


FORM OF ORDER SHEET

Court of

Appeal No. 1673/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/08/2023	<p>The appeal of Mr. Abdul Saboor is re-submitted today by Mr. Muhammad Arif Jan Advocate. It is fixed for preliminary hearing before Single Bench at camp court Abbottabad on</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

The appeal of Mr. Abdul Saboor son of Molve Abdul Khaliq AT GMS Kotia Pattan Kohistan Lower received today i.e on 10.08.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- Copy of Judgment dated 22.03.2019 attached with the appeal is incomplete be completed.

2- Copy of reinstatement order is not attached with the appeal be placed on it.

No. 3031 /S.T,

Dt. 11/08 /2023.



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Arif Jan Adv.
High Court Peshawar.

Respected Sir,

*Resubmitted after removal
of objections. Please may kindly
be placed before the Honble Bench*

17/8/2023



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR
Appeal # 1673/2023

Abdul SaboorAppellant

VERSUS

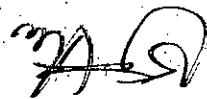
District Education Officer and othersRespondents

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Appellant

Through



Muhammad Arif Jan

Advocate, Peshawar

Date: 10-08-2023

Office: Office No.212 New Qatar Hotel
G.T. Road Sikandar Town
Peshawar.

Cell: 0333-2212213

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Service Appeal No. 1673 /2023

Abdul Saboor S/o Molvi Abdul Khaliq

(AT) GMS Kotia Pattan Kohistan Lower.....Appellant

VERSUS

1. District Education Officer (M) Kohistan Lower.
2. Director Elementary and Secondary Education Khyber Pakhtunkhwa G.T Road Peshawar.
3. District Accounts Officer District Kohistan Lower.
4. Govt. of Khyber Pakhtunkhwa through Secretary Education E&S Secretariats Peshawar.....Respondents.

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE WITHHOLDING OF MONTHLY SALARIES ALONG WITH OTHER SERVICE BACK BENEFITS FOR THE INTERVENING PERIOD EFFECTING FROM FEB, 2016 TILL OCT, 2019 AGAINST WHICH DEPARTMENTAL APPEAL HAS BEEN PREFERRED BEFORE RESPONDENT NO-2 BUT THE SAME HAS NOT BEEN DECIDED WITHIN STIPULATED PERIOD OF TIME.

2

Respectfully Sheweth:

8. That the appellant was removed from service on 17-02-2016 against which service appeal No- 620/2016 was filed before this Hon'ble Tribunal.
9. That this Hon'ble Tribunal was pleased and allowed the appeal of the appellant vide order/judgment dated 22-03-2019. It is to be added that the appellant has been re-instated conditionally and has been paid the monthly salary of Nov, 2019. **(Copy of order/judgment is attached as ANNEX-A).**
10. That the issue of back benefits pertains to the appellant was subjected to the outcome of the de-novo inquiry and thus respondents were directed to conduct de-novo inquiry within period of 90 days after the date of receipt of the judgment *ibid*.
11. That upon the direction of this Hon'ble Tribunal, inquiry was conducted and the worthy inquiry officer strongly recommended the back benefits of the appellant effecting from 17-02-2016 till 22-03-2019. **(Copy of inquiry report is attached as ANNEX-B).**
12. That prior to the present the appellant approached to respondents concerned for the release of back benefits but of no avail. It is to be added that the appellant was strongly assured by respondents in respect of release of all outstanding salaries with all back benefits but nothing and just delayed the matter. **(Copy of letter dated 09-09-2021 is attached as ANNEX-C).**
13. That the appellant then filed departmental appeal before respondent No-2 on the subject matter but the same has not been

decided within stipulated period of time. **(Copy of departmental appeal is attached as ANNEX-D).**

14. That the appellant being aggrieved and having recurring cause of action left with no other option except to file the instant appeal on the following amongst other grounds.

GROUND:

- G.** That the act, commission and omission of the respondents by way of withholding the monthly salaries along with other service benefits effecting from Feb, 2016 till Oct, 2019 for the intervening period and further the non-disposal of departmental appeal of appellant by respondent No-2 respectively **(hereinafter impugned)** are patently illegal, unlawful, without lawful authority, of no legal effect having no value in the eyes of law thus the respondents be directed to release and pay the outstanding monthly salaries for the intervening period without any further delay, reason and justification with all back benefits.
- H.** That the judgment of this Hon'ble Tribunal also attended finality and the appeal of respondents has been dismissed by the august Supreme Court of Pakistan being time barred.
- I.** That once the worthy inquiry officer recommended the stoppages and non-payment of monthly salaries for the intervening period then the respondents concerned are/were duty bound to release and pay the same without fear and delay.
- J.** That it is worth mentioned here that no nay further inquiry has been conducted into the matter moreover the respondents were asked time and again by the appellant but of no avail.

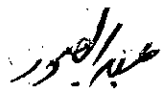
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K. That the appellant is suffering every month hence having recurring cause of action due the act of respondents thus the respondents are required to abide by law and to pay all the outstanding salaries of the appellant without any further delay along with back benefits.

L. That any other ground which has not been specifically asked for and is fit in the circumstance may also be permitted to raise at the time of hearing.

It is, therefore, most humbly prayed that on acceptance of the instant appeal

- IV. Declare the act, commission and omission of respondents by way of withholding the monthly salaries of appellant for the intervening period since Feb, 2016 till Oct, 2019 as illegal and unlawful.
- V. Respondents may also directed to release and pay all the outstanding monthly salaries for the intervening period since Feb, 2016 till Oct, 2019 with all back benefits.
- VI. Any other relief which deems fit and not specifically asked for may also be allowed in favor of appellant against respondents.



Appellant

Through



Muhammad Arif Jan
Advocate, Peshawar.

5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Abdul Saboor.....Appellant

VERSUS

District Education Officer and othersRespondents

AFFIDAVIT

I, Abdul Saboor S/o Molvi Abdul Khaliq (AT) GMS Kotia Pattan Kohistan Lower do hereby solemnly affirm and declare on oath that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


DEPONENT



(6) (7) 8

Annex - A

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

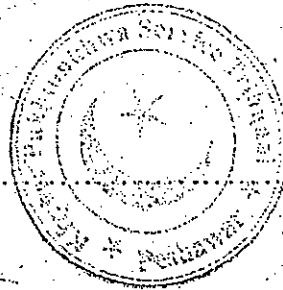
Service Appeal No.....621...../2016

Khyber Pakhtunkhwa Service Tribunal

Diary No. 603

Dated 09-6-2016

Abdul Saboor S/o Molve Abdul Khaliq



at GMS Dag Pattan Kohistan.....Appellant

VERSUS

1. District Education Officer (M) Kohistan.
2. Director Elementary and Secondary Education Khyber Pakhtunkhwa G.T Road Peshawar.
3. District Accounts Officer District Kohistan.
4. Govt, of Khyber Pakhtunkhwa through Secretary Education E&S Secretariats Peshawar..... Respondents.

Filed to-day
vide order
2/6
Registrar
9/6/16
S. Deputy Commissioner, Kohistan

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 18-05-2016th PASSED BY RESPONDENT NO-2 WHEREBY HE REJECTED THE APPEAL OF THE APPELLANT AND MAINTAINED THE OFFICE ORDER BEARING NO-12585-88 DATED 17-02-2016 OF RESPONDENT NO-1 IN RESPECT OF REMOVAL FROM SERVICE OF THE APPELLANT

ATTESTED

EXAMINER
Khyber Pakhtunkhwa

(7)




Order


22.03.2019 Counsel for the appellant present. Mr. Kabirullah, Addl: AG alongwith Mr. Muhammad Ali, ADEO and Mr. Shah Wali Ullah; Computer Operator for respondents present. Arguments heard and record perused.

This application is also accepted as per detailed judgment of today placed on file in service appeal No. 620/2016 titled "Kifayatullah -vs- District Education officer (M) Kohistan and four others." Parties are left to bear their own cost. File be consigned to the record room.

Announced:
22.03.2019


(Ahmad Hassan)
Member

Copy filed to the court copy
District Education Officer
Kohistan
Peshawar


(Hamid Farooq Durrani)
Chairman

Date of Presentation of Petition	26-11-19
Number of Petitions	800
Copying Fee	10-00
Urgent	4-00
Total	14-00
Name of Court	
Date of Case	26-11-19
Date of Delivery	26-11-19

Q

in violation of prescribed procedure, a show cause notice was served on him vide endorsement dated 14.12.2015 to which he replied. Allegedly, his appointment was declared fake and major penalty of removal from service was imposed on him vide impugned order dated 17.02.2016. To safeguard his service interests, a departmental appeal dated 27.02.2016 was filed and rejected vide order dated 18.05.2016.

4. He further argued that his appointment was made in the prescribed manner. Major penalty was awarded without holding proper inquiry and opportunity of defense/ hearing also denied, which goes against the principles of natural justice.

5. Learned Additional Advocate General argued that appointment of the appellant as Arabic Teacher in the respondent-department was fake/bogus. Posting order of the appellant bearing no. 2529-34 dated 26.08.2008 at GHS, Harigah, Kohistan, was bogus as post of Arabic Teacher was not vacant, hence, the appellant could not assume the charge. The DCO, Kohistan denied unequivocally about issuance of any such order from his office. After a gap eight months, he was readjusted through fake appointment order by the EDO, Kohistan through order dated 20.03.2009, at GHS Bada Kot thereafter at GMS, Dag Pattan. His appointment was made without proper advertisement and other codal formalities. Recruitment process was not carried out in 2007, by the Education Department in Kohistan.

ATTESTED

EXAMINED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

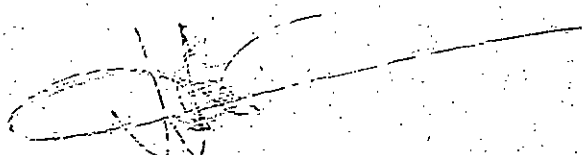
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CONCLUSION

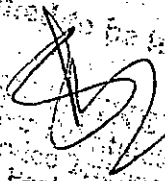
6. The appointment of the appellant was declared fake and bogus. Departmental proceedings were conducted by issuing chow cause notice dated 14.12.2015 and thereafter he was removed from service vide impugned order dated 17.02.2016. According to the E&D Rules 2011 the respondents were bound to record reasons for dispensing with regular enquiry, however, no such justification is available on the case file. Major penalty without holding regular enquiry has been repeatedly held illegal and unlawful by the superior courts in its numerous judgments. Respondents failed to abide by the respondents procedure and resultantly the impugned order lost backing of law. Order being a void/illegal is nothing more than a mere piece of paper.

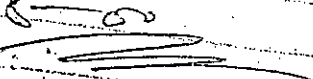
07. As a sequel to above, the appeal is accepted; impugned order dated 17.02.2016 and 17.05.2016 are set aside and the appellant is reinstated in service. The respondents are directed to conduct de-novo enquiry within a period of ninety days after the date of receipt of this judgment. The issue of back benefits shall be subject to the outcome of the de-novo enquiry. The appeal is disposed off accordingly. Parties are left to bear their own costs. File be consigned to the record room.


(AHMAD HASSAN)
MEMBER

(HAMID FAROOQ DURRQNI)
CHAIRMAN

ANNOUNCED
22.03.2019

Certified to be true copy

Rajiv Singh
Services Division
Ferozpur

Date of Presentation of Appeal	26-11-19
Number of Words	14/200
Copying Fee	4-00
Urgent	4-00
Total	18-00
Name of Clerk	
Date of Completion of Copy	26-11-19
Date of Delivery of Copy	26-11-19



OFFICE OF THE SUB-DIVISIONAL EDUCATION OFFICER (M)

PATTAN



Email: deokohistan1@gmail.com

Face Book: DEO Male Kohistan Lower

No: 2871 /SDEO (M) PATTAN

Dated: 8/2 /2020

INQUIRY : Abdul Saboor Khan AT BPS 15 GMS Kotia Pattan

INTRODUCTION:- DE novo Inquiry, in respect of Mr. Abdul Saboor Khan AT GMS Kotia Pattan BPS 15.

In compliance with the direction of honorable, KPK Service tribunal, in service appeal No. 621/2016 Judgment dated 22-03-2019. We, Muhammad Nawab SDEO (M) Pattan, Sultan Room SST, GHS Jijal were been appointed as inquiry Committee vide DEO (M) Kohistan lower, Order No, 1803 Dated 12-10-2019, to probe into the allegations leveled against the teacher as under and to submit report and recommendations.

Charge Sheet / Allegations:-

- I. Guilty of misconduct.
- II. Guilty of Corruption.
- III. Concealing of Facts.
- IV. Fraudulently Activities.

Brief History of the Employee.

1. Mr. Abdul saboor Khan AT was appointed in BPS 14 vide DCO Kohistan ENDST No 2529-34 dated 26-04-2008.
2. At the time of appointment, he possessed the qualification, (Shadatul Alia) from Waqa ul Madaris, Pakistan Multan.
3. The teacher had been promoted to BPS-15 on 30-11-2011.
4. The teacher passed his degree of Shadatul Alamia on 12-08-2010 from Wafaqul Madaris Pakistan Multan.
5. Being SSC Pass and having passing of Shadatul Alamia the teacher had been awarded BPS 15.
6. On 17-02-2016, under Endst: No. 12585-88, dated 17-02-2016, the DEO (M) Kohistan issued the order of his removal from Service with the allegation of Bogus and Fake appointment order.
7. Being aggrieved by the order 12585-88 dated 17-02-2016, the teacher filed a Departmental Appeal before the Appellant Authority.
8. The teacher instituted a Service Appeal before the Honorable KPK Service Tribunal Peshawar, under Civil Appeal No 621/2016, which was decided on 22-03-2019, with the Judgment as "As a sequel to above, the appeal is accepted, impugned order dated 17-02-2016&17-05-2016 are set aside and the Appellant is reinstated in Service. The respondents are directed to conduct De-novo enquiry within a period of ninety days age the date of receipt of this judgment. The issue of back benefits shall be subject to the outcomes of the De-novo enquiry. The appeal is disposed off accordingly."

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Procedure:-

A. We called the teacher by issuing him a letter to attend the Office of the DEO (M) Kohistan lower for personal hearing and to defend himself.

We served a questionnaire upon him whereof he replied as,

1. He is qualified, having passed Shahadatul Alamia from Wafaqul Madaris Pakistan Maitan with SSC passed from BISE Abbottabad.
2. His appointment had been made by DCO Kohistan after fulfillment of all the code formalities, and he had been paid regularly, w.e.f the date of appointment till the removal from his service through acquints roll and through bank account. (Back Statement is attached)
3. He replied that he had been removed from service, mere on unknown complaints, without seeking / asking record from the Office of Appointing Authority.
4. The teacher provided us the photocopy of the Dispatch Register of the office of the DCO Kohistan page of date of 26-04-2008, which has been attested by the on-Chaired DC. Teacher got this document from Deputy Commissioner Kohistan, under the vested right to citizens of Pakistan, by the RTI ACT, 2013.

B. To probe into the Fact Findings we approached, the Nominated representative of the office of the DEO (M) Kohistan, Mr. Abdul Haq Budget & Accounts Officer of the Office of the DEO (M) Kohistan Lower, on 14-12-2019, we served him, a Questionair, regarding the allegations levelled against the teacher. Whereof he stated / alleged as:-

- i. The appointment Order bearing Endst: No. 2529-34 dated 26-04-2008 is fake/bogus.
- ii. Alleged, that his appointment were made in violation of the then Recruitment Policy, as at that time the appointment the teacher had not possessed the Shahadatul Alamia, which was the Basic Requisite Qualification for the post of AT.

C. To probe into the appointment Order of the teacher, issued from the office of the DCO Kohistan, we visited the office of the DCO Kohistan, (Now DC Upper Kohistan) on 09-12-2019. We requested the DC Kohistan and submitted in his highness the Appointment Order of the teacher and Endst: No of the Appointment Order to verify and report us: On 24-12-2019 the Deputy Commissioner Kohistan Upper vide his Endst: No. 15166, in response to our letter/request provide us an ambiguous statement stating as "The Dispatch entry bearing No. 2529-34 dated 26-04-2008 is tampered" while astonishing point is that the Deputy Commissioner Kohistan Upper clopped the photocopy of the Distpatch Register of the Office of the DCO Kohistan, dated 26-04-2008, wherein the entries of the Appointment Order of the teacher is existing in proper sequence. (The letter from DC and the documents are attached).

To thrash out the clear factual position, on 06-01-2019, again we served a letter before the Honor of DC Kohistan Upper, with the request of clarification of the controversy, caused by the official document/Dispatch Register of the Office of DCO Kohistan and the statement of the DC Upper Kohistan. (Letter is attached).

Since long time passed, no clear Unambiguous Documentary Record from the Office DC Kohistan received us, relaying upon which the Appointments could be declared as Fake & Bogus.

12/11

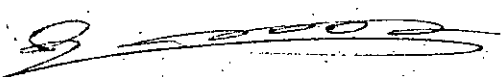
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Conclusion/Findings

- 1) The Department declared the Appointment Order bearing No. 2529-34 dated 26-04-2008, as Fake & Bogus, but this Endst No. is existing in the record of the Office of the DCO Kohistan, the entry of the Endst: No is in proper sequence in the Dispatch Register.
- 2) It is admitted fact that the teacher had been paid regularly up till his removal from service.
- 3) It is admitted fact that the teacher is well qualified (Shahadatul Alamia) from Wafaqul Madaris Pakistan Multan. And SSC from BISE Abbottabad. However the Department Representative questioned about his qualification and stated that at the time of appointment, the requisite qualification was Shahadatul Alamia, but the Department in its reply comments before the Honorable Court did not controverted/questioned about Qualification.
- 4) It is also admitted fact that the Service Book entries of the teacher are signed by the then DDO, are original (Verification of the then DDO Mr. Mukhtiar Khan is attached).
- 5) We have gone through the Duty Performance Record of the teacher, the Principal GHS Pattan provided a certificate that Mr. Abdul Saboor Khan AT performed his duty regularly w.e.f 19-04-2008 to 17-02-2016.
- 6) The Department alleged that at the time of Appointment, the teacher had not possessed the Requisite Qualification of having degree of Shahadatul Alamia from Wafaqul Madaris Pakistan Multan, so this question relates to policy of this appointment could not treated as Fake & Bogus rather it can be consider as irregular appointment. After serving so long time, irregular appointment can be ratified.

Recommendation:-

- I. In the light of the forgoing facts/findings, it is clear that the allegations levelled against the teacher are baseless not justifiable, he may be re-instated into his service.
- II. As the teacher was regular in his duties in past, he had been refrained from duties w.e.f 17-02-2016, by removing him from service, the period w.e.f 17-02-2016 till the judgment that 22-03-2019, he has been engaged in persuing his trial at different forums, he is entitle of back benefits of this period. If there will be not any other legal hindrance in the way of back benefit.


Muhammad Nawab Khan
SDEO (M) Pattan
Inquiry officer


Sultani Room
SST GHS Jijal
inquiry officer





Annex - C

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
KOHISTAN LOWER

Phone No. 0998-405071. Email. deokohistan1@gmail.com



No 8779 DEO (M) KHL Dated 09/09 2021

(13)

To

The Director,
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.

Subject, Departmental Appeal against the stoppage and non payment of Monthly salaries for the intervening period since August 2015 till October 2019 along with other service benefits

Memo.

Kindly refer to your letter No 6803/F.No-Appeal for release of salary dated Peshawar the 09-02-2021, received in this office on 30-03-2021, subject mentioned in the above letter "As Retirement on Medical Board" along with appeal in R/O Abdul Saboor AT GMS Tokia appeal subject above.

It is stated for your kind information that the following three officials were removed from service in the year 2016 by the DEO (M) Kohistan Upper before the trifurcation of District vide No and dated mentioned against each.

S.No	Name of Teacher Removed from service by DEO (M) Kohistan Upper.	DEO (M) Kohistan Endorsement No	Dated
1	Kifayatullah TT	12539-92	17-02-2016
2	Abdul Saboor AT	12585-88	17-02-2016
3	Muhammad Nazeer AT	12573-95	17-02-2016

Whereas the above mention officials submitted their service appeal before the Honorable Service Tribunal vide service appeal No. (620/2016, 621/2016 and 700/2016).

Whereas the Honorable service tribunal accepted their appeal and impugned order of the department passed on 17-02-2016 and 17-05-2016 was set aside and the appellants were re-instated into service with conducting of de-novo inquiry (copy attached).

Whereas this office conducted the de-novo inquiry and case poses filing of CPLA in the Supreme Court of Pakistan vide working paper No.153 dated 07-04-2019. (copy attached)

Whereas the scrutiny Committee of law department fit the case in it's held on 29-5-2019 for filing of CPLA in august of Supreme Court of Pakistan and minutes, sent to this office vide No. 14084-85/AG dated Peshawar the 13-06-2019.

Whereas this office re-instated the above officials conditionally for conducting of de-novo inquiry and up to the decision of Honorable Supreme Court of Pakistan (Re-instated Copy Attached).

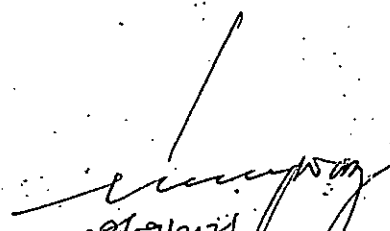
Whereas a letter received from Section Officer Mr. Fazal Wadood Safi Section officer (Lit: II) with the direction that the above case was dismissed as time-bared case (Copy Attached) No decision from August Supreme Court of Pakistan has been received in this office up till now.

~~DESTROYED~~

14

Whereas the individual request to provide them their Service Book for Pay Fixation. The pay fixation party returned their service books with the remarks that the intervening period may be decided i.e. As leave without pay or otherwise.

In view of the above facts, it is therefore you are requested that please inform this office as the case was dismissed by August Supreme Court. If the case dismissed the copy of decision of Supreme Court may please be provided to this office for further decision of their intervening period w.e.f august 2015 to October 2019 and to provide the same to pay fixation party please.


08/09/2021
District Education Officer (M)
Kohistan Lower

ATTESTED

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Annex-D'

Before the Director E&SE Khyber Pakhtunkhwa Peshawar

Departmental Appeal against the stoppage and non-payment of monthly salaries for the intervening period since August 2015 till October 2019 along with all other service benefits.

Respected Sir!

1. That the appellant is serving as AT in GMS Kotia Pattan Kohistan Lower.
2. That the appellant was removed from service which was later on reinstated through the order/judgment of Honorable KP Service Tribunal in appeal No 621/2016 decided on 22-03-2019.
3. That the appellant have not been paid monthly salaries with all service benefits for the above said period without any reason and justification.
4. That there is/was no any order passed for withholding of the salaries etc. against the appellant.

It is therefore most humbly requested that an order for the release and payment of the monthly salaries effecting from August, 2015 till October, 2019 may kindly be passed in favor of the appellant.

1462
18-04-2023

Abdul Saboor
Appellant
Abdul Saboor (AT)
S/O Molvi Abdul Khaliq

NOTED

OFFICE OF THE DISTRICT EDUCATION OFFICER (M)
KOHISTAN LOWER

deo.male.Email@gmail.com

Facebook DEO Male Kohistan Lower

OFFICE ORDER

Whereas Mr Abdul Saboor AT GMS Dag Pattan Tehsil Pattan District Kohistan Lower was proceeded under E&D Rule 2011, due to fake appointment order by the then District Education Officer Kohistan as per show cause notice issued vide date No. 13374 dated 12.12.2015 and also given a chance for personal hearing but could not defend himself. As a result he was removed from service vide No. 12585-88 dated 17.02.2016.

Whereas the appellant submitted his service appeal No. 621/2016 dated 30.06.2016 before Hon'able Service Tribunal Khyber Pakhtunkhwa Peshawar. The Hon'able Service Tribunal Peshawar accepted his appeal, and the case was returned to department for reinstatement of the appellant is into service and to conduct denov. proceeding inquiry in accordance with rules as per Judgment announced on 22.03.2019

Whereas the department submitted the same the case to Law Department for getting opinion for filing CPLA in August Supreme Court of Pakistan.

Whereas the meeting of the seniority committee was held on 29.05.2019 in the office of Secretary Law Parliamentary Affairs and Human Rights Department. It was decided with commence by the seniority committee that the subject case was is fit case for filing so appeal/CPLA in the August Supreme Court of Pakistan.

In view of the above facts, Mr. Abdul Saboor Ex- AT GMS Dag Pattan is hereby reinstated in his service conditionally for the purpose of denov inquiry at GMS Kotla Pattan against vacant post of AT on his own pay and grade in the light of judgment of Hon'able Service Tribunal announced on 22.03.2019 with immediate effect.

Note

1. No TA/DA is allowed.
2. Charge Report should be submitted to all concerned.

District Education Officer
(Male) Kohistan Lower

Endst No. 1794/1801/DEO (M) KH-L dated Pattan the 12/10/2019

Copy of the above is forwarded to the:-

1. District E&SE Khyber Pakhtunkhwa Peshawar.
2. Advocate General Khyber Pakhtunkhwa Peshawar.
3. Deputy Commissioner Officer (M) Kohistan.
4. Deputy District Education (M) Kohistan.
5. District Accounts Officer, Kohistan.
6. ADEO (M) Kohistan.
7. P.A to DEO (M) Kohistan
8. Official concerned.

District Education Officer
(Male) Kohistan Lower



**OFFICE OF THE DISTRICT EDUCATION OFFICER (M)
KOHISTAN LOWER**



Email: deco@kohistan.gov.pk

Face Book: DEO Male Kohistan Lower

OFFICE ORDER

Whereas Mr. Abdul Sakhir Ex AT GMS Dag Pattan Tehsil Pattan District Kohistan Lower was proceeded under ESD Rule 2011, due to fake appointment order by the then District Education Officer (M) Kohistan as per show cause notice issued vide No. 1337-I dated 14-12-2015, and also given a chance for personal hearing but could not defend himself. As a result he was removed from service vide No. 12585-88 dated 17/2/2016.

Whereas the appellant submitted his service appeal No. 621/2016 Dated 30-06-2016 before Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar. The Honorable Service Tribunal Peshawar accepted his appeal, and the case was returned to Department for re-instatement of the appellant in to the service and to conduct de-novo proceeding/enquiry in accordance with rules as per judgment announced on 22-03-2019.

Whereas the department submitted the case to Law Department for getting opinion for filing CPLA in August supreme court of Pakistan.

Whereas the meeting of the scrutiny committee was held on 29-05-2019 in the office of Secretary Law Parliamentary Affairs & Human Rights Department. It was decided with consensus by the scrutiny committee that the subject case was a fit case for filing of appeal CPLA in the August Supreme Court of Pakistan.

In view of the above facts, Mr. Abdul Sakhir Ex-AT GMS Dag Pattan is hereby Re-Instated in to service conditionally for the purpose of de-novo enquiry at GMS Kotla Pattan against vacant post of AT on his own pay and grade in the light of judgment of Honorable Service Tribunal announced on 22-03-2019 with immediate effect.

Now:

1. No TA/DA is Allowed.
2. Charge Report should be submitted to all concerned.

[Signature]
**District Education Officer
(Male) Kohistan Lower**

Encl: No. 1794-1801 /DEO (M) KHL Dated Pattan the 12/10 2019

Copy of the above is forwarded to the:-

1. Director E&SE Khyber Pakhtunkhwa Peshawar
2. Advocate General Khyber Pakhtunkhwa Peshawar.
3. Deputy Commissioner Lawar.
4. Deputy District Education Officer (M) Kohistan.
5. District Accounts Officer, Kohistan.
6. ADEO (Litigation) Lawal Office.
7. P.I to DEO (M) Kohistan
8. Official Concerned

[Signature]
12/10/19
**District Education Officer
(Male) Kohistan Lower**



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WAKALATNAMA

IN The KP Service Tribunal, Peshawar

Abdul Saboor

(Petitioner)
(Plaintiff)
(Applicant)
(Complainant)
(Decree Holder)

VERSUS

Govt DED & Co

(Respondent)
(Defendant)
(Accused)
(Judgment Debtor)

Case _____

I/We, Abdul Saboor do hereby appoint and constitute **Muhammad Arif Jan Advocate** High Court, Peshawar, to appear. Plead, act, compromise, withdraw or refer to arbitration to me/ us as my/ our Counsel in the above noted matter, without any liability for their default and with the authority to engage/ appoint any other Advocate/ Counsel at my/ our matter.

Attested & Accepted

CLIENT/S

Muhammad Arif Jan
Advocate, High Court, Peshawar.
Office No. 6, 1st Floor
Pabbi Medical Centre, G.T. Road
Peshawar.
Mobile: 0333-2212213.

(Appellant)
