

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

SERVICE APPEAL No. 384/2023

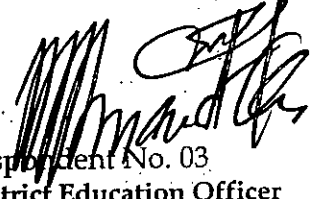
Muhammad Arshad

VS

Government of KPK

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Respondent No. 03  
District Education Officer  
(Male) Dera Ismail Khan

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR**

**SERVICE APPEAL No. 384/2023**

**Muhammad Arshad**

**VS**

**Government of KPK**

**PARAWISE COMMENTS ON BEHALF OF RESPONDENT No. 1 to 3**

**PRELIMINARY OBJECTIONS**

1. That the appellant has got no cause of action / locus standi to file instant appeal.
2. That the appellant has not come to the honorable tribunal with clean hands.
3. That the appellant has filed the service appeal on malafide objectives.
4. That the instant appeal is against the prevailing laws and rules.
5. That the appeal is barred by law/limitations.
6. That the instant appeal is illegal and against the facts.
7. That the service appeal is not maintainable in its present form.
8. That the appellant has concealed the material facts from the honorable tribunal.

## Respectfully Sheweth, Reply on behalf of Respondents

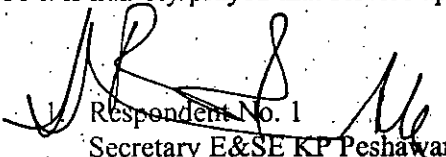
Respected Sir, The respondents humbly submits as under

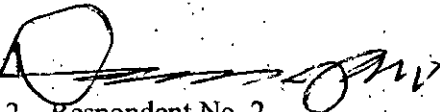
1. Para pertains to the address of appellant.
2. Para pertains to the initial appointment of appellant as a EX Naib Qasid at GMS Jhoke. Mohana D.I.Khan.
3. As the appellant was will full absent from duty so the respondent No. 3 has taken the major penalty of removal from service of appellant. The appellant was removed from service on 10-10-2022 due to his strong will full absence from duty.
4. Para pertains to record.
5. Incorrect / not admitted para pertains to the school attendance register of appellant as the appellant was absence from duty the respondent No. 3 was not malafide to the appellant. As the appellant has not performed his duty. The appellant was removed from service due to his will full absence and IMU reports. Attached IMU report (annexure-A).

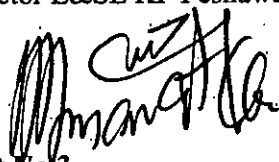
### **GROUND**

1. Para pertains to the impugned order Dated 10-10-2022 against appellant which is according to law facts and tenable in the eyes of law.
2. Para pertains to the articles of the constitution of the 1973.
3. Para pertains to the allegations leveled against the appellant which are totally true and based on bonafide objectives and different inquiries conducted against the appellant.
4. Incorrect / not admitted. as discussed above.
5. Para pertains to the respondent No. 3 orders of removal of service of appellant due to his will full absence from duty.
6. Para pertains to the E&D rules 2011.
7. Para pertains to the different judgments of Supreme Court of Pakistan.
8. Incorrect / not admitted. The proper inquiry was conducted against appellant.
9. Incorrect / not admitted. As replied above.
10. That the council for respondents may please be allowed to raised the additional grounds during the course of arguments.

So it is humbly prayed that service appeal of appellant may kindly be dismissed with cost.

  
1. Respondent No. 1  
Secretary E&SE KP Peshawar.

  
2. Respondent No. 2  
Director E&SE KP Peshawar.

  
Respondent No.3.  
District Education Officer  
(M) D. I. Khan

Sr No	Name	Designation	School name	Absent date and time
1	Muhammad Arshad	Naib Qasid	GMS Jhoke Mohana Kulachi	09/12/2020 9:52
2	Muhammad Arshad	Naib Qasid		22/02/2021 11:41
3	Muhammad Arshad	Naib Qasid		25/06/2021 8:25
4	Muhammad Arshad	Naib Qasid		27/07/2021 8:57
5	Muhammad Arshad	Naib Qasid		27/09/2021 10:04
6	Muhammad Arshad	Naib Qasid		11/12/2021 14:37
7	Muhammad Arshad	Naib Qasid		26/01/2022 14:04
8	Muhammad Arshad	Naib Qasid		26/04/2022 10:20
9	Muhammad Arshad	Naib Qasid		19/05/2022 12:39

Annexure - A

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**OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE) DERA ISMAIL KHAN**

Tell: 09669280131

Email: [deom.di@kpese.gov.pk](mailto:deom.di@kpese.gov.pk)

WHERE AS you Mr. MUHAMMAD ARSHAD while serving as NAIB QASID at JHOKE MOHANA KULACHI DIKhan were proceeded for having committed the following acts which constitutes inefficiency and misconduct under rules 3 sub rules (a),(b) & (d) Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) rules 2011.

- That you were appointed against the post of Naib Qasid.
- That you remained absent from duties as reported by EMA (Education Monitoring Authority) as mentioned in various show cause notices served on you.

AND WHERE AS show cause notices were served upon you vide this office No. 14904 dated 14/07/2021, No. 18453 dated 10/09/2021, No. 23016 dated 22/10/2021, No. 549-52 dated 11/01/2022, No.1865-66 dated 31/01/2022, No. 8738 dated:11/05/2022 by the competent authority i.e. District Education Officer (Male) DIKhan.

AND WHERE AS your reply to any of show cause notices was not received.

AND WHERE AS you were intimated to join the duties through public notice sent to you on 19-08-2022 vide this office endst no: 20062-65 dated: 19-08-2022 but you failed to do so.

NOW THEREFORE the Competent Authority in exercise of the power conferred under Rules 4-B (iii) and 9 of Govt. of Khyber Pakhtunkhwa, Establishment & Administration Department Rules 2011, I Mr. Musarrat Hussain Khan District Education Officer (Male) DIKhan as competent authority is pleased to impose the Major Penalty of "REMOVAL FROM SERVICE" upon Mr. MUHAMMAD ARSHAD NAIB QASID GMS JHOKE MOHANA KULACHI from the date of his first show cause notice i.e. 14/07/2021.

Arshad

Musarrat Hussain Khan  
DISTRICT EDUCATION OFFICE  
(MALE) DIKHAN

Endst: No. 24219-23 /PF

Dated 10/10

Copy for information & necessary action to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
2. Deputy Commissioner Dera Ismail Khan.
3. District Comptroller of Accounts DIKhan.
4. Principal/ Head Master/SDEO concerned.
5. Master file.

Musarrat Hussain Khan

Musarrat Hussain Khan  
DISTRICT EDUCATION OFFICE  
(MALE) DIKHAN

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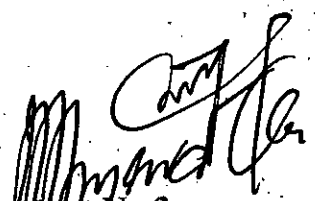
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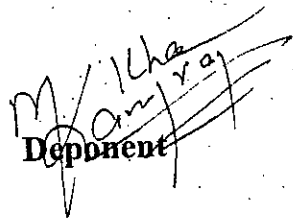
**Authority**

I District Education Officer (M) D.I.Khan do hereby authorized Mr: Muhammad Kamran Khan to attend the honorable Service Tribunal KPK Peshawar on behalf of respondent in connection with submission para wise comments till the decision of service appeal.

  
Respondent No.3  
District Education Officer  
(M) D.I.Khan

**Affidavit**

I Mr: Muhammad Kamran Khan ADEO (M) D.I.Khan do solemnly affirm and declare on oath that contents of written reply are correct to the best of my knowledge and nothing has been concealed from this honorable Court. It is further stated that on oath in this appeal the answering respondents have been neither placed ex-parte nor their defense has been struck off.

  
Deponent