

SA No. 2033/2020


02.02.2023

Appellant in person present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his learned counsel is not available today due to strike of lawyers. Adjourned. To come up for arguments on 08.05.2023 before the D.B.

SCANNED
Digitally signed by
Fareeha Paul


(FAREEHA PAUL)
Member(E)

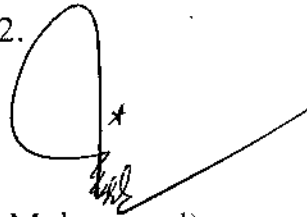

(SALAH-UD-DIN)
Member (J)

02.11.2022

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

Learned counsel for the appellant requested for adjournment
on the ground that he has not made preparation for arguments.
Adjourned. To come up for arguments before the D.B on

08.12.2022.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

08.12.2022

Appellant in person present. Mr. Atta-ur-Rehan, Inspector
(Legal) alongwith Mr. Muhammad Jan, District Attorney for the
respondents present.

Appellant requested for adjournment on the ground that his
counsel is busy in the august Peshawar High Court, Peshawar.
Adjourned. To come up for arguments on 02.02.2023 before the D.B.



(Mian Muhammad)
Member (E)

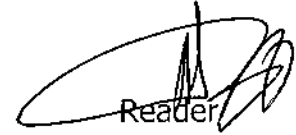


(Salah-Ud-Din)
Member (J)

SCANNED
Peshawar
08/12/2022

15.02.2022

Due to retirement of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 07.06.2022 for the same as before.




Reader

07.06.2022

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

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments on 10.08.2022 before the D.B.



(Fareeha Paul)
Member (E)



(Salah-ud-Din)
Member (J)

10-8-2022

Proper DB not available the case is adjourned to 2-11-2022



Reader

08.03.2021

Counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Due to non-availability of D.B, case is adjourned to 11.06.2021 for the same as before.




Reader

11.06.2021

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General, for the respondents present.

Appellant sought adjournment on the ground that his counsel is not available today due to strike of Lawyers. Adjourned. To come up for arguments before the D.B on 06.10.2021.



(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)




(SALAH-UD-DIN)
MEMBER (JUDICIAL)

06.10.2021

Appellant with Junior counsel and Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Senior counsel for the appellant is not in attendance and request for adjournment is made on his behalf. Request is accorded. To come up for arguments on 02.12.2021 before the D.B.



(Mian Muhammad)
Member(Executive)



Chairman

2-12-21

Proper D.B as per the request
and is adjourned to 15.12.21
for same.



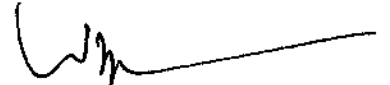
Reader

31.08.2020

Appellant with counsel present. Mr. Kabirullah Khattak
Addl. AG for the respondents present.

Written reply/comments not submitted. None present on
behalf of the respondent department, therefore, notice be issued
to the respondents department for submission of written
reply/comments.

Adjourned to 21.10.2020 before S.B.

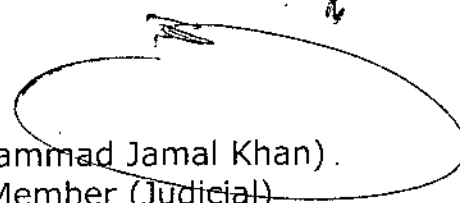


Member (E)

21.10.2020

Since the Members of the High Court as well as of the
District Bar Association Peshawar are observing strike today,
therefore, learned counsel for appellant is not available today.
Mr. Kabirullah Khattak, Additional Advocate General is present.

Neither written reply on behalf of respondents submitted
nor any representative of the department is present despite
issuance of notices vide preceding order sheet dated 31.08.2020.
Again notices be issued to the respondents for submission of
written reply/comments for 09.12.2020 before S.B.



(Muhammad Jamal Khan).
Member (Judicial)

09.12.2020

Junior to counsel for the appellant and Addl. AG
alongwith Sajid Superintendent for the respondents
present.

Respondents have furnished parawise comments,
which are placed on file. The matter is assigned to D.B for
arguments on 08.03.2021. The appellant may furnish
rejoinder, if any, within one month.



Chairman

01.06.2020

Counsel for the appellant present. Preliminary arguments heard and case file perused. The appellant was appointed as Chowkidar vide office order dated 11.05.2011 and posted at GPS No.2 Khazana Dheri Mardan. That the appellant was served with show cause notices dated 10.02.2017, 29.04.2019 and 21.10.2019 due to his absence from duty to which he replied accordingly. Finally vide impugned order dated 26.11.2019, he was awarded major penalty of "compulsory retirement" from service. Against the impugned order, he preferred departmental appeal on 13.12.2019 which was not responded within the mandatory stipulated period of ninety days, hence the instant service appeal on 18.03.2020. Learned counsel for the appellant further argued that the appellant has not been treated according to law and rules because neither he had been charge sheeted nor formal enquiry stands conducted against the appellant.

Points urged need consideration. Service appeal is admitted subject to all legal objections. Appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 24.07.2020 before S.B.


(MAIN MUHAMMAD)
MEMBER

24.07.2020

Mr. Fazal Shah Mohmand, Advocate for appellant and appellant himself are present. Mr. Kabirullah Khattak, Additional AG for the respondents is also present.

Learned Additional AG request for time to submit the requisite reply/comments. May do so on next date of hearing. Adjourned to 31.08.2020 for submission of written reply/comments before S.B.


(MUHAMMAD JAMAL KHAN)
MEMBER

Appellant Deposited
Security Process Fee

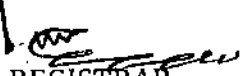


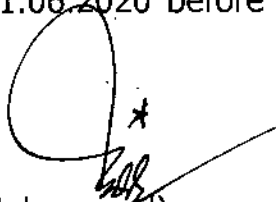
16/6/20

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 2033 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/03/2020	<p>The appeal of Mr. Atta-ur-Rehman presented today by Mr. Fazal Shah Mohmand Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>06-05-2020</u></p> <p style="text-align: right;"> MEMBER</p>
	06.05.2020	<p>Nemo for the appellant. Adjourn. To come up for preliminary hearing on 13.05.2020 before S.B.</p> <p style="text-align: right;"> Member</p>
	13.05.2020	<p>None for the appellant present. Adjourned. To come up for preliminary hearing on 01.06.2020 before S.B.</p> <p style="text-align: right;"> (Mian Muhammad) Member</p>

11.06.2021

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General, for the respondents present.

Appellant sought adjournment on the ground that his counsel is not available today due to strike of Lawyers. Adjourned. To come up for arguments before the D.B on 06.10.2021.

(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 2033/2020

Ata Ur Rehman.....Appellant

V E R S U S

DEO & others.....Respondents

I N D E X

S. No	Description of Documents	Annexure	Pages
1.	Service appeal with Affidavit		1-4
2.			-
3.	Copy of Order dated 10-05-2011	A	5-6
4.	Copies of FIRs	B	7-9
5.	Copy of Letter dated 11-03-2013	C	10
6.	Copy of Show Cause Notice, Reply & Affidavit	D, E & F	11-13
7.	Copy of Show Cause Notice & Reply	G & H	14-15
8.	Copy of Show Cause Notice & Reply	I & J	17-18
9.	Copy of Order dated 26-11-2019	K	19
10.	Copy of Departmental Appeal	L	20
11.	Wakalat Nama		21

Dated:-16-03-2020

Ata Ur Rehman
Appellant

Through

Fazal Shah Mohmand
Fazal Shah Mohmand
Advocate, Supreme Court

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841
Email:- fazalshahmohmand@gmail.com

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 2033/2020

Ata Ur Rehman, Ex Chowkidar, Govt. Primary School No 2 Khazana Dheri District Mardan.....**Appellant**

V E R S U S

1. District Education Officer (Male) Mardan.
2. Director, Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Secretary, Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.**Respondents**

APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 26-11-2019 PASSED BY RESPONDENT NO 1 WHEREBY THE APPELLANT HAS BEEN AWARDED THE PENALTY OF COMPULSORY RETIREMENT FROM SERVICE AND AGAINST WHICH DEPARTMENTAL APPEAL OF THE APPELLANT HAS NOT BEEN RESPONDED SO FAR DESPITE THE LAPSE OF MORE THAN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:-

On acceptance of this appeal the impugned Order dated 26-11-2019 may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits.

Respectfully Submitted:-

1. That the appellant was appointed as Class-IV along with others vide Order dated 10-05-2011, was posted to Govt. Primary School No 2 Khazana Dheri Mardan and since then he performed his studies with honesty and full devotion. **(Copy of Order dated 10-05-2011 is enclosed as Annexure A).**
2. That in the year 2012 the family of the appellant landed in murder enmity in his village wherein many FIRs were registered by the rival parties against each other. **(Copies of FIRs are enclosed as Annexure B).**
3. That as the School where the appellant was posted was situated near the home of his opponents so the appellant was

unable to have performed his duties therefore the appellant approached respondent No 1 with the request that he may be allowed to provide alternate chowkidar for duty in his place, so the request of the appellant was acceded to vide Letter dated 11-03-2013, the appellant accordingly provided alternate chowkidar who used to perform duty in place of the appellant. **(Copy of Letter dated 11-03-2013 is enclosed as Annexure C).**

4. That inspite of this Show Cause Notice was issued to the appellant on 10-02-2017 which the appellant in detail explaining the true position and even Affidavit was obtained from the appellant, thus the matter was resolved accordingly. **(Copy of Show Cause Notice, Reply & Affidavit is enclosed as Annexure D, E & F).**
5. That again on 29-04-2019 Show Cause Notice was issued to the appellant which the appellant in detail explaining the true position. **(Copy of Show Cause Notice & Reply is enclosed as Annexure G & H).**
6. That on 21-10-2019 another Show Cause Notice was issued to the appellant which the appellant in detail explaining the true position in light of mentioned facts. **(Copy of Show Cause Notice & Reply is enclosed as Annexure I & J).**
7. That finally the appellant was awarded the penalty of Compulsory retirement from service by respondent No 1 vide Order dated 26-11-2019. **(Copy of Order dated 26-11-2019 is enclosed as Annexure K).**
8. That the appellant filed departmental appeal before respondent No 2 which has not been responded so far despite the lapse of more than the statutory period of ninety days. **(Copy of Departmental appeal is enclosed as Annexure L).**
9. That the impugned order dated 26-11-2019 of respondent No 1 is against the law, facts and principles of justice on grounds inter alia as follows:-

G R O U N D S :-

- A. That the impugned Order is illegal, unlawful and void ab-initio.

- B.** That mandatory provisions of law and rules have badly been violated by the respondents and the appellant has not been treated according to law and rules.
- C.** That the impugned order is based on malafide as the appellant did nothing that would amount to misconduct.
- D.** That the appellant was allowed by respondent No 1 to provide the alternate chowkidar which was accordingly provided and thus no loss has been caused to the appellant.
- E.** That the appellant had time and again brought the matter into the notice of the respondent No 1 rather the matter was resolved and the appellant was allowed to provide the alternate in the circumstances the appellant has done nothing justifying the impugned penalty.
- F.** That no Charge Sheet and Statement of Allegations was issued to the appellant, thus no charge was framed against the appellant.
- G.** That no inquiry was conducted in the matter nor the version of the appellant was ever considered, thus the impugned order is liable to be struck down.
- H.** That the impugned order is void being passed with retrospective effect.
- I.** That the appellant was never provided opportunity of personal hearing.
- J.** That the charges were never established rather the appellant was allowed by respondent No 1 to provide the alternate and even the appellant was proceeded on these charges earlier and thus was exonerated.
- K.** That the appellant has about 9 years of service with unblemished service record.
- L.** That the appellant seeks the permission of this honorable tribunal for further/additional grounds at the time of arguments.

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal.

Any other relief deemed appropriate and not specifically asked for, may also be granted in favor of the appellant.

Dated:-16-03-2020

U. Rehman
Appellant

Through

Fazal Shah
Fazal Shah Mohmand
Advocate, Supreme Court

A F F I D A V I T

I, Ata Ur Rehman, Ex Chowkidar, Govt. Primary School No 2 Khazana Dheri District Mardan, do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

U. Rehman
DEPONENT

-5- "A"

OFFICE OF THE EXECUTIVE DISTRICT OFFICER E&SE MARDAN.

OFFICE ORDER

Consequent upon the recommendations of the District Selection Committee the following appointments are hereby ordered against the vacant posts of Class-IV in BPS-1 @ Rs. 2970-90-5670 as detailed below in the interest of Public Service with effect from the date of taking over Charge on the following Terms and Conditions.

S#	Name	Father's Name	Address.	Place of Posting.	Remarks.
1	Hussain Khan	Abam Jan	Village Chail Banda Aslam Koroona.	GGMS, Chail Banda Aslam Koroona	ANCP of N.Qasid.
2	Muhammad Qaim	Abdul Aziz	Village Sar Bata Rustam (Mardan).	GPS, Sar Bata Rustam	ANCP of Chowkidar.
3	Niaz Muhammad	Meher Muhammad	Village Marati Toru Maira, Mardan.	GGPS, Marati Toru Mira	ANCP of Chowkidar.
4	Musanif Shah	Sadiq Shah	Village Baba Kili Jewar, Mardan.	GPS, Baba Kili Jewar Chow.	ANCP of Chowkidar.
5	Jabir Ali	Hastam Khan	Village Hastam Khan Kor: (Gumbat) Mardan.	GGPS, Hastam Khan Kor:	ANCP of Chowkidar.
6	Yousaf Ali	Safaid Gul.	Village Purkho Takht Bhai.	GGHS, Purkho.	ANCP of Chowkidar.
7	Faryal Begum	W/O Farman Ali	Village Purkho Takht Bhai.	GGHS, Purkho L/A	ANCP of Lab:Attd;
8	Mst: Janat Begum	W/O Muhd; Younas	Village Kunj (Katlang).	GGMS, Kunj Sweeper	ANCP of Sweeper.
9	Muhammad Younas	Sher Bahadar.	Village Kunj (Katlang).	GGMS, Kunj	ANCP of N.Qasid.
10	Sarbiland Khan	Mukamil Shah	Village Salak (Katlang).	GGPS, Salak	ANCP of Chowkidar.
11	Iqbal Sher	Gul Sher	Village Gagri Machi (Rustam) Mardan.	GGPS, Gagri Machi	ANCP of Chowkidar.
12	Taj Wali Khan	Fazal Rahun.	Village Gowar Khan Narshak, Mardan.	GPS, Gowar Khan Narshak, S.G	ANCP of Chowkidar.
13	Ibrar	Dilawar Khan.	Village Sokai Mardan.	GGHS, Sokai.	ANCP of Chowkidar.
14	Nishat	W/O Khan Wali	Village Sokai, Mardan.	GGHS, Sokai. L/A.	ANCP of Lab:Attd;
15	Hazrat Hussain	Haya Gul	Village Haya Gul Banda Sawal Dher.	GGPS, Haya Gul Banda	ANCP of Chowkidar.
16	Fazli Qadar	Said Faqr	Saeed Abad Ghalla Dher Mardan.	GPS, Saeed Abad Ghalla Dher	ANCP of Chowkidar.
17	Saeed-ur-Rahman.	Kashmali Gul	Village Zarif Khan Dheri Katlang.	GGMS, Zarif Khan Dheri	ANCP Naib Qasid
18	Muhammad Feroz Shah	Khushtil Khan	Village Sarband Shahi Bagh (Nissata Road).	GGPS, Sir band No.2 Shahi Bagh	ANCP of Chowkidar.
19	Robina Bibi	W/O Sajid Khan	Village Muti Banda Lund Khawar Duryal.	GGMS, Muti Banda L/K Duryal.	ANCP of N.Qasid.
20	Khalidullah	S/O Ali Haider	Village Muti Banda Lund Khawar Duryal.	GGMS, Muti Banda L/K Duryal	ANCP of Sweeper.
21	Habib Rasool Khan	Malang Gul.	Village Arabi Banda (Takht Bhai).	GGMS, Arabi banda Sweeper.	ANCP of Sweeper.
22	Muhammad Rasool	Malang	Village Arabi Banda (Takht Bhai).	GGMS, Arabi Banda	ANCP of N.Qasid.
23	Gul Zar Khan	Sarbiland Khan	Village Hospital Kor: Khazana Dheri.	GGPS, Hospital Kor: Khazana	ANCP of Chowkidar.
24	Muslim Khan	Momin Khan	Village Sher Pur Akbar Khan Koti (Maho Dheri).	GPS, Sher Pur Akbar Khan Koti.	ANCP of Chowkidar.
25	Noor Rehman	Ajab Khan	Village Kanda Kass (Jandhai).	GPS Kanda Kass.	ANCP of Chowkidar.
26	Jehangir Khan	Zarshah	Gujrano Shafiq Abad Takht Bhai.	GPS, Gujrano Shafiq Abad	ANCP of Chowkidar.
27	Taj Mati Khan	Awal Khan	Village Khat Killi (Ghalla Dher).	GGMS, Khat Killi.	ANCP of N.Qasid.
28	Fauzia.	W/O Rashid Khan	Village Khat killi (Ghalla Dher).	GGMS, Khat killi	ANCP of Sweeper.
29	Azam Khan	Sardar Khan	Village Sarwar Abad (Jalala).	GGPS, Sarwar Abad.	ANCP of Chowkidar.
30	Khan Muhammad.	Taj Muhammad	Village Qudrat Killi. Mardan.	GGMS, Qudrat Killi N/Q	ANCP of N.Qasid.
31	Nagina	W/O Mauzoor Rehman	Village Qudrat Killi (Mardan).	GGMS, Qudrat Killi Sweeper.	ANCP of Sweeper.
32	Zubair Khan	Usman Ghani	Village Jeewar (Takht Bhai).	GGMS, Jeewar	ANCP of N.Qasid.
33	Asif Khan	Usman Ghani	GGMS, Jeewar Sweb:	GGMS, Jeewar	ANCP of Sweeper.
34	Badshah Rehman	Shamsh	Village Bad baba Qasami Mardan.	GPS, Bad baba Qasami.	ANCP of Chowkidar.

36	Sher Alam	Khalid Zaman	Village Tordherwall Bakhshali.	GPS, Tordherwall Bakhshali.	ANCP of Chowkidar.
37	Mazhar Gul	Mehmood Khan.	Village Jamdher Khair Abad.	GGPS, Jamdher.	ANCP of Chowkidar.
37	Zairad Ali	Rahim Gul.	Village Gharib Abad Khair Abad.	GGPS, Gharib Abad Khair Abad.	ANCP of Chowkidar.
38	Atta-ur-Rehman	Sher Rehman	Village Khazana Dheri (Mardan).	GPS, Khazana Dheri No.2	ANCP of Chowkidar.
39	Abdul Hameed	Gul Rehman	Village Umar Khan Killi	GPS, Umar Khan Killi. Chow.	ANCP of Chowkidar.
40	Ali Khan	Aslam Khan	Village Gumbat	GGMS, Dakki Shakh Magbol Abad	ANCP of Sweeper.
41	Gharib Khan	Mir Aftab	Village Gumbat.	GGMS, Dakki Shakh Magbol Abad	ANCP of N. Qasid.
42	Inayat-ur- Rehman	Nadar Khan	Village Gul Shahn Abad	GGPS, Gul Shan Abad Chamdher	ANCP of Chowkidar.
43	Bakht Pur	Khalid Khan	Quadrat killi	GPS Quadrat Killi	ANCP of Chowkidar.
44	Muhammad Amin	Muhammad Fahim.	Village Palo Dheri	GGPS Tora Banda	ANCP of Chowkidar.
45	Umar Zeb	Alam Zeb	Village Shubla Alam Zeb Member Killi.	GGPS, Alam Zeb. Member Kor.	ANCP of Chowkidar.
46	Qaid Ali	Kamdar Khan	Kandari	GGHS, Kandari.	ANCP Chowkidar.
47	Farhad Bibi	W/O Kamdar Khan.	Kandari	GGHS, Kandari.	ANCP L/A
48	Sammeullah	Ghufraullah	Sharif Abad	GPS, Sharif Abad	ANCP Chow:
49	Ijaz Tanweer	Abdur Rauf	Takkur	GGPS, Mian Killi Narai.	ANCP Chow:

TERMS AND CONDITIONS

1. Their Services will be considered regular but without Pension & Gratuity in terms of section -19 of the NWFP Civil Servant Act, 1973 as amended vide NWFP Civil Servants (Amendment) Act, 2005. They will however be entitled to contributory Provident Fund in such a manner and at such rates as per prescribed by the Govt:
2. They would be on Probation for a period of one Year extendable for another one Year.
3. Their Services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be proceeded against the NWFP removal from services (special Powers) Ordinance, 2000 and the rules framed from time to time.
4. Their services are liable to termination on one month notice from either side. in case of resignation without notice their one month pay /allowances shall be forfeited to the Government .
5. They will produce medical fitness certificate from the Medical Superintendent, DHQ Hospital Mardan, as required under the Rules.
6. Their age will not be less than 18 and not more than 45 years.
7. They will be governed by such rules and regulations as may be issued from time to time by government.
8. They should join their posts within 15days of the issuance of this notification. In Case of failure to join their posts within one months of the issuance of this notification, their appointments will expire automatically and no subsequent appeal etc shall be entertained.
9. Charge report should be submitted to all concerned.
10. No TA/DA will be allowed to the appointees for joining their duties.

(ROZ WALI KHAN)
Executive District Officer
E/S Education Mardan.

Encls No: 553-61 Dated 11/5 2011

Copy of the above as forwarded for information and necessary action.

1. Director Elementary and Secondary Education NWFP Peshawar
2. Comptroller District Accounts Mardan
3. District Officer (Male & Female) E&SE Local Office.
4. Principals/Head Masters Concerned
5. Deputy District Officers Male and Female Mardan and Takht Bhai
6. ADO (Establishment) Local Office.
7. Head Master/ Head Mistress Concerned
8. Budget and Accounts Officer local office
9. The Candidates Concerned.

[Signature]
Executive District Officer
E/S Education Mardan

ابتدائی اطلاع پر رپورٹ

کراچی پولیس ایئر بیورو نمبر 4540119

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 152 مجموعہ ضابطہ نو جداری

تاریخ و وقت رپورٹ	05/20/2012	05/20/2012	05/20/2012
نام و سکونت اطلاع دہندہ	عظیم اللہ ولد تاج محمد	عظیم اللہ ولد تاج محمد	عظیم اللہ ولد تاج محمد
مختصر کیفیت جرم (معدومہ) حال اگر کچھ لیا گیا ہو۔	معدومہ	معدومہ	معدومہ
پانے دوغہ کا صلہ تھانہ سے درست	راستہ عاصم نزد صدر عبدالرشید واقع خزانہ ڈھری	راستہ عاصم نزد صدر عبدالرشید واقع خزانہ ڈھری	راستہ عاصم نزد صدر عبدالرشید واقع خزانہ ڈھری
نام و سکونت ملزم	1. گل باجی ولد ستانہ گل 2. عبدالرزاق 3. عبدالرحمان	1. گل باجی ولد ستانہ گل 2. عبدالرزاق 3. عبدالرحمان	1. گل باجی ولد ستانہ گل 2. عبدالرزاق 3. عبدالرحمان
کارروائی جو تفتیش سے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرنا	معدومہ	معدومہ	معدومہ
تھانہ سے روانگی کی تاریخ و وقت	05/20/2012	05/20/2012	05/20/2012

ابتدائی اطلاع شیخ درج کرو۔ لوہے صدر ایئر بیورو سے
 سید اب اسحاق صاحب ۲۲۷ کچھوٹی حدیث سے ملوث گھنٹیل سبیل 2545 مہر آباد نیوز درج ذیل ہے
 صدر جنا۔ S.Ho. صاحب نقاہ صدارہ۔ عظیم اللہ ولد تاج محمد اقوان نمبر قریب 2012 سال (2) کچھوٹی
 ولد نیاز علی نمبر قریب 15/16 سال محمد ولد عباس نمبر قریب 45/46 سال سائمانا خزانہ ڈھری قریب
 رشتہ داران، ایلیان ۳۳ سے کچھوٹی حدیث دران کاکی عظیم اللہ دروت مونس، خواجہ کبیراں لوہے
 لوہے کچھوٹی حدیث درج ذیل ہے موجود خانے ایسی دوران کچھوٹی باجی ولد ستانہ گل، عبدالرزاق
 عبدالوہاب، لبران عبدالرشید سائمانا دلہام سلج، کلمہ تریف آکر بلکہ محمد در سہارا
 قتل خانہ کچھوٹی شیخ کی۔ حد سے سبیل گزری ہو، دوران خانہ کچھوٹی شیخ کچھوٹی
 اور حضور خان قریب دو بجکر مہر خان سے ان پر لیں، ارادہ قتل خانہ کچھوٹی
 حد سے وہ سبیل گزری ہو، لہذا خروج مہر خان موقع سے قریب ہو، پر
 مناد رفتہ تکرار ہے۔ جب اتنی اور مہر خان ایسے قریب ہو، ارادہ قتل
 خانہ کچھوٹی خانہ کچھوٹی مہر خان تکرار سالہ دعویہ مہر خان۔ واقع حدیث مہر خان
 محمد حسین لاکہ صاحبہ محمدید ہے۔ اللہ فرید ولد عباس خان کچھوٹی حدیث اور
 مہر خان ولد نیاز علی کچھوٹی حدیث (۱) نامید، لہذا قریب لاکہ اللہ کچھوٹی
 لوہے حدیث سائمانا درج ذیل ہے مہر خان سائمانا سبیل گزری۔ دروت لاکہ کی
 رپورٹ (۱) قریب صلیب نامید کنندہ نے نامیدی البتہ ثبت ہے، حدیث سے کچھوٹی

-9/A-

تاریخ 25 جون 2019ء کو شہید ہوئے۔
 راجہ ڈاکٹر انارض خان صاحب نے ایک خط لکھا جس میں ان کا بیان ہے کہ وہ ایک
 شخص کو دیکھا ہے جو ان کی تصویر کی شکل میں ہے۔
 یہ شخص ان کی تصویر کی شکل میں ہے۔
 ان کی تصویر کی شکل میں ہے۔
 ان کی تصویر کی شکل میں ہے۔
 ان کی تصویر کی شکل میں ہے۔

منسٹر آف ہوم انڈیا
 نئی دہلی
 گورنمنٹ آف اتر پردیش
 لکھنؤ
 ڈی ایچ ایم او
 05/06/2019
 2019/05/05
 2019/05/05

اس کے نتیجے میں اطلاع دی گئی ہے کہ یہ شخص ان کی تصویر کی شکل میں ہے۔
 ہمیں یہ اطلاع دینے پر شکریہ ادا کرتے ہیں۔
 یہ شخص ان کی تصویر کی شکل میں ہے۔

"C"

NO. 2385

Dated. 11-3-13

From;

District Education Officer(M)

Mardan.

-10-

To,

The S.D.E.O(M)

Primary Section.

SUBJECT:

ALTERNATE
PAY RELEASE/ ~~OFFICER~~ CHOWKIDAR.

Memo,

[Handwritten signature]

In the light of the enquiry report submitted by the enquiry Committee in the absence case of Atta Ur Rehman Chowkidar GPS NO.2, Khazana Dheri Mardan, the undersigned is submitted that:-

1. The alternate chowkidar provided by Mr, Atta Ur Rehman may be allowed to performed duty in place of the actual chowkidar but an affidavit may be obtained from the actual chowkidar to the effect that he (Actual Chowkidar) be held responsible for all consequences if the internate chowkidar showed any during his duty. While night time duty will be performed by Atta Ur Rehman.

2. The pay of the Atta Ur Rehman chowkidar may be released on quantum basis.

[Handwritten initials]
[Handwritten date]

[Handwritten initials]
[Handwritten date]

DISTRICT EDUCATION OFFICER
(M) MARDAN.

[Handwritten date]

"D"

No. 1397-98 /File.

Dated: 10-2- /2017

SHOW CAUSE NOTICE

-11-

I Zia-ud-Din District Education officer (Male) Mardan as Competent Authority under the Khyber Pakhtunkhwa government servants (Efficiency & Discipline) Rules, 2011, do hereby serve you Mr. Atta ur Rehman chowkidar GPS No.2 Khazana dheri, follow the show cause notice.

- a. That you are not performing your duty personally since 11-03-2013 and some one other is performing duty in place of you. *as per report of SDEO.*
- b. In exercise of the power conferred by the KPK Govt: servant (Efficiency & Discipline) Rules, 2011, the Competent Authority is hereby pleased to serve you with the instant show cause notice regarding your willful absence and proxy, which is misconduct with duty with the direction to submit your defense in writing within a week time of the issuance of this notice as to why the major penalty of Rule 4(b) of the said rules should not be imposed upon you and also inform whether you desire to be heard in person.
- c. In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defense to offer and ex-parte decision will be taken against you.

ZIA-UD-DIN

DISTRICT EDUCATION OFFICER
(MALE) MARDAN

To Mr. Atta ur Rehman chowkidar GPS Khazana Dheri No.2 Mardan.

Copy forwarded to the:

SDEO(M) Mardan to deliver the show cause to the above named C-IV

[Handwritten Signature]
 DISTRICT EDUCATION OFFICER
 (MALE) MARDAN

No. 421
Date: 13/2/17

SDEO (M)
Mardan

Sund SF
Served witness
 ASDEO
 13/2/17

"E"

-12-

To,

The District Education Officer (Male);
Mardan.

Subject:- SHOW CAUSE NOTICE.

R/Sir,

With reference to your Show Cause Notice No.1397-98/File dated 10-2-2017 on the above noted subject.

It is humbly submitted that my father namely Sher Rehman s/o Uşman r/o Khazana Dehri give 40-Marla Land for establishment of GPS Khazana Dehri No.2 and as per policy, I have been appointed as Chowkidar in the said school (GPS Khazana Dehri No.2).

Due to some unavoidable circumstances/enmity I am not in position to perform my duties temporarily. The matter was previously enquired by your good office (enquiry report enclosed) and as per orders issued by your good office vide lette No. 2385 dated 11-3-2013 in which you bound me to submit Affidavit to the effect that I (Attaur Rehman, Chowkidar) arrange my alternate to perform duty on my place (copy of Affidavit is attached).

In view of the above position, it is earnestly requested that my pay may very kindly be released on humanitarian & sympathetic grounds. I pray for your long life and prosperity ever. I assure you sir, that my alternative will perform my duties as Chowkidar and I am fully responsible for any untoward situation.

Thanking you Sir,

Dated 14/2/2017.

Enquiry No. 0343952974
2316085222

Forwarded in original to SPEDMS as reported by Chowkidar

Obediently yours

(Attaur Rehman)

Chowkidar

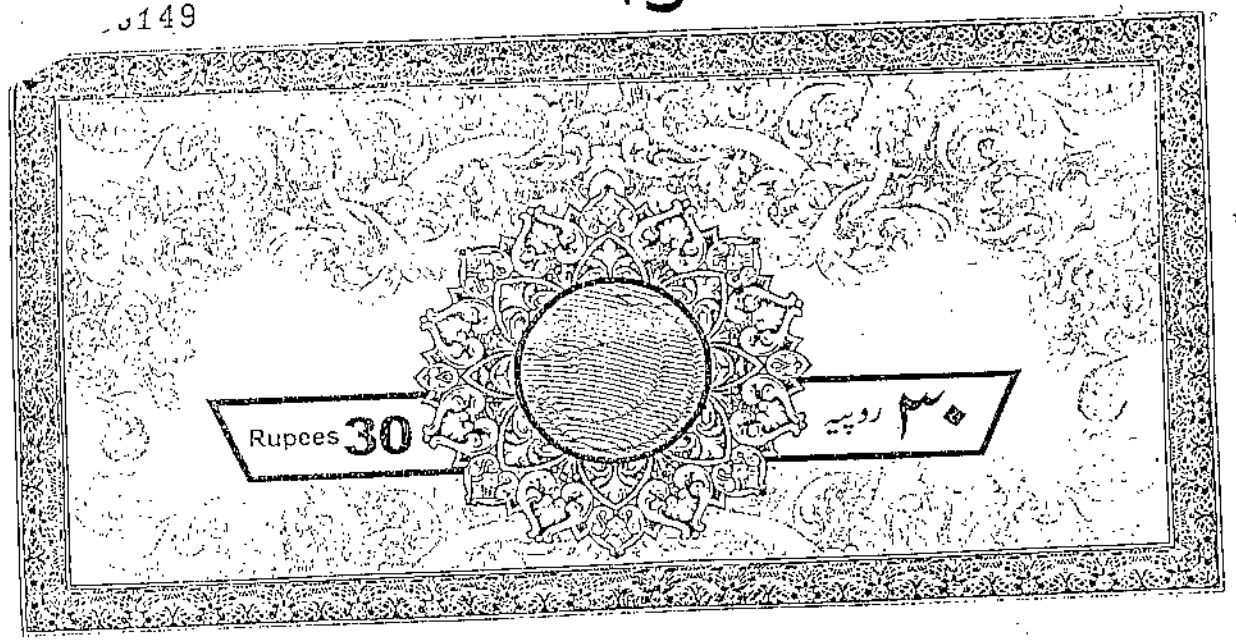
I have No objection on the alternative chowkidar in place of my Atta ur-Rehman of GPS Khazana Dehri No 2

14-2-17

~~HEADMASTER
GPS KHAZANA DEHRI NO 2
MARDAN DISTRICT MARDAN~~

14/02/2017

03439574536



بیان حلف

میں نے عطا الرحمن اللہ شہزاد کے ہاتھ سے پانچ سو روپیہ کی رقم لے لی ہے۔
 اس رقم کو صرف مدرسہ کی ضرورتوں کے لیے استعمال کروں گا۔
 اس رقم کو کسی اور مقاصد کے لیے استعمال نہیں کروں گا۔
 اس رقم کو کسی اور شخص کو بھی نہیں دے گا۔
 اس رقم کو کسی اور جگہ بھی نہیں لے گا۔
 اس رقم کو کسی اور جگہ بھی نہیں لے گا۔

مدرسہ
 ۱۰/۱۷

عطا الرحمن

عطا الرحمن شہزاد

NICN 16101-4-2350A-1

16/4/2013

HEAD TEACHER 15/4/2013
 Govt. Prg. School No. 2

16/4/13

-14-

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MARDAN.

SHOW CAUSE NOTICE

You the following non-teaching staff were found absent/proxy duty as reported by the IMU in the month of March i.e. 05, 03 2019 without any permission/prior information to your immediate office.

S.No	EMIS CODE	SCHOOL NAME	PROXY PERSON NAME	PROXY FOR/OFFICIAL NAME	DESIGNATION
1	40684	GPS Khazana Dheri	Taj Akbar	Attaur Rahman	Chowkidar

Whereas you are liable to be proceeded under Khyber Pakhtunkhwa Revised Efficiency and Disciplinary Rules 2011 and punished strictly for your irresponsible attitude towards your duties and the undersigned orders the deduction of pay for the dates on which you remained absent and further punishment after having examined your reply to this notice of show cause of your absence.

Now therefore, you are hereby called upon to show cause in written as to why disciplinary action should not be taken against you.

Your reply should reach to the undersigned within seven days of the receipt of this show cause, failing which it will be presumed that you have nothing to offer in your defense. You may also intimate this office as to whether you want to be heard in person or not.

(Zulfiqar-ut-Mulk)
DISTRICT EDUCATION OFFICER
(MALE) MARDAN.

Endst: No. 4550/4 /IMU/E-V Proxy /Show Cause/PF Class-file/ Dated 29-4- /2019

Copy forwarded to the:-

1. P.S Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Deputy Commissioner Mardan.
4. District Monitoring Officer IMU Mardan.
5. SDEO (M) Mardan is hereby directed to submit the reply of show cause Notice of the official along with your comments within two days positively.
6. Official concerned.

No 886 dt: 03/5/19

copy to fax =

HIT HAS Khazana Dheri
in reply of the chowkidar
as desired.

DISTRICT EDUCATION OFFICER
(MALE) MARDAN.

(Handwritten signature and date)
27/4/19
10/4/19

-15-

TO,

The District Officer (Male)
Mardan.

Subject; Show cause notice.

R/sir,

With reference to your office letter No ⁴⁵⁵⁶~~9843-45~~/IMU/F V Proxy/show
cause-file/ Dated ~~19/04~~ 2019 on the above noted subject

It is humbly submitted that my father namely Sher Rehman s/o Usman r/o
khazana dheri give 40 Marla land for establishment of GPS NO 2 khazana dehri as
per policy ,I have appointed as chowkidar in the said school (GPS NO 2 khazana
dheri)


Due to some unavoidable circumstances/enmity I am not in position to
perform my duties temporarily. The matter was previously enquired by your good
office (enquiry report enclosed) and as per orders issued by your good office
vide letter No 2385 dated 11/03/2013 in which you bound me to submit affidavit
to the effect that I (Attaur Rehman, Chowkidar) arrang my alternate to perform
duty on my place (copy of affidavit enclosed).

In view of the above position , it is earnestly requested that my pay may very
kindly be released on humanitarian &sympathetic ground. I pray for your long life
and prosperity ever .I assure you sir, that my alternative will perform my duties as
chowkidar and I am fully responsible for any untoward situation.

Thank you sir,

Dated 07/05/2019

Obediently


HEAD TEACHER
Govt. Prg. School No 2
Khazana Dheri (MARDAN)


(Attaur Rehman)

Chowkidar

08/05/2019

محرمت صاحب EPO صاحب مردان

جناں آباد

مورد انہ "میرا" ہے کہ میں گورنمنٹ ٹیچنگ اسکول نمبر 2

میں پڑھتا ہوں اور اس کے لیے 2 سالہ ریزرو دیا ہے اس کی قیمت

شہریہ 145 لاکھ ہے۔ ابھی میرا دشمن ہے اس کی وجہ سے میں

خود ڈیپوٹیشن پر تیار ہوں ہے دو سالہ ریزرو دیا ہے اس کی قیمت

2385 لاکھ ہے۔ اس کے لیے 2 سالہ ریزرو دیا ہے اس کی قیمت

ابھی یہ تصور میرا اہل ہے۔ اگر "گورنمنٹ ٹیچنگ اسکول نمبر 2"

میں پڑھتا ہوں اور اس کے لیے 2 سالہ ریزرو دیا ہے اس کی قیمت

2385 لاکھ ہے۔ اس کے لیے 2 سالہ ریزرو دیا ہے اس کی قیمت

516 ہے

-17- "I"

ELEMENTARY & SECONDARY EDUCATION DEPARTMENT, GOVT. OF KHYBER
PAKHTUNKHWA



OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) MARDAN

☎ & ☏ 0937-933151 , ✉ deomalemardan@gmail.com



SHOW CAUSE NOTICE

You the following non-teaching staff were found absent/proxy duty as reported by the IMU in the month of September, 2019 without any permission/prior information to your immediate office:

S.No	EMIS CODE	SCHOOL NAME	PROXY PERSON NAME	PROXY FOR/OFFICIAL NAME	DESIGNATION
1.	40684	GPS Khazana Dheri No.2	Tajbar	Attaur Rahman	Chowkidar
2.	37238	GPS Hospital Koroona	Gulzar	Malook Taj	Chowkidar

Whereas you are liable to be proceeded under Khyber Pakhtunkhwa Revised Efficiency and Disciplinary Rules 2011 and punished strictly for your irresponsible attitude towards your duties and the undersigned orders the deduction of pay for the dates on which you remained absent and further punishment after having examined your reply to this notice of show cause of your absence.

Now therefore, you are hereby called upon to show cause in written as to why disciplinary action should not be taken against you.

Your reply should reach to the undersigned within seven days of the receipt of this show cause, failing which it will be presumed that you have nothing to offer in your defense. You may also intimate this office as to whether you want to be heard in person or not.

(Zulfiqar-ul-Mulk)
DISTRICT EDUCATION OFFICER
(MALE) MARDAN.

Endst: No. 12228/G /IMU/E-V Proxy/File No.2 /Personal Hearing Dated 21-10- /2019

Copy forwarded to the:-

1. P.S Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Deputy Commissioner Mardan.
4. District Monitoring Officer IMU Mardan.
5. SDEO (M) Mardan is hereby directed to serve the show cause notice against the officials concerned and submit the reply of show cause Notice of the official along-with your comments within two days positively.
6. Official concerned.

DISTRICT EDUCATION OFFICER
(MALE) MARDAN.

-18-

"J"

To,

The District Education Officer (Male),
Mardan.

Subject:- SHOW CAUSE NOTICE.

R/Sir,

With reference to your show cause Notice No.12228/G/IMU/E-V Prosy/File No.2/Personal Hearing dated 21-10-2019 on the subject noted above.

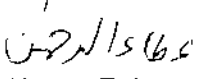
It is humbly submitted that my father namely Sher Rehman s/o Usman r/o Khazana Dehri give 40-Marla Land for establishment of GPS Khazana Dehri No.2 and as per policy, I have been appointed as Chowkidar in the said school (GPS Khazana Dehri No.2).

Due to some unavoidable circumstances/enmity I am not in position to perform my duties temporarily. The matter was previously enquired by your good office (enquiry report enclosed) and as per orders issued by your good office vide letter No.2385 dated 11-3-2013 in which you bound me to submit Affidavit to the effect that I (Attaur Rehman Chowkidar) arrange my alternate to perform duty on my place (copy of Affidavit is attached).

In view of the above position, it is earnestly requested that my case may kindly be filed on humanitarian grounds. I am further assure your sir, that my alternate will perform my duties as per previous practice please.

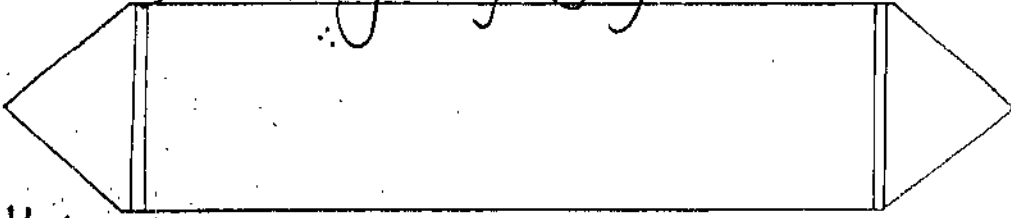
Dated 22/10/2019.

Obediently yours


(Attaur Rehman)

Chowkidar, GPS Khazana No.2).

بعدالت لروس ٹریبیونل لپشاور



2020ء پنجاب عطا الرحمن
عطا الرحمن بنام DEO وغیرہ

موزیہ
مقدمہ
دعویٰ
جرم

باعث تحریر آئیکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام لپشاور کیلئے مفضل شاہ مہتمم راولپنڈی ایڈووکیٹ
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر حالتہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک دروپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
ذکوہ کریں۔ لہذا ادکالت نامہ لکھد یا کہ سندر ہے۔

عطا الرحمن ولد شیر زمان
عطا الرحمن

المرقوم 16 ماہ صابج 20

Attested
&
Accepted

Attested
&
Accepted

Accepted

بمقام لپشاور

عطا الرحمن

بعدالت لروس ٹریبیونل لٹنار

سروس اجیل نمبر: 2033/2020

2020ء پنجاب عطا الرحمن
عطا الرحمن بنام DEO وغیرہ

موزخہ	-----
مقدمہ	-----
دعویٰ	-----
جرم	-----

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کاروائی متعلقہ
 آن مقام لٹنار کیلئے مفضل شاہ مسند رابع مظفر ایڈووکیٹ
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
 بسورت ڈگری کرنے اجراء اور صولی چیک دروپہ ارضی دعویٰ اور درخواست ہر قسم کی تقرری
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو کسی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
 پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانتوائے مقدمہ کے سبب سے ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سند ہے۔

عطا الرحمن ولد شہزاد عطا الرحمن

الرتوم 16 ماہ صالچ 20

کے لئے منظور ہے۔
 Attested
 Accepted

Accepted
 مقام لٹنار
 عطا الرحمن

Peshawar
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No: 2033/2020

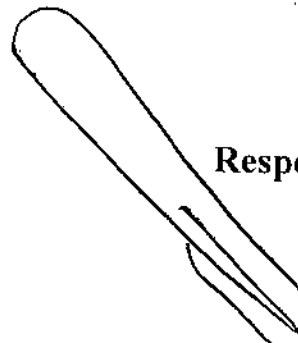
Ata Ur Rehman, Ex Chowkidar, G.P.S No 2 Khazana Dheri District Mardan
..... Petitioner


Versus

The District Education Officer (M) Mardan & Others..... Respondents

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3	retirement order	D	12	****


Respondent
District Education Officer
(Male) Mardan
21/10/2020

 BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No: 2033/2020

Ata Ur Rehman, Ex Chowkidar, G.P.S No 2 Khazana Dheri District Mardan
..... Petitioner

Versus

The District Education Officer (M) Mardan & Others..... Respondents

Para Wise Comments on Behalf of Respondents

Respectfully Sheweth,

PRELIMINARY OBJECTIONS:

1. That the appellant has got no cause of action as well as locus standi to file the instant appeal.
2. That the instant appeal is badly time barred.
3. That the appeal is not maintainable in its present form.
4. That the appellant has not come to this Honorable Tribunal with clean hands.
5. That the appellant is estopped by his own conduct.
6. That the appellant has concealed the material facts from this Honorable Tribunal hence the appeal is liable to be dismissed.
7. That the appellant is not perform his duty, the respondent issued show cause notice on dated 10-02-2017.

(Copy of Show Cause Notice is as Annexure A)

8. That the appellant remained absent from duty the respondent issued show cause notices on dated 29-04-2019 & 21-10-2019.

(Copies of Show cause Notice & Reply Notices are as Annexure B & C)

9. That the respondent has after completed all codal formalities and issued compulsory retirement order of the appellant

(Copy of retirement order is as Annexure D)

FACT:

1. Para No 1 pertains to record hence no comments.
2. Para No 2 pertains to record hence no comments.
3. Para No 3 is incorrect , against facts as the respondent has directed through a letter dated 11-03-2013 to the appellant that he will perform duty at night time, but the appellant remained absent from duty, hence denied.

(Copy of Letter as is annexes C with the appeal)

4. Para No 4 is incorrect, baseless, against as the Show Cause Notices has issued by the respondent, due to the absence of the appellant, hence denied.
5. Para No 5 is incorrect, baseless, against as the Show Cause Notices has issued by the respondent, due to the absence of the appellant, hence denied
6. Para No 5. is incorrect, baseless, against as the Show Cause Notices has issued by the respondent, due to the absence of the appellant, hence denied
7. Para No 7 pertains to record hence no comments.
8. Para No 8 pertains to record hence no comments.
9. Para No 9 is incorrect, baseless, as the respondent has after completed all codal formalities and issued compulsory retirement order of the appellant
However detail reply of the grounds is as under

(Copy of retirement order is as Annexure D)

GROUND:

- A. Para A is incorrect, and as the order is legal, hence denied
- A. Para B is incorrect, the appellant has been treated in accordance with Slaw and rules, hence denied.
- B. Para C is incorrect, as the Order is not based on malafide, the order is Lawful, hence denied.
- C. Para D is incorrect, as the respondent has issued Order for the welfare of minor/Students in the interest of Public, on dated 11-03-2013, that the appellant will performed duty at the night time, but the appellant remained absent from duty, hence denied

Copy of Letter as is annexes C with the appeal)

- D. Para E is incorrect, as the respondent has issued Order for the welfare of minor/Students in the interest of Public, on dated 11-03-2013, that the appellant will performed duty at the night time, but the appellant remained absent from duty, hence denied.

Copy of Letter as is annexes C with the appeal)

- E. Para F is incorrect, the respondent has issued many Show cause Notices to the appellant and clearly mentioned charge of the appellant, and the appellant has given Reply of the above mentioned Notices, hence denied.
- F. Para G is incorrect, baseless and against facts, as the respondent being responsible government officer acted in accordance with law, the order is not liable to be struck down, hence denied.

G. Para H is incorrect, baseless and against facts, as the respondent being a responsible government officer acted in accordance with law and issued valid order, hence denied.

H. Para I is incorrect baseless, as the respondent has given proper opportunity to the appellant and the appellant has submitted reply of the Notices, hence denied.

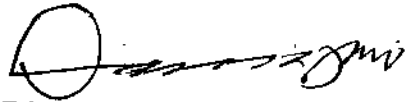
(Copies of Show cause Notice & Reply Notices are as Annexure B & C)

I. Para J is incorrect baseless against facts as the respondents acted in accordance with the law, hence denied.

J. Para K pertains to record, hence needs no comments.


That the respondent seeks permission to raise additional grounds at the time of arguments.

It is therefore humbly prayed that in the light of above facts, the appeal may please be dismissed with cost.



Director (E & SE)
Peshawar

Respondents No 1 & 3
21/10/2020
District Education Officer
(Male) Mardan



Secretary (E & SE Department)
KPK Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No: 2033/2020

Ata Ur Rehman, Ex Chowkidar, G.P.S No 2 Khazana Dheri District Mardan
..... **Petitioner**


Versus

The District Education Officer (M) Mardan & Others..... **Respondents**

AFFIDAVIT

I, Mr Sajid Khan Legal Advisor Education Department Mardan do hereby solemnly affirm and declare that the contents of Para Wise Comments submitted by respondents No 1 & 3 are true to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

Deponent


Sajid Khan

No. 1397-98 /File.

Dated: 10-2-2017

SHOW CAUSE NOTICE

-11-

Zia-ud-Din District Education officer (Male) Mardan as Competent Authority under the Khyber Pakhtunkhwa government servants (Efficiency & Discipline) Rules, 2011, do hereby serve you Mr. Atta ur Rehman chowkidar GPS No.2 Khazana dheri, follow the show cause notice.

- a. That you are not performing your duty personally since 11-03-2013 and some one else is performing duty in place of you. *as per report of SDEO.*
- b. In exercise of the power conferred by the KPK Govt: servant (Efficiency & Discipline) Rules, 2011, the Competent Authority is hereby pleased to serve you with the instant show cause notice regarding your willful absence and proxy, which is misconduct with duty with the direction to submit your defense in writing within a week time of the issuance of this notice as to why the major penalty of Rule 4(b) of the said rules should not be imposed upon you and also intimate whether you desire to be heard in person.
- c. In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defense to offer and ex-parte decision will be taken against you.

ZIA-UD-DIN

DISTRICT EDUCATION OFFICER
(MALE) MARDAN

To Mr. Atta ur Rehman chowkidar GPS Khazana Dheri No.2 Mardan

Copy forwarded to the:

SDEO(M) Mardan to deliver the show cause to the above named C-IV

[Handwritten Signature]
 DISTRICT EDUCATION OFFICER
 (MALE) MARDAN

No. 421
Date: 13/2/17

SDEO (M)
Mardan

[Handwritten notes and signature]
 SDEO
 Mardan
 13/2/17

The District Education Officer (Male),
Mardan.

~~12~~

Subject:- SHOW CAUSE NOTICE.

R/Sir,

With reference to your Show Cause Notice No.1397-98/File dated 10-2-2017 on the above noted subject.

It is humbly submitted that my father namely Sher Rehman s/o Usman r/o Khazana Dehri give 40-Marla Land for establishment of GPS Khazana Dehri No.2 and as per policy, I have been appointed as Chowkidar in the said school (GPS Khazana Dehri No.2).

Due to some unavoidable circumstances/enmity I am not in position to perform my duties temporarily. The matter was previously enquired by your good office (enquiry report enclosed) and as per orders issued by your good office vide lette No. 2385 dated 11-3-2013 in which you bound me to submit Affidavit to the effect that I (Attaur Rehman, Chowkidar) arrange my alternate to perform duty on my place (copy of Affidavit is attached).

In view of the above position, it is earnestly requested that my pay may very kindly be released on humanitarian & sympathetic grounds. I pray for your long life and prosperity ever. I assure you sir, that my alternative will perform my duties as Chowkidar and I am fully responsible for any untoward situation.

Thanking you Sir,

Dated 14/2/2017.

74
03439574536
0355085222

Forwarded in original to SDEBMS as reported by Chowkidar

Obediently yours

(Attaur Rehman)

Chowkidar

I have No objection on the alternate chowkidar in place of Mr Atta ur-Rehman of GPS Khazana Dehri No 2

14-2-17

~~HEADMASTER
GPS Khazana Dehri No. 2
Mardan~~

14/02/2017

03439574536

~~XX~~

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MARDAN.

SHOW CAUSE NOTICE

You the following non-teaching staff were found absent/proxy duty as reported by the IMU in the month of March i.e. 05. 03 2019 without any permission/prior information to your immediate office.

S.No	EMIS CODE	SCHOOL NAME	PROXY PERSON NAME	PROXY FOR/OFFICIAL NAME	DESIGNATION
1	40684	GPS Khazana Dheri	Taj Akbar	Attaur Rahman	Chowkidar

Whereas you are liable to be proceeded under Khyber Pakhtunkhwa Revised Efficiency and Disciplinary Rules 2011 and punished strictly for your irresponsible attitude towards your duties and the undersigned orders the deduction of pay for the dates on which you remained absent and further punishment after having examined your reply to this notice of show cause of your absence.

Now therefore, you are hereby called upon to show cause in written as to why disciplinary action should not be taken against you.

Your reply should reach to the undersigned within seven days of the receipt of this show cause, failing which it will be presumed that you have nothing to offer in your defense. You may also intimate this office as to whether you want to be heard in person or not.

(Zulfiqar-ul-Mulk)
DISTRICT EDUCATION OFFICER
(MALE) MARDAN.

Encl: No. 45506/4 /IMU/E-V' Proxy /Show Cause/PF Class-file/ Dated 29-4-2019

Copy forwarded to the:-

1. P.S Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Deputy Commissioner Mardan.
4. District Monitoring Officer IMU Mardan.
5. SDEO (M) Mardan is hereby directed to submit the reply of show cause Notice of the official along-with your comments within two days positively.
6. Official concerned.

No 886 dt. 03/5/19

copy to file

HAT GPS Khazana Dheri
In reply of the chowkidar
as desired

DISTRICT EDUCATION OFFICER
(MALE) MARDAN.

[Handwritten signature]
27/4/19
10.4.19

9

VS-

Handwritten initials

TO,
The District Officer (Male)
Mardan.

Subject; Show cause notice.

R/sir,

With reference to your office letter No ⁴⁵⁵⁶~~9843-45~~/IMU/E-V Proxy/show cause-file/ Dated ~~19/04~~ 29/04/2018 on the above noted subject

It is humbly submitted that my father namely Sher Rehman s/o Usman r/o khazana dheri give 40 Marla land for establishment of GPS NO 2.khazana dehri as per policy ,I have appointed as chowkidar in the said school (GPS NO 2 khazana dheri)

Due to some unavoidable circumstances/enmity I am not in position to perform my duties temporarily. The matter was previously enquired by your good office (enquiry report enclosed). and as per orders issued by your good office vide letter No 2385 dated 11/03/2013 in which you bound me to submit affidavit to the effect that I (Attaur Rehman, Chowkidar) arrang my alternate to perform duty on my place (copy of affidavit enclosed).

In view of the above position , it is earnestly requested that my pay may very kindly be released on humanitarian &sympathetic ground. I pray for your long life and prosperity ever .I assure you sir, that my alternative will perform my duties as chowkidar and I am fully responsible for any untoward situation.

Thank you sir,

Dated 09/05/2019

Obediently

Attaur Rehman
(Attaur Rehman)

Chowkidar

Handwritten signature
HEAD TEACHER
Govt. P.ry School No 2
Khazana Dheri MARDAN

08/05/2019

Annex C 10

ELEMENTARY & SECONDARY EDUCATION DEPARTMENT, GOVT. OF KHYBER
PAKHTUNKHWA



OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) MARDAN

☎ & 📠 0937-933151 , 📧 deomalemardan@gmail.com



SHOW CAUSE NOTICE

You the following non-teaching staff were found absent/proxy duty as reported by the IMU in the month of September, 2019 without any permission/prior information to your immediate office.

S.No	EMIS CODE	SCHOOL NAME	PROXY PERSON NAME	PROXY FOR/OFFICIAL NAME	DESIGNATION
1	40684	GPS Khazana Dheri No.2	Tajbar	Attaur Rahman	Chowkidar
2.	37238	GPS Hospital Koroona	Gulzar	Malook Taj	Chowkidar

Whereas you are liable to be proceeded under Khyber Pakhtunkhwa Revised Efficiency and Disciplinary Rules 2011 and punished strictly for your irresponsible attitude towards your duties and the undersigned orders the deduction of pay for the dates on which you remained absent and further punishment after having examined your reply to this notice of show cause of your absence.

Now therefore, you are hereby called upon to show cause in written as to why disciplinary action should not be taken against you.

Your reply should reach to the undersigned within seven days of the receipt of this show cause, failing which it will be presumed that you have nothing to offer in your defense. You may also intimate this office as to whether you want to be heard in person or not.

(Zulfiqar-ul-Mulk)
DISTRICT EDUCATION OFFICER
(MALE) MARDAN.

Endst: No. 12228/G /IMU/E-V Proxy/File No.2 /Personal Hearing Dated 21-10-2019

Copy forwarded to the:-

1. R/S Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Deputy Commissioner Mardan.
4. District Monitoring Officer IMU Mardan.
5. SDEO (M) Mardan is hereby directed to serve the show cause notice against the officials concerned and submit the reply of show cause Notice of the official along-with your comments within two days positively.
6. Official concerned.

DISTRICT EDUCATION OFFICER
(MALE) MARDAN.

To,

The District Education Officer (Male),
Mardan.

Subject:- SHOW CAUSE NOTICE.

R/Sir,

With reference to your show cause Notice No.12228/G/IMU/E-V Prosy/File No.2/Personal Hearing dated 21-10-2019 on the subject noted above.

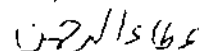
It is humbly submitted that my father namely Sher Rehman s/o Usman r/o Khazana Dehri give 40-Marla Land for establishment of GPS Khazana Dehri No.2 and as per policy, I have been appointed as Chowidar in the said school (GPS Khazana Dehri No.2).

Due to some unavoidable circumstances/enmity I am not in position to perform my duties temporarily. The matter was previously enquired by your good office (enquiry report enclosed) and as per orders issued by your good office vide letter No.2385 dated 11-3-2013 in which you bound me to submit Affidavit to the effect that I (Attaur Rehman Chowkidar) arrange my alternate to perform duty on my place (copy of Affidavit is attached).

In view of the above position, it is earnestly requested that my case may kindly be filed on humanitarian grounds. I am further assure your sir, that my alternate will perform my duties as per previous practice please.

Dated: 22/10/2019.

Obediently yours.


(Attaur Rehman)

Chowkidar, GPS Khazana No.2).

Annex D-12

ELEMENTARY & SECONDARY EDUCATION DEPARTMENT, GOVT. OF KHYBER PAKHTUNKHWA



OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) MARDAN

☎ & 📠 0937-933151 , ✉ deomalemardan@gmail.com



COMPULSORY RETIREMENT.

1. Whereas Mr. Atta-ur-Rahman Chowkidar GPS No.2 Khazana Dheri Mardan proceeded under the Khyber Pakhtunkhwa Government Servant (Efficiency & Disciplinary) Rules 2011, on account of irregular/not keen interest in the performance of his duty /poor works ethics & remained absent/proxy duty as reported by IMU and show cause notice issued vide this office Endst No.3075/G dated 25.03.2019 and reply received through SDEO(M) Mardan vide No.699 dated 31.03.2019.
2. Whereas the reply rejected and imposed minor penalty 'Censure' of Khyber Pakhtunkhwa under the E&D rules 2011 Notification issued vide this office 7435 dated 27.06.2019.
3. Whereas this office issued 2nd show cause notice in the proxy duty vide this office ends: No 12228/G dated 21.10.2019.
4. Whereas the reply of 2nd show cause notice received through SDEO (M) Mardan vide No.2132 dated 01.11.2019 in which the accused committed the allegations against him and the undersigned not satisfied with the reply of the accused.
5. Whereas this office called the accused for personal hearing and the charges leveled proved against him.
6. Now, therefore, in exercise of Powers conferred under the Revised Efficiency and Disciplinary Rules 2011, I, the District Education officer (Male) Mardan being competent authority is pleased to impose major penalty of "Compulsory Retirement" upon Mr. Atta-ur-Rahman Chowkidar No.2 Khazana Dheri (Mardan) w.e.f. 21.11.2019.

Note:- Necessary entry to this effect should be made in his S/Book and other office record.

(Zulfikar-Ul-Mulk)
District Education Officer
(Male) Mardan.

Endst: No. 14071-75 /FF Mr. Atta-ur-Rahman Chowkidar GPS No.2 Khazana Dheri /Dated the 26-11-2019.

Copy of the above is forwarded to the:-

1. P.S. to Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
2. P.A to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
3. SDEO (M) Mardan.
4. Deputy Commissioner Mardan
5. District Accounts Officer Mardan.
6. District Monitoring Officer IMU Mardan
7. Mr. Atta-ur-Rahman Chowkidar GPS No-2 Khazana Dheri (Mardan)
8. Head Teacher GPS No.2 Khazana Dheri Mardan for strict compliance
9. EMIS Branch local office.

District Education Officer
(Male) Mardan

No. 1435
Dated 28/11/19

SDEO (M)
Mardan