01/7 2014
- Do -			Rs.	Ps.	Rs.	Ps.		01/12 2014
RBPS-2015								
BPS-02 (6210-195-12000)								
Chowk			Rs.	Ps.	Rs.	Ps.		01/7 2015
BPS-02 (6535-260-14335)								
Chowk			Rs.	Ps.	Rs.	Ps.		01/7 2015
- Do -			Rs.	Ps.	Rs.	Ps.		01/12 2015

Serial Number of the Officer (1 to 8)	10 Date of termination or appointment تاریخ انقطاع ملازمت	11 Reason of termination (such as Promotion, transfer, Dismissal) وجہات انتقال ملازمت برقی تبادلہ یا برطرفی	12 Signature of the head of the officer or other Attesting Officer دستخط افسر مجاز	13 Nature and duration of leave taken نوعیت و معیار	13 Allocation of period of leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debitible to another Government چار ماہ تک کی رخصت کے لئے اوسط تنخواہ کا تعلق Period Government to which debitible عرصہ	14 Signature of the Head of the office or other attesting officer دستخط افسر مجاز	15 Reference to any recorded punishment or censure, reward, or praise of the Government servants سزا یا جزیاء یا سزا یا ستائش کا ریکارڈ
							Service verified w.r.t. 01/12/2008
1	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				According to ACCG. Recd Office Record
2	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
3	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				Service verified w.r.t. 01/12/09
4	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				According to ACCG. Recd Office Record
5	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
6	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				Service verified w.r.t. 01/12/2010
7	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				According to ACCG. Recd Office Record
8	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
9	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
10	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
11	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
12	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
13	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
14	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
15	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
16	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
17	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
18	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
19	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
20	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
21	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
22	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
23	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
24	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
25	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
26	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
27	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
28	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
29	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
30	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
31	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
32	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
33	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
34	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
35	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
36	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
37	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
38	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
39	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
40	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
41	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
42	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
43	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
44	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
45	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
46	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
47	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
48	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
49	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
50	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
51	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
52	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
53	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
54	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
55	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
56	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
57	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
58	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
59	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
60	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
61	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
62	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
63	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
64	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
65	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
66	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
67	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
68	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
69	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
70	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
71	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
72	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
73	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
74	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
75	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
76	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
77	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
78	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
79	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
80	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
81	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
82	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
83	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
84	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
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87	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
88	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
89	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
90	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
91	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
92	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
93	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
94	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
95	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
96	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
97	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
98	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
99	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				
100	Sub: Divl. Edu. Officer (Male) D.I. Khan	30/11/2011	A/Invt. not dec.				

Approved
D. I. Khan

Reference to The Honorable Dybr
Pantunkhawa Service Tribunal Camp
Court, D.I. Khan Appeal No. 1501/2011
dt. 23/7/2011 is hereby Adjusted
against the vacant Post of Chowk
vide DEO (M) D.I. Khan No. 35611-16
dt. 30/11/2018

1	2	3	4	5	6	7
Name of Post	Whether Substantive of officiating any whether permanent or temporary	It officiating state. (i) substantive appointment of (ii) whether service counts for pension under rule 3-20 of C.S.R. (Pb) Volume II	Pay in substantive position	Additional pay for officiating	Other emoluments falling under the term pay	Date of appointment
	عارضی مستقل قائم مقام	اگر عارضی ہے تو رول کے مطابق پیش کش کی جاسکتی ہے؟	تنخواہ بطور عارضی ملازمت	زاہد تنخواہ بطور قائم مقام	ماسوائے تنخواہ دیگر الاؤنس	تاریخ تقرری
			Rs. Ps.	Rs. Ps.		
درجہ ملازمت RBPS-2016						
BPS-04 (8040-325-17780)			Rs. Ps.	Rs. Ps.		01/12/2016
Chowk						
- Do -						01/12/2016
RBPS-2017						
BPS-04 (9610-390-21310)						01/12/2017
Chowk						
<p>Office of the Accountant General Khyber Pakhtunkhwa Peshawar</p> <p>Pay Fixed in the Revised Basic Pay Scale</p> <p>Do Rs. 920 - 10235</p> <p>Pay Fixed @ Rs. 7435 w.e.f. 01-07-2015</p> <p>Do Rs. 200 - 520 - 13550</p> <p>Pay Fixed @ Rs. 9760 w.e.f. 01-07-2018</p> <p>B.P.S. 9900 - 440 - 20715</p> <p>Pay Fixed @ Rs. 11660 w.e.f. 01-01-2018</p> <p>Date of next increment due 01-01-2019</p>						
- Do -						01/12/2017
						01/12/2018
- Do -						01/12/2019
<p>Accounts Officer Pay Fixation Party Peshawar</p>						

Handwritten notes and signatures in a circular stamp area, including dates like 27/2007 and 09/2007, and names like (A) and (B).

7	8	9	10	11	12	13	14	15
Date of appointment	Signature of Head of the Government Servant	Signature and designation of Head of the office or other Attesting officer (Munn 1 to 8)	Date of termination or appointment	Reason of termination (such as Promotion, transfer, Dismissal)	Signature of the head of the officer or other Attesting Officer	Nature and duration of leave taken	Signature of the Head of the office or other attesting officer	Reference to any recorded punishment or censure, reward, or praise of the Government servants
01/12/2018	[Signature]	[Signature]	[Date]	[Reason]	[Signature]	[Leave]	[Signature]	[Reference]
01/12/2018	[Signature]	[Signature]	[Date]	[Reason]	[Signature]	[Leave]	[Signature]	[Reference]
01/12/2017	[Signature]	[Signature]	[Date]	[Reason]	[Signature]	[Leave]	[Signature]	[Reference]
01/12/2017	[Signature]	[Signature]	[Date]	[Reason]	[Signature]	[Leave]	[Signature]	[Reference]
01/12/2018	[Signature]	[Signature]	[Date]	[Reason]	[Signature]	[Leave]	[Signature]	[Reference]
01/12/2019	[Signature]	[Signature]	[Date]	[Reason]	[Signature]	[Leave]	[Signature]	[Reference]
[Blank]	[Blank]	[Blank]	[Blank]	[Blank]	[Blank]	[Blank]	[Blank]	[Blank]

Attested

Checked

Recovery of
 Re-employment was 01/03/2010
 To 28/2/2011 due to pay draw
 in B-7 instead of B-02
 Recovered from his pay in
 03/2020.

[Signature]

10

Annexure B

BEFORE K.P.K SERVICE TRIBUNAL, K.P.K PESHAWAR

Service Appeal No. _____ Of 2011

Liaqat Ullah S/o Sona Khan Caste Ganda Pur R/o Garah Qalandar
District D.I.Khan, Chaukidar Government Primary School Garah
Qalandar Tehsil & District D.I.Khan.

VERSUS

1. Government of KPK through Sectary Elementary and Secondary Education Department Peshawar.
2. Director Elementary Education Department Peshawar.
3. Executive District Officer Elementary and Secondary Education Department D.I.Khan.
4. District Accounts Officer, Kechari Road D.I.Khan.

**APPEAL AGAINST THE ILLEGAL STOPPAGE OF SALARY OF
APPELLANT FROM THE MONTH OF MARCH 2011 TO TILL
DATE.**

BRIEF FACTS OF THE CASE ARE AS UNDER:

1. Appellant joined the Service as Chaukidar in the office of respondent No.3 and posted as Chaukidar on contract basis at Government primary School Garah Qalandar Tehsil and District D.I.Khan vide Endst No.6093-96 Dated 15/03/2007 Copy of order, is attached as ANNEXURE - A.
2. That as per policy of the Government of KPK Peshawar the services of the contact employs were regularize through letter No.B01/1-22/2007-08FD dated 29/01/2008. Copy of the Service Book of the appellant on which a note of regularization of the service is written by the deputy district officer (M) D.I.Khan as ANNEXURE - B.

Liaqat Ullah

D. Khan

3. That due to termination of 1613 Teachers belonging to District D.I.Khan respondent No.3 vide letter NO. 2410-12 dated 21/04/2010 directed to appellant to work as PST teacher to work against PST post as Government Primary School Nasir Bagh Tehsil and District D.I.Khan on his own pay and grade in the interest of the public Service. Copy of order is enclosed as ANNEXURE - C.
4. That in the month of March 2011 the monthly salary of the appellant stopped without any reason and justification. Appellant enquired from respondent No.3 about his stoppage of salary but respondent No.3 decline to release the salary of the appellant. Copy of application is enclosed as ANNEXURE - D.
5. That after the disallowing appellant preferred departmental appeal to respondent No.2 on 23/04/2011, but respondent No.2 till date not decided the same. Copy of Department appeal enclosed as ANNEXURE-E, registry Receipt enclosed as ANNEXURE -F, ^{FL}AD card enclosed as ANNEXURE - G.
6. That the feeling aggrieved from about said action, appellant is constrained to approach this honorable Court on the following Grounds.

GROUNDS:

1. That the appellant is not treated in accordance with law and conditions of the respondents are Malafide besides being discriminatory and harsh.
2. That the appellant was appointed as Chaukidar not as a PST teacher.
3. That appellant on the direction of respondent No.2 working as PST teacher on his own pay scale and grade not on promotion basis but respondent No.2 and 4 illegally, and malafide stopped the salary from the month of March 2011 till date of the appellant without any reason and justification.

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4. That appellant is being penalized without giving any solid reason. Act of the respondent is totally ^{against} the law and the principle of mature justice.
5. That the appellant may also be allowed to produced further record and prove that the time of the argumnts.
6. That the appellant counsel may be permitted to argue further grounds during hearing of the appeal.

In view of the above, it is therefore, most respectfully prayed that on acceptance of this appeal, this honorable court may be pleased to release the salary of the appellant from the month of March 2011 to till the decision of the this appeal and on word.

Any other relief deemed just and proper in the circumstances may also kindly be allowed.

Liaqatullah

Your Humble Appellant
Liaqat Ullah
Throug Counsel

Dated: 21/7/2011

Liaqatullah

Fazal-Ur-Rehman Baloch
Fazal-Ur-Rehman Baloch
Advocate High Court D.I.Khan. 21/7/11

Nausher Advocate
Nausher Baloch Advocate

Arif Niazi Advocate
Mr. Arif Niazi Advocate D.I.Khan.

AFFIDAVIT

I, Liaqat Ullah Appellant, do hereby solemnly affirmed and declare on Oath that the content of Service Appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this honorable Court.

Muhammad Yousaf Baloch
Advocate
D.I.Khan
Oath Court
21/7/11

Liaqatullah

Deponent
Liaqat Ullah
Appellant

(13)

mixture "C"

1

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT D.I.KHAN

SERVICE APPEAL NO. 1501/2011

Date of institution ... 23.07.2011

Date of judgment ... 28.11.2017



Liaqat Ullah S/O Sona Khan Caste Ganda Pur
R/O Garah Qalandar District D.I.Khan, Chowkidar Government Primary School Garah Qalandar
Tehsil & District D.I.Khan.

... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Department Peshawar.
2. Director Elementary Education Department Peshawar.
3. Executive District Officer Elementary and Secondary Education Department D.I.Khan.
4. District Account Officer, Kechari Road D.I.Khan.

... (Respondents)

APPEAL AGAINST THE ILLEGAL STOPPAGE OF SALARY OF
APPELLANT FROM THE MONTH OF MARCH 2011 TO TILL DATE.


Mr. Fazal-ur-Rehman Baloch, Advocate.
Mr. Farhaj Sikandar, District Attorney

.. For appellant.
.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI
MR. GUL ZEB KHAN

MEMBER (JUDICIAL)
MEMBER (EXECUTIVE)

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - This appeal has been filed against the stoppage of salary from the month of March 2011 ^{to} till date. The appellant also filed the departmental appeal on 23.04.2011 but the same was not responded hence, the present service appeal.

2. Learned counsel for the appellant contended that the appellant was appointed as Chowkidar in Education Department vide order dated 15.03.2007 on contract basis. It

(14)

was further contended that the appellant was regularized on 29.01.2008 as revealed from the copy of service book of the appellant. It was further contended that ~~the~~ⁱⁿ the appellant was directed to work against Primary School Teacher (PST) post at Government Primary School Nasir Bagh, D.I.Khan on his own pay and grade vide order dated 21.04.2010 by the respondent and was receiving salary till February 2011 but in the month of March 2011 the respondents stopped the salary of the appellant therefore, he submitted application for release of his salary but his salary was not released therefore, the appellant submitted department appeal before respondent No. 2 but the same was also not responded hence, the present service appeal on 23.07.2011. Learned counsel for the appellant further contended that neither any inquiry was conducted against the appellant by the respondents nor any show-cause notice was issued to appellant but the respondents have stopped the salary of the appellant without any valid reason therefore, he requested that the appeal may be accepted and the respondents may be directed to release the salary of the appellant from March 2011 till now.

3. On the other hand, learned District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was appointed as Chowkidar and later on he was illegally appointed as Primary School Teacher therefore, the salary of the appellant was stopped. It was further contended that the appellant has also not performed any duty therefore, he was not entitled for any salary. The learned District Attorney further contended that the appeal of the appellant is also time barred therefore, prayed for dismissal of service appeal.

4. We have heard the arguments on both the sides and gone through the record available on file.

5. Perusal of the record reveals that the appellant was appointed as Chowkidar on contract basis vide order dated 15.03.2007 in the Education Department by the Executive District Officer and was performing his duty. The record further reveals that vide order dated 21.04.2010 the Deputy District Education Officer (Male) directed the appellant to work against the post of Primary School Teacher (PST) at Nasir Bagh, D.I.Khan in his own pay and grade till further orders with immediate effect. The record

ATTESTED

BY
 MEMBER TRIBUNAL
 Service Tribunal
 Peshawar

(15)

further reveals that the appellant was receiving salary till February 2011 but the respondents have stopped his salary from the month of March 2011 till now without conducting any inquiry or giving show-cause notice to the appellant. The record further reveals that there is no order of removal/dismissal from service of the appellant therefore, it is not clear from the record that the appellant was terminated or removed from service by the respondents or the appellant is in service. As such we are constrained to partially accept the appeal of the appellant and remit the case to the departmental authority to decide the departmental appeal through a speaking order within a period of three months after receipt of this judgment and also direct to communicate the said order to the appellant and thereafter if any party is aggrieved then he is at liberty to approach this Tribunal if so desire. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
28.11.2017

Sd/- M. Amin Khan Kundli
Member
Camp Court D.I. Khan

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

Sd/- Gulzar Khan,
Member

Date of Presentation of Application	26-12-2017
Number of Words	1200
Copying Fee	8-00
Urgent	2-00
Total	10-00
Name of Copyist	<i>[Signature]</i>
Date of Completion of Copy	26-12-17
Date of Delivery of Copy	26-12-17



16

Annexure "D"

OFFICE OF THE DISTRICT EDUCATION OFFICER (M)
DERA ISMAIL KHAN

NOTIFICATION:

In the light of direction of honorable service tribunal under service appeal No 1501 / 2011 , inquiry committee comprised of the following officer is hereby constituted for Denovo-inquiry to determined the factual portion and status of Mr. Liaqat Ullah S/O Sona Khan Gandapur residence of Gara Qalandar District DIKhan

1. Mr. Fakhar ud Din GHS Dhala DIKhan.
2. Mr. Muhammad Shoaib Principal GHS No. 2, Paharpur.

Therefore, you are hereby directed to complete the side inquiry up to 20 February 2018 with clear cut finding and recommendations.

Sd/
DISTRICT EDUCATION OFFICER
(M) DERA ISMAIL KHAN

Endst: No 2615-19

Dated the DIKhan 06/2 /2018

Copy to the:

1. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. Mr. Fakhar ud Din GHS Dhala DIKhan
3. Mr. Muhammad Shoaib Principal GHS No. 2, Paharpur
4. Assistant registrar honorable service tribunal court KPK Peshawar.
5. PA to DEO (M), D.I.Khan.

DISTRICT EDUCATION OFFICER
(M) DERA ISMAIL KHAN

Fakhar ud Din

[Handwritten Signature]

Enquiry regarding liaqat ullah S/O Sona Khan Gandapur
Chowkidar GPS Gara Kalender DIKhan

Name of Enquiry committee:

- 1) Fakher ud Din Principal GHSS Dinaia DIKhan
- 2) Muhammad Shoaib Principal GHS NO.2 Paharpur

Attested
[Signature]

Name of Complainant: Liaqat ullah S/O Sona Khan

Agency complained against: E & SE KPK

Nature of allegation: Illegal stoppage of pay

Enquiry received on: 16-02-2018

Reference of authority entrusted the enquiry: DEO vide letter No. 2615-17 dated 06-02-2018

THE COMPLAINT

The complainant complained that he was appointed as Chowkidar vide Endst: No. 6093-96 dated 15-03-2007 at GPS Gara Kalender teh: & distt: D.I.Khan on contract basis in BPS-1 and subsequently been regularized vide notification No. 1301/1-22/2007 FD dated 29/01/2008 by govt: of KPK. Afterword's the Dy. DEO (M) concerned directed him to work against the PST post on his own pay and grade vide Endst: No. 2410-12 dated 21/04/2010. As such he received pay as PST for the period till February 2011 and his pay was stopped w.e.f march 2011. He requested the department for release of pay but of no vail. Resultantly he knocked at the door of service tribunal. This is the complaint.

HISTORY OF THE CASE

- 1. The complainant was appointed as Chowkidar at GPS Gara Kalender DIK vide Endst: NO. 6093-96 dated 15/03/2007 by EDO Distt: DIK on contract basis as per policy of govt: of KPK.

Liaqat ullah

Attested

[Signature]
Assistant
Sub Divisional Education Officer
(#) Dera Ismail Khan

2. That the complainant was regularized vide notification NO. B-01/1-22/2007 FD dated 29/01/2008 by govt: of KPK as per policy of contract regularization.
3. That the complainant was adjusted against PST at GPS Nasir Bagh DIK on his own pay and scale by Dy: DEO Tehsil & distt: DIKhan.
4. That he received the pay of PST for the period till February 2011.
5. That the pay of complainant was stopped w.e.f march 2011 till to date.
6. That he approached to Dy: DEO office for releasing of his pay. But he was informed that he was removed from service in wave of 1613 teachers termination notification.
7. That he appealed to appealet authority Director E & SE KPk on 23/04/2011 but of no vail.
8. That he knocked at the door of Service tribunal KPK on 21/07/2011.

REPORT OF AGENCY:

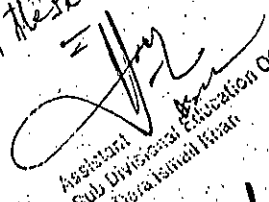
Resultantly the DEO (M) DIK was served by a letter asking him to provide the following record.

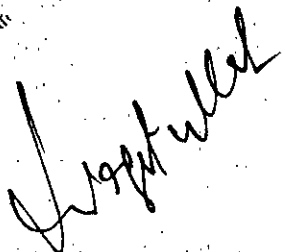
1. Appointment order as chowkidar.
2. Adjustment order as PST.
3. Copy payroll as chowkidar & PST.
4. Termination order of 1613.
5. Pay stoppage order.

Instead, to provide the individual documents cited above, the DEO (M) provided full file concerning appellant Liaqat Ullah S/O Sona Khan. On perusal of the file all the documents mentioned were available except pay stoppage order.

As reflected from the file, the appellant was appointed as a Chowkidar on 15.3.07 and subsequently adjusted as PST vide notification No.2410-12 dated 21-4-2010 on his own pay and scale.

Responding to a question, DEO office replied that his pay was stopped due to termination of 1613 teacher famous case of DIK. He stated further that he

Affirmed

 Assistant Sub-Divisional Education Officer
 (8) Dara Ismail Khan



appealed to Director E & SE for release of pay but of no avail. Subsequently he was blocked at the door of the honorable Service Tribunal KPK on 21/07/2011.

The honorable Service Tribunal directed the E & SE department to decide departmental appeal through speaking order with in period of three months.

Hearing of the case with Chowkidar /Appellant

The appellant Liaqat ullah S/O Sona Khan was Questioned / heard Dated: 27-02-2018.

Responding to a question, the appellant stated that he did not know as from which month he receiving the salary as PST and stated further that he used to draw salaries in lump sum vis-à-vis some sometimes draw 3000/- and sometime 4000/- as per his needs for the time being.

He was unable to tell us exactly as from which date up to which date he received salary as a class-IV. When the appellant was questioned that as you were adjusted as PST at GPS Nasir Bagh DIKhan, the said School under question was not established. So how did you take the salary as PST? , the appellant merely replied that he was directed by the Dy: DEO Distt: DIKhan to work in the office of Dy: DEO D.IKhan.

Point at Issue.

Factual position and status of the complainant Liaqat ullah S/O Sona Khan Chowkidar GPS Kalendar DIKhan.

Findings

It is evident that the appellant was appointed as Chowkidar at GPS Gara Kalendar DIKhan vide Endst.No. 6093-96 dated : 15-03-2007 by EDO DIKhan on contract basis as per policy of KPK Govt: and later on regularized vide no.B-01/1-22/2007 FD dated : 29/1/2008.

Attested
[Signature]
Assistant
Sub-Divisional Education Officer
Miy Dera Ismail Khan
[Signature]

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6

Afterwards, due to the mal-administration the appellant was adjusted on 23-04-2010 as PST at a Ghost School naming GPS Nasir Bagh distt: D.I.Khan i-e there was no building, no establish school but Dy: DEO fictitiously named it as GPS Nasir Bagh D.I.Khan. As Such due to non-availability and existence of any school physically, was directed to serve in the office of Dy: DEO D.I.Khan till further order. Resultantly he was receiving salary as PST (BPS - 07) up to February 2011, and subsequently his pay was stopped w.e.f March 2011 till to date, without any prelliminary / formal enquiry and without any show cause notice served upon the Class - IV Mr. Liaqat ullah s/o Sona khan.

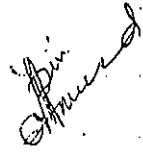
The appellant was suffered due to mal-administration of the department. He has performed the duties according to the desire / direction of his high ups,

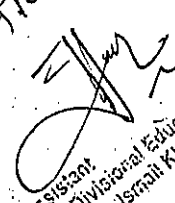
As such actual status of the appellant was Chowkidar because he was adjusted as PST in his own pay and scale. But wonderful to say that the post vacated by the appellant at GPS Garah Kalender, from where he was transferred, was filled by another person named Rafi Ullah, The son of the head teacher of the school concerned. It seems the whole drama was played only to vacate the post held by the appellant and just to oblige the person mentioned above.

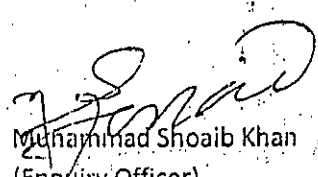
RECOMMENDATION:

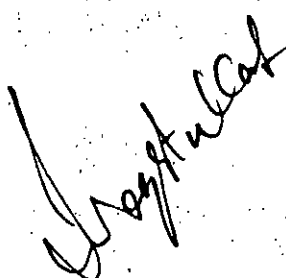
In the light of above facts your honor is solicited to consider the appellant as a Chowkidar (Class - IV) and to adjust him against any vacant post in the Distt: concerned please.

Submitted please.


Fakhar-ud-Din
(Enquiry Officer)
Principal GHS Challa
D.I.Khan

Attested

Assistant
Sub-Divisional Education Officer
By Dara Ismail Khan


Muhammad Shoaib Khan
(Enquiry Officer)
Principal GHS No.2 Paharpur
D.I.Khan



OFFICE OF THE DISTRICT EDUCATION OFFICER

(MALE)DERA ISMAIL KHAN

Tell: 09669280128-09669280131.

Email: emisdikhan@gmail.com

Aux

5

21

Annexure "F"

ORI

Reference to the Honorable Khyber Pakhtunkhwa Service Tribunal Camp Court DIKhan appeal No. 1501/2011 dated 28/07/2011 and in the light of direction of Court, inquiry was conducted by the inquiry committee consist of Mr. Fakhar Din Principal Ghosha Dhala and Muhammad Shoib Khan Principal GHSS No. 2 Palarpur Dera Ismail Khan. In the light of recommendation of inquiry committee submitted to this office vide No. 412 dated 04/05/2018 Mr. Liaqat Ullah Khan S/O Sona Khan residence of Basti Kuhawar Umer Khan Arra Road Dera Ismail Khan is hereby adjusted against the vacant post of Chowkidar (Additional) at GPS Chah Baray Wala with immediate effect.

Handwritten signature

1. No DA/DA is allowed
2. Charge Report should be submitted to all the concerned in duplicate/DDO will countersigned the same and charge report will not be accepted without the countersigned of the DDO.
3. Necessary entry to be made in his service book and their intervening period as recorded in his service book is treated as leave as admissible under rules.
4. His pay should be link with the satisfactory performance of regular duty at his school on monthly basis.
5. SDEO concerned is directed to keep the official concerned under observation random and frequent observation is made to ensure his regular attendance.

-sd-
District Education Officer
(Male) Dera Ismail Khan

Dist: No. 35611-16

Dated DIKhan 30/11 /2018

Copy forwarded to the:

1. Honorable Khyber Pakhtunkhwa Service Tribunal Camp Court DIKhan appeal No. 1501/2011 dated 28/07/2011.
2. SDEO (M) DIKhan.
3. District Comptroller of Accounts, DIKhan.
4. District Monitoring Officer (IMU) DIKhan.
5. Head Teacher/Official concerned.
6. Master File.

Attested
Handwritten signature
Assistant
Sub Divisional Education Officer
(M) Dera Ismail Khan

Handwritten signature
District Education Officer
(Male) Dera Ismail Khan

Handwritten signature

Annex

(22)

Ann exture G

To,

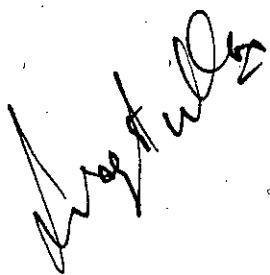
The Director Education,
Khyber Pakhtunkhwa.

SUBJECT:-

DEPARTMENTAL APPEAL AGAINST THE
ORDER NO. 25611-16 DATED 30/11/2018 OF
THE D.E.O (MAJEL) DERA ISMAIL KHAN IN
WHICH PETITIONER / APPELLANT IS
DEPRIVED FROM HIS ALL BACK BENEFITS OF
SERVICES FROM THE PERIOD MARCH 2011
TO 30/11/2018.

Respectfully Sheweth:-

1. That the appellant joined the service as Chowkidar on contract basis in the office of Executive District Officer Elementary Education, Dera Ismail Khan. Later on through KP Govt. Policy, the contract employees were regularized and the petitioner was withdrawn his salary as regular employee till February 2011. Copy of service book is enclosed.
2. That in the month of March 2011, the salary of the appellant stopped without any reason and justification.
3. That appellant approached to Honourable Service Tribunal KPK through Service appeal No. 1501/2011 which was partially accepted on 28/11/2017 and the case of the appellant was sent to Departmental authority to decide the department appeal through speaking order within three months. Copy of service appeal and judgment of Service Tribunal are enclosed herewith.
4. That the Department of Elementary & Secondary Education conducted an inquiry against appellant, which was in favour of the appellant and also annexed herewith.



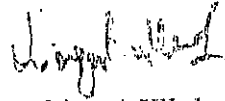
23

- 5 That in the light of judgment of Honourable Service Tribunal KPK through appeal No. 1501/2011 dated 28/11/2017 and the inquiry report appellant was adjusted against the vacant post of Chowkidar at Government Primary School Chah Baray Wala through order of the District Education Officer (Male), Dikhan bearing No. 35611-16 dated 30/11/2018 and the appellant has taken the charge of his post as Chowkidar at G.P.S Chah Baray Wala on 30/11/2018. Copy of order, charge report and arrival report are annexed herewith.
- 6 That District Education Officer, Dikhan in order No. 35611-16 dated 30/11/2018, deprived the appellant from all back benefits from period March 2011 to 30/11/2018. That is against the law and facts, because the appellant contested his case in Department as well as Service Tribunal KPK through service appeal No. 1501 of 2011 and remained as civil servant and entitled for all back benefits and salary for said period.

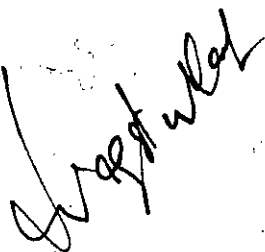
It is, therefore, humbly prayed that the period ranging from March 2011 to 29/11/2018 may be deemed to spent on duty and all the attendants, benefits and aggregate, annuities of the said period may also be granted to the appellant.

Your Humble appellant

Dated 30/12/2018



Mr. Liaqat Ullah
(Chowkidar)
GPS, Chah Baray Wala,
Dera Ismail Khan.



24

To,

The Director Education,
Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: RE APPEAL FOR CONSIDERATION OF DEPARTMENTAL APPEAL AGAINST THE ORDER NO.35611-16 DATED 30/11/2018 OF THE D.E.O (MALE), DERA ISMAIL KHAN IN WHICH PETITIONER / APPELLANT HIS DEPRIVED FROM HIS ALL BACK BENEFIT OF SERVICES FROM THE PERIOD MARCH 2011 TO 30/11/2018.

Respectfully Sheweth:-

1. That the appellant joined the service as Chowkidar on contract basis in the office of Executive District Officer Elementary Education, Dera Ismail Khan. Later on through Khyber Pakhtunkhwa Govt Policy, the contract employees were regularized and the petitioner was withdrawn his salary as regular employee till February 2011. Copy of service book is enclosed.
2. That in the month of March 2011, the salary of the appellant stopped without any reason and justification.
3. That appellant approached to Honourable Service Tribunal Khyber Pakhtunkhwa through service appeal No.1501/2011 which was partially accepted on 28/11/2017 and the case of the appellant was sent to Department authority to decide the department appeal through speaking order within three months. Copy of service appeal and judgment of Service Tribunal are enclosed herewith.
4. That the Department of Elementary & Secondary Education conducted an inquiry against appellant, which was in favour of the appellant and also annexed herewith.
5. That in the light of judgment of Honourable Service Tribunal Khyber Pakhtunkhwa through appeal No.1501/2011 dated 28/11/2017 and the inquiry report appellant was adjusted the vacant post of Chowkidar at Government Primary School Chah Bary Wala through order of the District Education Officer (Male), D.I.Khan bearing No. 35611-16 dated 30/11/2018 and the appellant has taken the charge of his post as Chowkidar at Government Primary School Chah Bary Wala on

Signature

30/11/2018. Copy of order, charge report and arrival report are annexed herewith.

- 6. That District Education Officer, D.I.Khan in order No.35611-16 dated 30/11/2018, deprived the appellant from all back benefits from period March 2011 to 30/11/2018. That is against the law and facts, because the appellant contested his case in Department as well as Service Tribunal Khyber Pakhtunkhwa through service appeal No.1501 of 2011 and remained as civil servant and entitled for all back benefits and salary for said period.
- 7. That petitioner is poor person have legally genuine appeal please consider it as soon as earlier.

It is, therefore, humbly prayed that the period ranging from March 2011 to 29/11/2018 may be deemed to spend on duty and all the attendants, benefits and aggregate, annulments of the said period may also be granted to the appellant.

Your Humble Appellant

Mr. Liaquat Ullah
MR. LIAQUAT ULLAH
(Chowkidar)

GPS, Chah Baray Wala,
Dera Ismail Khan

Dated:19/11/2022

Liaquat Ullah



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

No. _____ /F.No. /A-20/C-IV/P/ /DI Khan/Liaqat Ullah
Dated Peshawar the 31-5-2023
Phone: 091-9225344 Email: dladmn.ese@gmail.com

To

The District Education Officer
(Male) DI Khan.

26

Subject: **RE- APPEAL FOR CONSIDERTION OF DEPARTMENTAL APPEAL
AGAINST ORDER NO.35611-16 DATED 30-11-2018 OF DEO MALE DI
KHAN.**

Memo:

I am directed to refer to your letter No 3613 dated 28/02/2023 on the subject cited above and to ask you that the appeal in r/o Liaqat Ullah Ex-Chowkidar GPS Chah Baray Wala DI Khan has been examined/analyzed by this office, hence inform the appellant concerned that his appeal has been **rejected** by the appellate authority.

Assistant Director (Admn)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst; No. 8914-15

Copy forwarded to the: -

1. Liaqat Ullah Ex-Chowkidar GPS Chah Baray Wala DI Khan.
2. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Master File.

Assistant Director (Admn)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

31/5/23

Liaqat Ullah

No. 590

RGL105416887

For Insurance Notices see reverse
 Stamps affixed except in case of
 uninsured letters more than
 the initial weight prescribed in the
 Post Office Guide or on which no
 acknowledgment is due

Received a registered
 addressed to: [Signature] Date Stamp [Stamp]

Write here "letter", "postcard", "packet" or "parcel"
 with the word "insured" before it when necessary

Initials of Receiving Officer: [Signature]

Insured for: Rs. (in figures) 1000 (in words) one thousand

Insurance fee: Rs. 10 Ps. 00 (in words) ten Weight: 1 Kilo 00 Grams

Name and address of sender: [Signature]

No. 591

RGL105416888

For Insurance Notices see reverse
 Stamps affixed except in case of
 uninsured letters more than
 the initial weight prescribed in the
 Post Office Guide or on which no
 acknowledgment is due

Received a registered
 addressed to: [Signature] Date Stamp [Stamp]

Write here "letter", "postcard", "packet" or "parcel"
 with the word "insured" before it when necessary

Initials of Receiving Officer: [Signature]

Insured for: Rs. (in figures) 1000 (in words) one thousand

Insurance fee: Rs. 10 Ps. 00 (in words) ten Weight: 1 Kilo 00 Grams

Name and address of sender: [Signature]

No. 592

RGL103416889

For Insurance Notices see reverse
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Write here "letter", "postcard", "packet" or "parcel"
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Initials of Receiving Officer: [Signature]

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Insurance fee: Rs. 10 Ps. 00 (in words) ten Weight: 1 Kilo 00 Grams

Name and address of sender: [Signature]

No. 593

RGL105416890

For Insurance Notices see reverse
 Stamps affixed except in case of
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 the initial weight prescribed in the
 Post Office Guide or on which no
 acknowledgment is due

Received a registered
 addressed to: [Signature] Date Stamp [Stamp]

Write here "letter", "postcard", "packet" or "parcel"
 with the word "insured" before it when necessary

Initials of Receiving Officer: [Signature]

Insured for: Rs. (in figures) 1000 (in words) one thousand

Insurance fee: Rs. 10 Ps. 00 (in words) ten Weight: 1 Kilo 00 Grams

Name and address of sender: [Signature]

②

NOTICE

To,

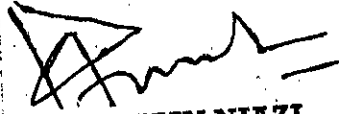
1. Govt of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education Department, Peshawar.
2. Director Elementary & Secondary Education Department KPK Peshawar.
3. Executive District Officer, Elementary & Secondary Education Department Dera Ismail Khan.
4. District Accounts Officer, District D.I.Khan

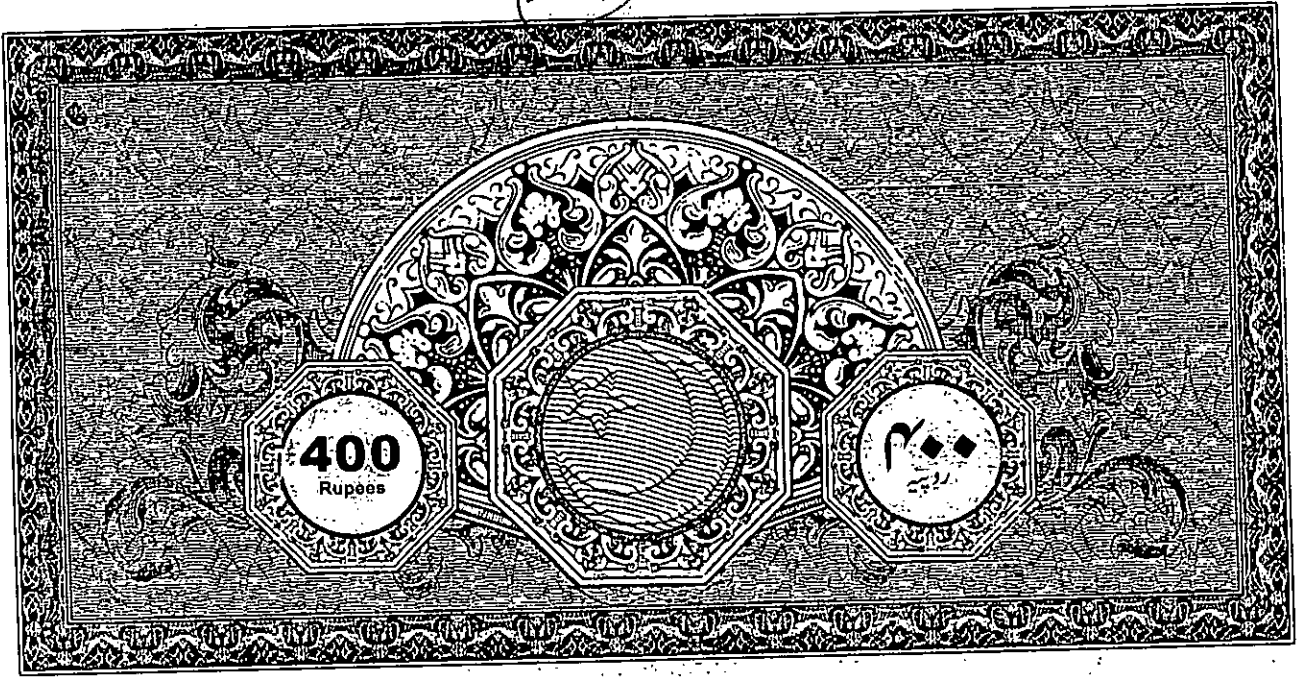
SUBJECT: NOTICE UNDER CHAPTER 4 I, VOLUME-V.

Please take the notice that the undersigned is going to file a Service Appeal titled "Liaqat Ullah Versus Govt KPK etc".

You are impleaded as respondents in above titled Service Appeal.

Dated: 15/06/2023


ARIF HUSSAIN NIAZI
Advocate High Court
Counsel for Petitioner



PAKISTAN COURT FEE

Before Honourable Service Tribunal
ICPK

Aliqatullah vs Sec Education
etc

Service appeal

Court fees

Rs 500/-

18/06/2023

Aliqatullah

ARIF HUSSAIN
Advocate
bc-09-1209
Date of Issue: July 2022
Valid upto: July 2025



ADVOCATE HIGH COURT

31

وکالت نامہ

کورٹ فیس		قیمت ایک روپیہ
----------	--	----------------

بعدالت جناب سروس ٹریبیونل جسٹس محنتوں جوہ

مخانب ایبلانڈ

بیتام سکریٹری انچولس و مشن

دعویٰ یا جرم لماقت اللہ

تفصیل دعویٰ یا جرم سکریٹری

باعث تحریر آنکہ

مقدمہ مندرجہ بالا مخانب ایبلانڈ میں اپنی طرف واسطے بیرونی و جوابدہی برائے پیشی یا تصفیہ مقدمہ مقام سکریٹری انچولس و مشن

کوسب ذیل شرائط پر وکیل مقرر کیا ہے، کہ جس ہر پیشی پر خود بذریعہ اختیار خاص رد بروعدالت حاضر ہونا ہوں گا۔ اور ہر وقت کارے جانے مقدمہ وکیل صاحب موصوف کا اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر منظر حاضر نہ ہوں۔ اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا۔ تو صاحب موصوف ایسے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام بکھری کے علاوہ کسی جگہ یا بکھری کے اوقات سے پہلے یا پیچھے یا بروعدتخلیل بیرونی کرنے کے ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام بکھری کے علاوہ کسی جگہ یا بکھری کے اوقات سے پہلے یا پیچھے یا بروعدتخلیل بیرونی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر بکھری کے علاوہ اور جگہ سماعت ہونے یا بروعدتخلیل یا بکھری کے اوقات کے آگے پیچھے پیش ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا عائد واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پروا غلط صاحب موصوف میں کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ یا بحباب دعویٰ یا درخواست اجراء سے ڈکری و نظر ثانی اٹکل گرائی و ہرجم درخواست پر دخل و تصرف نہ کرنے کا بھی اختیار ہوگا۔ اور ڈکری حکم یا ڈکری کرانے اور ہرجم کا رویہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہرجم کے بیان دینے اور اس پر غامی یا حاضری نامہ دیکھنے پر حلف کرنے اور قبول دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ دوران الا بکھری صدر بیرونی مقدمہ مذکورہ نظر ثانی و اٹکل گرائی و ہرجم کی مقدمہ یا منسوفی ڈکری یا کٹرف یا درخواست ختم انتہائی یا قرنی یا گرائی اٹکل اڈ لیسٹا اجراء سے ڈکری بھی صاحب موصوف کو بشرط ادا ملکی علیحدہ علیحدہ بیرونی کا اختیار ہوگا اور تمام ساختہ پروا ساختہ صاحب موصوف کی ذمہ ذات خود منظور و قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی اٹکل یا گرائی یا دیگر معاملہ مقدمہ مذکورہ کی دوسرے وکیل یا ہرجم کو اپنے بہانے یا اپنے ہمراہ مقرر کریں۔ اور اپنے شیر کالون کو بھی ہر امر میں وہی اور اپنے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جائز الاواء پڑا، وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری پیش تاریخ پیشی سے پہلے اذانہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیرونی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے۔ تاکہ سند رہے

مورخہ _____، 2021ء

مضمون وکالت نامہ سن لیا ہے۔ اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

العبد _____ العبد _____ العبد _____

ایبلانڈ

لماقت اللہ
Fazatullah

Accepted

[Signature]

"Better copy" (32)

To,

The Director Education,
Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: DEPARTMENTAL APPEAL AGAINST THE ORDER NO. 35611-16 DATED 30/11/2018 OF THE DEO (MALE), DERA ISMAIL KHAN IN WHICH PETITIONER / APPELLANT IS DEPRIVED FROM HIS ALL BACK BENEFIT OF SERVICES FROM THE PERIOD MARCH 2011 TO 30/11/2018.

Respectfully Sheweth:

1. That the appellant joined the service as Chowkidar on contract basis in the office of Executive District Officer Elementary Education, Dera Ismail Khan. Late on through KP Govt, Policy, the contract employees were regularized and the petitioner was withdrawn his salary as regular employee till February 2011. Copy of Service Book is enclosed.
2. That in the month of March 2011, the salary of the appellant stopped without any reason and justification.
3. That appellant approached to honourable Service Tribunal KPK through service appeal No.1501/2011 which was partially accepted on 28/11/2017 and the case of the appellant was sent to departmental authority to decide the department appeal through speaking order within three months. Copy of service appeal and judgment of Service Tribunal are enclosed herewith.
4. That the Department of Elementary & Secondary Education conducted an inquiry against appellant, which was in favour of the appellant and also annexed herewith.
5. That in the light of judgment of honourable Service Tribunal KPK through appeal No. 1501/2011 dated: 28/11/2017 and the inquiry report appellant was adjusted against the vacant post of Chowkidar at Government Primary School Chah Baray Wala through order of the District Education Officer (Male), DIKhan bearing No.35611-16 dated 30/11/2018 and the appellant has taken

33

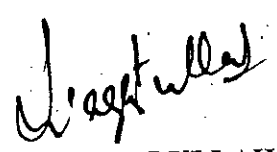
the charge of his post as Chowkidar at G.P.S, Chah Baray Wala on 30/11/2018. Copy of order, charge report and arrival report are annexed herewith.

6. That District Education Officer, DIKhan in order No.35611-16 dated 30/11/2018, deprived the appellant from all back benefits from period March 2011 to 30/11/2018. That is against the law and facts because the appellant contested his case in Department as well as Service Tribunal KPK through service appeal No.1501 of 2011 and remained as civil servant and entitled for all back benefits and salary for said period.

It is, therefore, humbly prayed that the period ranging from March 2011 to 29/11/2018 may be deemed to spend on duty and all the attendants, benefits and aggregate, annulments of the said period may also be granted to the appellant.

Dated 30/12/2018

Your Humble Appellant



MR. LIAQAT ULLAH

(Chowkidar)

GPS, Chah Baray Wala

Dera Ismail Khan