


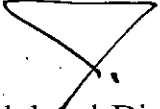
13.07.2023

Appellant alongwith his counsel present. Mr. Behramand, Assistant Director (Litigation) alongwith Mr. Muhammad Jan, District Attorney for the respondents present.

Complete inquiry record has not been submitted by either party, therefore, representative of the respondents is directed to submit complete inquiry record within fortnight. Adjourned. To come up for arguments on 15.08.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED  
KPST  
Peshawar

  
(Rashida Bano)  
Member (J)

  
(Salah-ud-Din)  
Member (J)


\*Naeem Amin\*

15.08.2023

1. Junior to counsel for the appellant. Mr. Fazal Shah Mohmand learned Additional Advocate General for the respondents present.

2. Due to summer vacations D.B is not available, therefore, case is adjourned. To come up for arguments on 01.11.2023 before D.B. P.P given to parties.

SCANNED  
KPST  
Peshawar

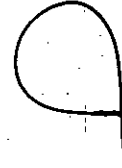
  
(Rashida Bano)  
Member (J)

\*KaleemUllah\*

11<sup>th</sup> May, 2023

1. Appellant present in person. Mr. Fazal Shah Mohmand,  
Additional Advocate General for respondents present.

2. Counsel are on strike, therefore, the case is adjourned. Office  
is directed to notify the next date on the noticeboard as well as on the  
website. To come up for arguments on 12.06.2023 before D.B. P.P  
given to the parties.



(Fareeha Paul)  
Member (E)

(Kalim Arshad Khan)  
Chairman

*\*Kaleem Ullah\**

12<sup>th</sup> June, 2023

1. Clerk to counsel for the appellant present. Mr.  
Muhammad Jan, District Attorney for respondents present.

2. Lawyers are on strike. Therefore, case is adjourned to  
13.07.2023 for arguments before the D.B. P.P given to the  
parties.



(Fareeha Paul)  
Member (E)

(Kalim Arshad Khan)  
Chairman

*\*Mutazem Shah\**


SCANNED  
KPST  
Peshawar

SCANNED  
KPST  
Peshawar

16<sup>th</sup> Dec. 2022

Counsel for the appellant present. Mr. Naseerud Din

Shah, Assistant Advocate General for the respondents present. Mrs. Rozina Rehman, learned Member (J) is on leave, therefore, D.B is incomplete. The case is adjourned to 09.03.2023 for arguments before the D.B.


  
(Fareeha Paul)  
Member(E)


09<sup>th</sup> March, 2023

Learned counsel for the appellant present.

Mr. Muhammad Riaz Khan Painsdakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant seeks adjournment in order to properly assist the court on the next date. Adjourned. To come up for arguments on 11.05.2023 before the D.B. Parcha Peshi given to the parties.

  
(Salah-ud-Din)  
Member (J)

  
(Kalim Arshad Khan)  
Chairman


3<sup>rd</sup> Nov. 2022

01. Counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

02. Instant application is for restoration of Service Appeal No. 568/2014, which was adjourned sine-die on 10.03.2021 till the decision of the case pending in the Accountability Court. Learned counsel for the appellant contended that some of the cases had been finalized and requested for restoration of the appeal. Learned AAG did not controvert the contention of learned counsel for the appellant.

03. Considering contention of learned counsel for the appellant and in the interest of justice, the appeal is restored to its old number. Original appeal be requisitioned and notices be issued to the respondents. To come up for arguments on main appeal on 16.12.2022 before the D.B.

04. Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 3<sup>rd</sup> day of November, 2022.

  
(FAREEHA PAUL)  
Member(E)

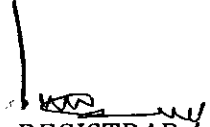




  
(KALIM ARSHAD KHAN)  
Chairman

*All the respondents were put on notice except respondent No. 4.*

Form-A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Restoration Application No. 54/2022

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	19.01.2022	<p>The application for restoration/revival of Appeal No. 568/2014 submitted today by Mr. Saadullah Khan Marwat Advocate, may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	19-4-22	<p>This restoration application is entrusted to D. Bench to be put up there on <u>1-6-2022</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	01.06.2022	<p>Counsel for the petitioner present.</p> <p>Muhammad Adeel Butt, learned Additional Advocate General present.</p> <p>Notice of the instant application be issued to respondents for reply. To come up for reply and arguments on the restoration application on 11.08.2022 before D.B.</p> <p style="text-align: center;"> (Fareeha Paul) Member(E)</p> <p style="text-align: center;"> (Rozina Rehman) Member (J)</p>
	11-8-2022	<p>Proper DB not available the case is adjourned to 3-11-2022</p> <p style="text-align: right;"> Reader</p>

*Notices issued for 11/08/22*

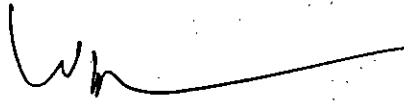
*Noted*

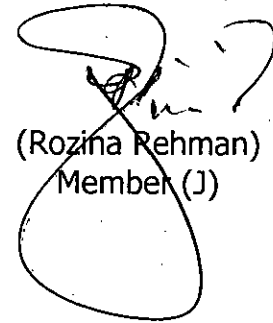
Appeal No. 568/2014  
Amanullah vs Govt  
Appellant present through counsel.

Riaz Khan Painsdakheil learned Assistant Advocate General for respondents present.

An application for adjournment of the instant appeal till the decision of the case pending in the Accountability Court, was submitted.

In view of the above, the instant service appeal stands adjourned sine die till the disposal of the case pending before the Accountability Court, however, parties would be at liberty to seek restoration of instant case after decision by the Accountability Court. File be consigned to the record room.

  
(Atiq ur Rehman Wazir)  
Member (E)

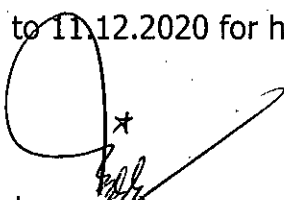
  
(Rozina Rehman)  
Member (J)

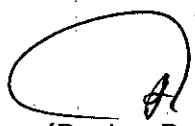
13.11.2020

Junior to counsel for appellant present.

Usman Ghani learned District Attorney for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 11.12.2020 for hearing before D.B.

  
(Mian Muhammad)  
Member (E)


  
(Rozina Rehman)  
Member (J)

11.12.2020

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

Former requests for adjournment as learned senior counsel for the appellant is engaged before the Honourable High Court today.

Adjourned to 12.01.2021 for hearing before D.B.

  
(Atiq-ur-Rehman Wazir)  
Member(E)

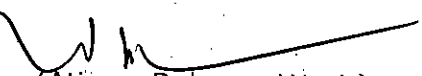
  
Chairman


12.01.2021

Appellant present through counsel.

Riaz Khan Paindakheil learned Assistant Advocate General alongwith Salim Khan S.O and Kashif Munir Librarian for respondents present.


Counsel for appellant remained busy in arguments in case titled Noorani Shah Versus Govt. before this D.B, therefore, instant case is adjourned to 10.03.2021 before D.B.

  
(Atiq ur Rehman Wazir)  
Member (E)

  
(Rozina Rehman)  
Member (J)

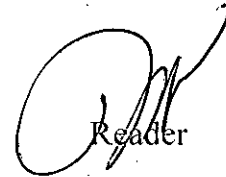
03.07.2020

Due to COVID-19, the case is adjourned to 07.08.2020  
for the same.

  
Reader

07.08.2020

Due to summer vacation case to come up for the same on  
09.10.2020 before D.B.


  
Reader


09.10.2020

Appellant present through counsel.

Mr. Kabir Ullah Khattak learned Additional Advocate General  
alongwith Kashif Munir, Librarian for respondents present.

Former requests for adjournment; granted. To come up for  
arguments on 13.11.2020 before D.B.

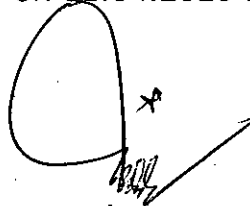
  
(Atiq ur Rehman Wazir)  
Member (E)

  
(Rozina Rehman)  
Member (J)



10.03.2020

Counsel for the appellant present. Addl: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 01.04.2020 before D.B.

  
Member

  
Member

01.04.2020

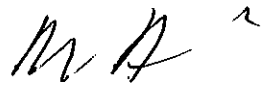
Due to public holiday on account of COVID19, the case is adjourned to 12.06.2020 for the same as before.

  
Reader

12.06.2020

Learned counsel for the appellant present. Mr. Kabir Ullah Khattak learned Additional Advocate General for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 03.07.2020 before D.B.

  
(Rozina Rehman)  
Member

  
(M.Amin Khan Kundi)  
Member

09.07.2019

Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Mukhtiar Alam Superintendent present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 24.09.2019 before D.B.

  
Member

  
Member

24.09.2019

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned to 28.11.2019 for arguments before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

28.11.2019


Due to general strike of the Pakistan Bar Council, the case is adjourned. To come up on 24.01.2020 before D.B.


  
Member

  
Member

24.01.2020

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council learned counsel for the appellant is not available today. Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Adjourned to 10.03.2020 for further proceedings/arguments before D.B.

  
(M. Amin Khan Kundi)  
Member

  
(Hussain Shah)  
Member


01.03.2019 Mr. Muhammad Jan learned Deputy District Attorney present. Due to general strike of the bar, the case is adjourned. To come up for arguments on 16.04.2019 before D.B.

  
Member

  
Member

16.04.2019 Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 13.05.2019 before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

13.05.2019 Nemo for the appellant. Mr. Riaz Paindakhel learned Assistant Advocate General for the respondents present. Due to leave of the worthy Chairman the case is adjourned to 09.07.2019 for arguments before D.B.

  
(Hussain Shah)  
Member

10.01.2019

Appellant in person and Mr. Muhammad Jan learned Deputy District Attorney present. Appellant seeks adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on 24.01.2019 before D.B.

  
Member

  
Member

24.01.2019

~~01.03.2019~~

~~Junior Counsel and Appellant AG for respondents presence~~  
~~present the appellant seeks adjournment the joint case is~~  
~~come adjourned to come up for arguments on 16.04.2019 before~~

~~D.B.~~

  
(Ahmad Hassan)  
Member

~~Member~~

  
(M. Amin Khan Kundi)  
Member

~~Member~~

31.10.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 23.11.2018.

  
READER

23.11.2018

Learned counsel for the appellant Mr. Zia Ullah learned Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come for arguments on 13.12.2018 before D.B.

  
Member

  
Member

13.12.2018

Counsel for the appellant present. Mr. Usman Ghani, District Attorney for respondents present. Counsel for the appellant seeks adjournment. Adjourned. Case to come up for arguments on 07.01.2019 before D.B.

  
Member

  
Member

07.01.2019

Junior to counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 10.01.2019 before D.B.

Member



Member

21.05.2018

Clerk to counsel for the appellant and Mr. Ziaullah, DDA for respondents present. Arguments could not be heard due to incomplete bench. Adjourned. To come up for arguments on 12.07.2018 before D.B.



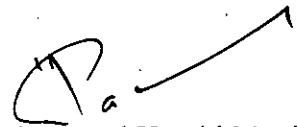
(Muhammad Amin Kundi)  
Member

12.07.2018

Clerk to counsel for the appellant present. Mr. Akram, Supdt alongwith Mr. Sardar Shoukat Hayat, Adll: AG for respondents present. Arguments could not be heard due to general strike of the Bar. Adjourned. To come up for Arguments on 21.08.2018 before D.B.



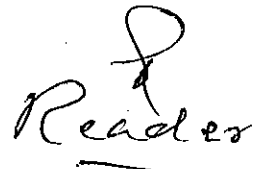
(Ahmad Hassan)  
Member



(Muhammad Hamid Mughal)  
Member

21-8-2018

Due to Eid-ul-Azha  
Vacation the case is adjourned  
to 17-10-2018.



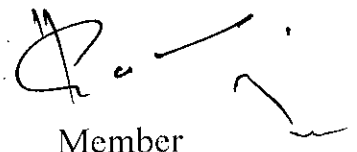
Reader

17.10.2018

Appellant absent. Learned counsel for the appellant absent. Mr. Muhammad Jan learned Deputy District Attorney alongwith Mr. Mukhtar Alam Head Master for the respondents present. Adjourn. To come up alongwith with connected appeals on 31.10.2018 before D.B.



Member




Member

18.09.2017

Counsel for the appellant present. Learned Deputy District Attorney for the respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 13.12.2017 before D.B.


  
Member  
(Executive)

  
Member  
(Judicial)

13.12.2017


Learned counsel for the appellant present. Learned AAG along with Mr. Mukhtiar SST for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 16.01.2018 before D.B

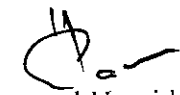
  
(Gul Zeb Khan)  
MEMBER

  
(Muhammad Hamid Mughal)  
MEMBER

16.01.2018


Clerk of the counsel for appellant present. Mr. Riaz Painsa Khel, Assistant AG for the respondents present. Clerk of the counsel for appellant seeks adjournment as his counsel is not in attendance today. Adjourn. To come up for arguments on 20.03.2018 before D.B.

  
(Gul Zeb Khan)  
Member (E)

  
(Muhammad Hamid Mughal)  
Member (J)

20.03.2018

Learned counsel for the appellant and learned Additional Advocate General for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 21.05.2018 before D.B

  
(Muhammad Amin Kundi)  
Member

  
(Muhammad Hamid Mughal)  
Member

03.10.2016

Since 3<sup>rd</sup> October, 2016 has been declared as public holiday on account of 1<sup>st</sup> Muharram therefore, case is adjourned for the same on 1.2.17

  
Reader

01.02.2017


Counsel for appellant and Mr. Muhammad Jan, GP for respondents present. Learned counsel for appellant requested for adjournment. Adjourned. To come up for arguments on 28.02.2017 before D.B.

  
(AHMAD HASSAN)  
MEMBER

  
(ASHFAQUE TAJ)  
MEMBER

28.02.2017

Counsel for the appellant and Mr. Ziaullah, GP for respondents present. Counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on 23.05.2017 before D.B.

  
(AHMAD HASSAN)  
MEMBER

  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

23.05.2017

Counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 18.09.2017 before D.B.

  
(GUL ZEB KHAN)  
MEMBER

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER



5

10.02.2015

Appellant in person and Mr. Mosam Khan, AD for respondent No. 3 alongwith Assistant A.G for all respondents present. Written reply submitted. The case is assigned to D.B for rejoinder as well as final hearing for 11.08.2015.

  
Chairman

11.08.2015

Counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Rejoinder on behalf of the appellant submitted. To come up for arguments on 13-01-2016.

  
Member

  
Member

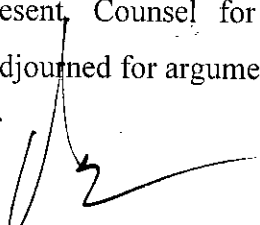
13.01.2016

Counsel for the appellant and Addl: A.G for respondents present. Since the learned Member (Judicial) is on leave therefore, case is adjourned to 16.5.16 for the same.

  
Reader

16.05.2016

Counsel for the appellant and Mr. Ziaullah, GP for respondents present. Counsel for the appellant requested for adjournment. Adjourned for arguments on 3.10.2016.

  
Member

  
Member

Appeal No. 568/2014

Mr. Amanullah Khan

09.06.2014

Counsel for the appellant present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the impugned order dated 26.12.2013, he filed departmental appeal on 10.01.2014; which has not been responded within the statutory period of 60 days, hence the present appeal on 10.03.2014. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents. To come up for written reply/comments on 03.09.2014.

Appellant Deposited  
Security & Process Fee  
Rs. 250/- Bank  
Receipt is Attached with File.

Member

09.06.2014

This case be put before the Final Bench for further proceedings.

Chairman

3-9-14

The Honble bench is on recess,  
therefore, case is adjourned to 10.11.14.

Reader

10.11.2014

No one is present on behalf of appellant. Mr. Bahadar Zaman, Senior Clerk on behalf of respondent No.4 with Mr. Muhammad Adeel Butt, AAG for the respondents present. The Tribunal is incomplete. To come up for written reply on 10.02.2015.



Reader

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 568/2014


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	22/04/2014	<p>The appeal of Mr. Amanullah Khan resubmitted today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;">                       REGISTRAR                 </p>
2	23-4-2014.	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>9-6-2014.</u></p> <p style="text-align: right;">                       CHAIRMAN                 </p>

This is an appeal filed by Mr. Amanullah Khan today on 10/03/2014 against the order dated 26.12.2013 against which he preferred a departmental appeal on 10.01.2014 which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action.

No. 410 /ST,

Dt. 11/03 /2014

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Saadullah Khan Marwat Adv. Pesh.

*Sir*

*Resubmitted after maturity*

*by*

**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR**

S.A No. 568 /2014

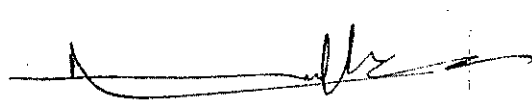
Aman Ullah Khan

Versus

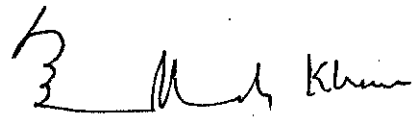
Chief Minister & others

**I N D E X**

S.#	Description of Documents	Annex	Page
1.	Memo of Appeal		1-3
2.	Charge Sheet, 31.12.2012	"A"	4-6
3.	Subsequent Charge Sheet, 08.01.2013	"B"	7-9
4.	Reply to Charge Sheet, 09.01.2013	"C"	10
5.	Show Cause Notice, 17.04.2013	"D"	11-12
6.	Reply to Notice, 15.05.2013	"E"	13
7.	Impugned Order, 26.12.2013	"F"	14
8.	Representation, 10.01.2014	"G"	15-16

  
Appellant

Through

  
(Saadullah Khan Marwat)  
Advocate  
21-A Nasir Mension,  
Shoba Bazar, Peshawar.  
Ph: 0300-5872676

Dated: 10.03.2014

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR**

S.A No. 518 /2014

Aman Ullah Khan S/o Ghulam Rasool Khan,  
Superintendent, Office of DEO (Female)  
Lakki Marwat . . . . . Appellant

Versus

1. Chief Minister, Govt. of KP, through Chief Secretary, Govt. of KP, Civil Secretariat, Peshawar.
2. Secretary, Government of KP, Elementary & Secondary Education Department, Peshawar
3. Director of Education, Directorate of Elementary & Secondary Education, KP, Peshawar
4. District Education Officer (Female), Elementary & Secondary Education, Lakki Marwat . . . . . Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST OFFICE NOTIFICATION NO. SO(S/M) E&SED/4-17/2012, DATED 26.12.2013 OF R. NO. 1 WHEREBY MINOR PENALTY OF WITHHOLDING OF TWO INCREMENTS FOR TWO YEARS WAS IMPOSED BY APPELLANT FOR NO LEGAL REASON.**

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**Respectfully Sheweth:**

Short facts giving rise to the present appeal are as under:-

1. That appellant was appointed initially as Junior Clerk on 06.03.1979 and was promoted to the post of Senior Clerk in the year, 1980 on dedicated performances. The said process was invogue when in the year, 1997, he was promoted to the post of Assistant, B-11 now B-14.

2. That on 31.12.2012, appellant was served with Charge Sheet & statement of allegations to the effect:-

"Committed gross negligence, supporting and assisting the Ex-EDO in making illegal appointments in violation of merit, Govt. policy and procedures in the office of EDO, E&SE, Lakki Marwat". (Copy as annex "A")

Here it is not out of place to mention that the Charge Sheet was served directly by R. No. 2 upon appellant and not by the Inquiry Officer.

3. That on 08.01.2013, Inquiry Officer issued subsequent Charge Sheet / Statement of allegation on the same charges.(Copy as annex "B")
4. That the Charge Sheet of 31.12.2012 was replied by the appellant by denying the allegations. (Copy as annex "C")
5. That perhaps inquiry in the matter was initiated but the same was not conducted as per the mandate of law because neither any statement of any witness(s) was recorded in presence of appellant nor he was afforded opportunity of cross examination, being mandatory, yet report was submitted to the authority for onward action.
6. That on 17.04.2013, appellant was served with Show Cause Notice on the aforesaid allegations to reply the same which was replied on 15.05.2013 in the aforesaid manner. (Copies as annex "D" & "E")
7. That on 26.12.2013, minor penalty of withholding of two increments for two years was imposed by R. No. 1 upon appellant which order was issued by R. No. 2. (Copy as annex "F")
8. That on 10.01.2014, appellant submitted representation before R. No. 1 to review the aforesaid punishment which met dead response till date. (Copy as annex "G")

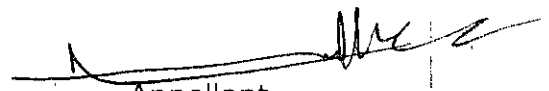
Hence this appeal, inter alia, on the following grounds:-

**GROUND S:**

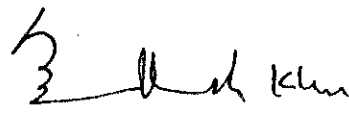
- a. That appellant has no concern, whatsoever, with the subject matter as he is simple Assistant and routed out the case as per procedure.

- b. That appointments were made by the Ex-EDO, E&SE who was competent to do so. Appellant was no authority to look into the matter as to whether the orders of appointment were legal or illegal.
- c. That inquiry was not conducted as per the mandate of law. Neither any statement of any witness(s) was recorded in presence of appellant nor he was afforded opportunity of cross examination.
- d. That procedure lapses took place in dealing with the matter, so on this score alone, he was not liable to any punishment.
- e. That personal hearing, being mandatory, was not afforded to appellant what to speak of providing him opportunity of self defence.
- f. That the Show Cause Notice did not bear complete inquiry proceeding which was mandatory to reply the Notice as per the mandate of law.
- g. That appellant, being low paid employee, was not amenable to any panel action, so the impugned order is based on ulterior motive.

It is, therefore, most humbly prayed that on acceptance of the appeal, the order dated 26.12.2013 of R. No. 1 be set aside, with such other relief as may be deemed proper and just in circumstances of the case.

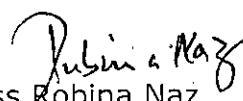
  
Appellant

Through

  
Saadullah Khan Marwat

  
Arbab Saif-ul-Kamal

&

  
Miss Robina Naz,  
Advocates,

Dated: 10.03.2014



A

4

31-12-12

CHARGE SHEET

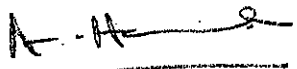
I, Amir Haider Khan Hoti, Chief Minister, Khyber Pakhtunkhwa as Competent Authority, hereby charge you, Mr. Amanullah, Head Clerk (BS-14) Office of the EDO E&SE Lakki Marwat, as follows:-

That you, while posted as Head Clerk (BS-14) Office of the EDO E&SE Lakki Marwat committed the following irregularity:

**"Committed gross negligence, supporting and assisting the Ex-EDO in making illegal appointment in violation of merit, Government Policy and Procedures in the Office of EDO E&SE Lakki Marwat."**

- 2- By reason of the above, you appear to be guilty of misconduct under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Rules *ibid*.
- 3- You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the inquiry officer/ inquiry committee, as the case may be.
- 4- Your written defence, if any, should reach the inquiry officer/ inquiry committee within specified period, failing which it shall be presumed that you have no defence to put in and in that case *ex-parte* action shall be taken against you.
- 5- Intimate whether you desire to be heard in person.
- 6- A Statement of Allegations is enclosed.

Attested

  
(AMIR HAIDER KHAN HOTI)  
CHIEF MINISTER KHYBER PAKHTUNKHWA  
COMPETENT AUTHORITY

Mr. Amanullah, Head Clerk (BS-14),  
Office of the EDO Elementary & Secondary Education,  
Lakki Marwat.

5

**DISCIPLINARY ACTION**

I, Amir Haider Khan Hoti, Chief Minister, Khyber Pakhtunkhwa as Competent Authority, am of the opinion that Mr. Amanullah, Head Clerk (BS-14) Office of the EDO E&SE Lakki Marwat, has rendered himself liable to be proceeded against, as he committed the following acts/ omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

**STATEMENT OF ALLEGATIONS**

**“Committed gross negligence, supporting and assisting the Ex-EDO in making illegal appointment in violation of merit, Government Policy and Procedures in the Office of EDO E&SE Lakki Marwat.”**

2- For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer/ inquiry committee, consisting of the following, is constituted under Rule 10(1)(a) of the ibid Rules:

- i. Mr. Muhammad Humayun (B-21) Chairman PIT
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

3- The inquiry officer/ inquiry committee shall, in accordance with the provisions of the ibid Rules, provide reasonable opportunity of hearing to the accused, record its findings and make within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4- The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer/ inquiry committee.

Attested

  
**(AMIR HAIDER KHAN HOTI)  
CHIEF MINISTER KHYBER PAKHTUNKHWA  
COMPETENT AUTHORITY**

Mr. Amanullah, Head Clerk (BS-14),  
Office of the EDO Elementary & Secondary Education,  
Lakki Marwat.



6  
31-12-12

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT**

**NOTIFICATION**

Dated Peshawar the December 31, 2012

**NO.SO(S/M)E&SED/4-17/2012/Noor Hassan Khan Ex-EDO Lakki:** The Competent Authority is pleased to appoint Mr. Muhammad Humayun, Chairman (BS-21) Provincial Inspection Team, Khyber Pakhtunkhwa, Peshawar to conduct enquiry against Mr. Noor Hassan Khan, Ex-Executive District Officer (BS-19) E&SE Lakki Marwat (Now Principal GHSS Khesghi Payan District Nowshera) and others to probe into the allegations leveled against them in the Charge Sheets and Statements of Allegations with immediate effect.

2. The enquiry officer shall submit recommendations/ report to the Competent Authority within thirty (30) days. (Copies of charge sheets & statements of allegations are enclosed).

**SECRETARY**

**Endst: of even No. & Date**

Copy forwarded to the:

1. Mr. Muhammad Humayun, Chairman (BS-21) Provincial Inspection Team, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Mr. Noor Hassan Khan, Ex-Executive District Officer (BS-19) E&SE Lakki Marwat (Now Principal GHSS Khesghi Payan District Nowshera).
4. Mr. Muhammad Ayub, District Officer (Male) E&SE Lakki Marwat (Copies of Charge Sheet & statement of allegations are enclosed).
5. Mr. Noorani Shah, Deputy District Officer (M/P), E&SE Lakki Marwat (Copies of Charge Sheet & statement of allegations are enclosed).
6. Mr. Amanullah, Head Clerk Office of the EDO E&SE Lakki Marwat (Copies of charge sheet & statement of allegations are enclosed).
7. Bahadur Zaman, Senior Clerk Office of the EDO E&SE Lakki Marwat (Copies of charge sheet & statement of allegations are enclosed).
8. Mr. Haroon Badshah, Junior Clerk Office of the EDO E&SE Lakki Marwat (Copies of charge sheet & statement of allegations are enclosed).
9. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
10. PS to Additional Secretary, E&SE Department, Khyber Pakhtunkhwa.
11. Office order file.

*Attested*

*[Handwritten signature]*

*Received on  
7/1/2013  
[Handwritten signature]*

*[Handwritten signature]*

**(MUJEEB-UR-REHMAN)  
SECTION OFFICER (SCHOOLS/MALE)**



B T 8-1-13

## Provincial Inspection Team K.P

Block No. 15, Attached Department Complex,  
Khyber Road, Peshawar Cantt.  
Tele: 9210956-9212270  
No. 1519-25/INSP/ /PIT/2013  
Dated: January 08, 2013

To

1. Mr. Noor Hassan Khan,  
Ex-Executive District Officer (BS-19) E&SE Lakki Marwat  
(Now Principal GHSS Kheshgi Payan District Nowshera).
2. Mr. Muhammad Ayub,  
District Officer (Male) E&SE Lakki Marwat.
3. Mr. Noorani Shah,  
Deputy District Officer (M/P), E&SE Lakki Marwat.
- ✓ 4. Mr. Amanullah,  
Head Clerk Office of the EDO E&SE Lakki Marwat.
5. Bahadur Zaman,  
Senior Clerk Office of the EDO E&SE Lakki Marwat.
6. Mr. Haroon Badshah,  
Junior Clerk Office of the EDO E&SE Liakki Marwat.

**Subject: Inquiry Regarding Irregular Appointments in Different Cadres in EDO (E&SE) Office Lakki Marwat.**

Memo,

According to Elementary and Secondary Education Department Notification No. SO(S/M) E&SED/4-17/2012/Noor Hassan Khan, Ex-EDO, Lakki dated 31-12-2012 the Chief Minister Khyber Pakhtunkhwa has been pleased to appoint the undersigned as Inquiry Officer. I have been asked to conduct inquiry regarding irregular appointments in different cadres & other irregularities mentioned in the charge sheets and statement of allegations and submit report within one month. A copy of charge sheet and statement of allegation is attached.

2. You are directed to submit your written reply within seven days failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you. You are also asked to intimate whether you desire to be heard in person or otherwise.

*Attends*  
*[Signature]*  
Encl as above.

*[Signature]* 8.1.13  
MUHAMMAD HUMAYUN  
INQUIRY OFFICER  
CHAIRMAN,  
PROVINCIAL INSPECTION TEAM

Endorsement No & Date of Even:

Copy forwarded to.

- 1). The Secretary, to Govt. of Khyber Pakhtunkhwa, E&SE Department with the request that a departmental representative may be nominated to assist and appear before the inquiry officer along with relevant record.

*Attends*  
*[Signature]*  
INQUIRY OFFICER

8

CHARGE SHEET

I, Amir Haider Khan Hoti, Chief Minister, Khyber Pakhtunkhwa as Competent Authority, hereby charge you, Mr. Amanullah, Head Clerk (BS-14) Office of the EDO E&SE Lakki Marwat, as follows:-

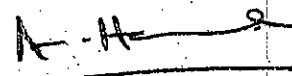
That you, while posted as Head Clerk (BS-14) Office of the EDO E&SE Lakki Marwat committed the following irregularity:

**"Committed gross negligence, supporting and assisting the Ex-EDO in making illegal appointment in violation of merit, Government Policy and Procedures in the Office of EDO E&SE Lakki Marwat."**

- 2- By reason of the above, you appear to be guilty of misconduct under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Rules ibid.
- 3- You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the inquiry officer/ inquiry committee, as the case may be.
- 4- Your written defence, if any, should reach the inquiry officer/ inquiry committee within specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.
- 5- Intimate whether you desire to be heard in person.
- 6- A Statement of Allegations is enclosed.

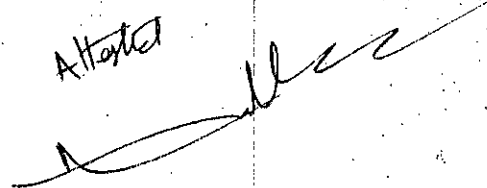
Attest



  
(AMIR HAIDER KHAN HOTI)  
CHIEF MINISTER KHYBER PAKHTUNKHWA  
COMPETENT AUTHORITY

Mr. Amanullah, Head Clerk (BS-14),  
Office of the EDO Elementary & Secondary Education,  
Lakki Marwat.

Attest



9

DISCIPLINARY ACTION

I, Amir Haider Khan Hoti, Chief Minister, Khyber Pakhtunkhwa as Competent Authority, am of the opinion that Mr. Amanullah, Head Clerk (BS-14) Office of the EDO E&SE Lakki Marwat, has rendered himself liable to be proceeded against, as he committed the following acts/ omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

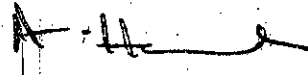
"Committed gross negligence, supporting and assisting the Ex-EDO in making illegal appointment in violation of merit, Government Policy and Procedures in the Office of EDO E&SE Lakki Marwat."

2- For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer/ inquiry committee, consisting of the following, is constituted under Rule 10(1)(a) of the ibid Rules:

- i. Mr. Muhammad Humayun (B-21) Chairman PIT
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

3- The inquiry officer/ inquiry committee shall, in accordance with the provisions of the ibid Rules, provide reasonable opportunity of hearing to the accused, record its findings and make within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4- The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer/ inquiry committee.

  
(AMIR HAIDER KHAN HOTI)  
CHIEF MINISTER KHYBER PAKHTUNKHWA  
COMPETENT AUTHORITY

Mr. Amanullah, Head Clerk (BS-14),  
Office of the EDO Elementary & Secondary Education,  
Lakki Marwat.

*Attended*



To

**Mr., Mohammad Humayun**

Inquiry Officer, Chairman,

Provincial Inspection Team, Khyber Pakhtun Khwa Peshawar.

Subject;

**REPLY TO CHARGE SHEET / STATEMENT OF ALLEGATION**

Respected Sir,

Kindly refer to Govt. of Khyber Pakhtun Khwa Elementary and Secondary Education Department Peshawar, Notification No SO(S/M) E&SED/4-17/2012/Noor Hassan Khan, Ex-EDO Lakki dated 31/12/2012, received on 7/1/2013 at 2.00 PM, the required replies to the charge sheet/ statement of allegation are being submitted to your good self, as directed in the same Notification, as under:

1. I have committed no irregularity or illegality because I have no concern with the appointment order made during the incumbency of the then EDO (E&SE) Lakki Marwat. I never supported and assisted the said EDO in making illegal appointment in violation of merit, Government Policy and procedure in the office.  
The files dealt with were in routine manner and being no authority, I have no concern with the appointment made, if any.
2. By reason of the above, I do not appear to be guilty of misconduct under the quoted Law, being defective and am not liable to any penalty specified in the Rules.
3. Written reply is submitted within stipulated period of time to the inquiry Officer/ inquiry committee.
4. As directed written reply is submitted within specified period to the inquiry officer.
5. I wish to be heard in person.
6. Needs no comments.

It is therefore, most humbly requested that the Charge Sheet/ Statement of allegations may kindly be dropped by keeping in view aforesaid submissions and I may be exonerated of the same forever.

**Thanking You Sir,**

Your's obediently

Dated 09-01-2013

**Aman Ullah Khan**

Head Clerk, Office of the  
Sub Divisional Education Officer  
(Male) Lakki Marwat.

Copy for information to the:

1. Director E&SE Khyber Pakhtun Khwa Peshawar.
2. PS to Secretary E&SE Khyber Pakhtun Khwa Peshawar.
3. PS to Additional Secretary E&SE Khyber Pakhtun Khwa Peshawar.

D

11

17-4-13

## SHOW CAUSE NOTICE

I, Justice (R) Tariq Pervez Khan, Chief Minister, Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, Mr. Amanullah, Head Clerk (BS-14) Office of DEO (Male) Lakki Marwat as follows:-

- (i) that consequent upon the completion of inquiry conducted against you by the inquiry officer/ inquiry committee for which you were given opportunity of hearing; and
- (ii) on going through the findings and recommendations of the inquiry committee, the material on record and other connected papers including your defence before the inquiry officer/ inquiry committee,-

2. I am satisfied that you have committed the following acts/omissions specified in Rule-3 of the said rules:

(b) Guilty of Misconduct

3. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of withholding of two increments under Rule-4 of the said Rules. for two years

4. You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

5. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

6. A copy of the findings of the inquiry officer/ inquiry committee is enclosed.

Attests

(JUSTICE (R) TARIQ PERVEZ KHAN)  
CHIEF MINISTER KHYBER PAKHTUNKHWA  
COMPETENT AUTHORITY

17.4.2013

Mr. Amanullah, Head Clerk (BS-14),  
Office of DEO (Male) Lakki Marwat.



12  
REGISTERED/AD

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT



No. SO(S/M)E&SED/4-17/2012/Noor Hassan Ex-DEO Lakki Marwat  
Dated Peshawar the April 23, 2013

To

Mr. Amanullah,  
Head Clerk, Office of the District Education Officer (Male),  
Lakki Marwat.

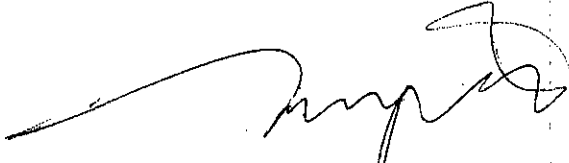
Subject: - SHOW CAUSE NOTICE

I am directed to refer to the subject noted above and to enclose herewith a copy of the Show Cause Notice wherein the Competent Authority (Chief Minister Khyber Pakhtunkhwa) has tentatively decided to impose the Minor Penalty of "Withholding of Two Increments for Two Yeras" under Rule-4 of the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011 in connection with the charge leveled against you.

2. You are therefore directed to furnish your reply to the Show Cause Notice as to why the aforesaid penalty should not be imposed upon you and **also intimate whether you desire to be heard in person.**

3. Your reply should reach to this Department **within Seven (07) days** of the delivery of this letter otherwise ex-parte action shall be taken against you.


Encl: As Above:

  
(MUJEEB-UR-REHMAN)  
SECTION OFFICER (SCHOOLS/MALE)

Endst: of even number & date:

Copy of the above is forwarded to PS to Secretary E&SE Department Khyber Pakhtunkhwa.

SECTION OFFICER (SCHOOLS/MALE)

*Received on  
13/5/2013 at 12:30 PM*  


*Atto*



E

13

15-5-13

To

The Hon'ble Chief Minister,  
Khyber Pakhtunkhwa, Peshawar.

Through: Secretary to Government of Khyber Pakhtunkhwa,  
Elementary & Secondary Education Department, Peshawar.

SUBJECT REPLY TO THE SHOW CAUSE NOTICE

Respected Sir,

Kindly refer to the Govt. of Khyber Pakhtunkhwa Elementary & Secondary Education Department No SO(S/M) E&SED/4-17/2012/Noor Hassan Ex-DEO Lakki Marwat dated Peshawar the April 23, 2013, received on 13/05/2013 at 12:30 PM, the required replies to the Show Cause Notice are being submitted to your good self as directed in same Notification, as under:

Sir,

1. I have no concern with the appointment orders made during the incumbency of the then EDO (E&SE) Lakki Marwat. I never supported & assisted him in making the appointments in violation of merit, policy and procedures.
2. I am dealing matters in routine, I am no authority to make any appointment.
3. I am not guilty of any misconduct, so the show cause notice may kindly be dropped and I may be exonerated of the baseless charges.

**I may be heard in person.**

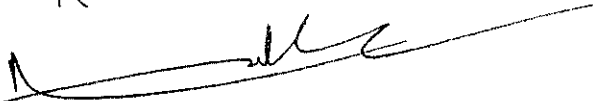
Yours obediently,

Dated: 15/5/2013

  
Amanullah Khan

Superintendent (Ex-Head Clerk  
office of the Sub: Divisional  
Education Officer, (M)  
Lakki Marwat.







F 14 26-12-13  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Dated Peshawar the December 26, 2013

**NOTIFICATION**

**NO.SO(S/M)E&SED/4-17/2012/ Noor Hassan & others:** WHEREAS Mr. Amanullah, Head Clerk (BS-14) office of District Education Officer Male Lakki Marwat was proceeded against under the Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

2. **AND WHEREAS** Mr. Muhammad Humayun, Chairman (BS-21) Provincial Inspection Team, Khyber Pakhtunkhwa Peshawar was appointed as Inquiry Officer to conduct formal Inquiry against the accused official, for the charges leveled against him in accordance with the rules.

3. **AND WHEREAS** the Inquiry Officer after having examined the charges, evidence on record and explanation of the accused official has submitted the report.

4. **AND WHEREAS** a show cause notice was served upon Mr. Amanullah, Head Clerk (BS-14) office of District Education Officer Male Lakki Marwat dated 17-04-2013.

5. **AND WHEREAS** the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) after having considered the charges and evidence on record, inquiry report, explanation of the accused official in response to the Show Cause Notice is of the view that the charges against the accused official have been proved.

6. **NOW, THEREFORE**, in exercise of the powers conferred under section 14 of Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) is pleased to impose minor penalty of "Withholding of two increments for two years" upon Mr. Amanullah, Head Clerk (BS-14) office of District Education Officer Male Lakki Marwat.

SECRETARY

**Endst: of Even No. & Date:**

Copy forwarded to the: -

- 1- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2- PSO to Chief Minister Khyber Pakhtunkhwa Peshawar.
- 3- Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 4- District Education Officer (Male), Lakki Marwat.
- 5- District Accounts Officer, Lakki Marwat.
- 6- Mr. Amanullah, Head Clerk (BS-14) office of District Education Officer Male Lakki Marwat.
- 7- PS to chief Secretary Khyber Pakhtunkhwa Peshawar.
- 8- PS to Secretary, E&SE Department, Khyber Pakhtunkhwa
- 9- PA to Additional Secretary, E&SE Department, Khyber Pakhtunkhwa.
- 10- Office order file.

Attended

Recd on  
1/1/2014

(MUJEEB-UR-REHMAN)  
SECTION OFFICER (SCHOOLS/MALE)

To


The Hon'ble chief Minister  
Khyber Pakhtunkhwa  
Peshawar.

**Through: Proper Channel:**

**Representation against office Notification No. SO(S/M) E& SED / 04-17-2012/ Noor Hassan & others , dated 26-12-2013, received on 01-01-2014, of the authority issued by Secretary Government of Khyber Pakhtunkhwa , E&SED, Peshawar whereby minor penalty of " withholding of two increments for two years" was imposed for no legal reasons.**

Respected Sir,

1. That appellant was appointed as junior Clerk on 06-3-1979 and since then he is performing duties with devotion.
2. That during the incumbency of the then EDO, E&SED, Lakki Marwat illegal appointments of PTC & CT (M&F) were made, so enquiry was initiated against appellant and others. On 31-12-2012 he was served with charge Sheet / statement of allegations by the then chief Minister Khyber Pakhtunkhwa Peshawar. The charge was,

*Attends*  
 "Committed gross negligence, supporting & assisting the Ex-EDO in making illegal appointment is in violation of merit, Government Policy and procedures in the office of EDO, E&SE, Lakki Marwat"

3. That on 09-01-2013 reply to the said charge sheet was submitted by denying the allegation that I never facilitated the then EDO in this respect as I was no authority.
4. That self made report was furnished by the Inquiry officer as appellant was never associated with the same nor any statement of any witness (s) was recorded in his presence nor he was given opportunity of cross-examination what to speak of affording his opportunity of self defense & personal hearing.

- 16
5. That on 23-04-2013, appellant was served with show cause notice without supply of enquiry proceedings which was replied on 15-05-2013 in the aforesaid manner.
  6. That on 26-12-2013 appellant was awarded with his aforesaid punishment by my honour

Hence, this appeals, inter alia, on the following grounds:-

**Grounds:**


- a. That appellant is simple Assistant and is confined to the said task and has no concern with the appointment.
- b. Those appointments were made by the Ex-EDO, E&SE, Lakki Marwat who is competent to do so. The same were legal or illegal waPs the responsibility of the then authority
- c. That enquiry was not conducted as per the mandate of law. No statement of any witness (s) was recoded in presence of appellant nor was he afforded opportunity of cross-examination.
- d. That appellant was not provided opportunity of personal hearing, being mandatory, so the impugned order is of no legal effect.
- e. That procedural lapses exists in the matter, so the impugned order in not based on legal footing, but is otherwise.

It is, therefore most humbly requested that the impugned order dated 26/12-2013 be reviewed / set aside and the with holding of the increments be restored without any encumbrance thereupon.

Attest

  
Dated: 10/11/2014

Appellant

  
(Amanullah Khan)

Ex-Head Clerk O/O the SDEO(M)Lakki Marwat  
Now Superintendent Office of the DEO (Female) Lakki Marwat

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

S.A.No. 18/2014

568/14

Aman Ullah S/O Ghulam Rasool, Superintendent office of the DEO (F) Lakki Marwat

.....Appellant.

*Versus*

1. Chief Minister Govt: of Khyber Pakhtunkhwa through Chief Secretary Govt: of Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. Secretary to Govt: of Khyber Pakhtunkhwa Elementary & Secondary Education Deptt: Peshawar.
3. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. District Education Officer (Female) Elementary & Secondary Education Lakki Marwat.

..... Respondents.

Subject:- PARA WISE COMMENTS/REPLY ON BEHALF OF RESPONDENT NO.1 TO 4.

Respectfully Sheweth:

PRELIMINARY OBJECTION:-

1. The present appellant has no cause of action.
2. The present appeal has been filed on malafied motives.
3. The appellant has not come to this Honourable Tribunal with clean hands.
4. The appellant has filed the instant appeal just to pressurize the respondents.
9. The present appeal is against the prevailing law, rules on the subject.
10. The present appeal is bad for non-joinder/mis-joinder of necessary parties.
11. The appellant has been estopped by his own conduct.
12. The present appeal is not tenable/maintainable in the eyes of law.

COMMENTS TO THE FACTS:-

1. This para is related the service record of the appellant, however the appellant has not annexed any documentary proof with appeal in hand.
2. In reply to Para No. 2 it is submitted that the appellant has committed gross negligence, supporting and assisting the Ex-EDO in making illegal appointment in violation of merit Govt: policy and procedure in the office and the same was proved through impartial and fair inquiry where by all codal formalities were fulfilled according to prevailing law and rules on the subject.

3. As replied in Para No. 2 above.
4. Incorrect, the said reply was a found unsatisfactory and against the facts and material on record.
5. Incorrect, the inquiry was conducted to in accordance with law, rules on the subject. The appellant was provided a chance of defence and appellant was badly failed to defend himself hence, whole para is denied.
6. The appellant was served with the show cause notice according to law and rules on the subject while the reply of the appellant was being devoid of merit and the appellant was proved guilty of the above mentioned charges.
7. Correct and the mentioned penalty was according to the law, rules and natural justice.
8. incorrect, the competent authority after having considered the charges and evidence on record, inquiry report, explanation of the accused official in response to the show cause notice was of the view that the charges against the appellant has been proved. Hence, this appeal is liable to be dismissed inter alia on the following grounds.

**COMMENTS TO THE GROUNDS:-**

- A. Incorrect. The appellant has signed the appointment documents without any authority and facilitated the Ex-EDO in illegal appointment intentionally.
- B. Incorrect. The statement of the appellant in this para has no connection with the charges leveled against the appellant. The appellant has never denied the charges of support and assistance to Ex-EDO in making illegal appointments, hence denied.
- C. Incorrect, the inquiry was conducted as per mandate of law and the appellant was provided/afforded every chance of defence according to law.
- D. Incorrect, no procedure-lapses took place in dealing with the matter, hence denied.
- E. Incorrect. A chance of personal hearing was provided to the appellant.
- F. Incorrect and not admitted, the statement of the appellant in this para is false, baseless, with out any cogent legal proof, against the facts, material on record and documentary evidence, hence, denied.
- G. Incorrect. The said order is according to the norms of justice. Moreover, the respondent seek the permission of this Honourable Tribunal to adduce more grounds and proof at the time of hearing.

It is, therefore, requested that the instant appeal may kindly be dismissed

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Dated \_\_\_\_\_/2014

Secretary to Govt. of  
Khyber Pakhtunkhwa  
Elementary & Secondary  
Education Deptt: Peshawar

Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar.

District Education Officer  
(Female) Lakki Marwat



**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR**

S.A No. 568/2014

Aman Ullah

Versus

Chief Minister & Others

**REJOINDER**

**Respectfully Sheweth,**

**PRELIMINARY OBJECTION.**

All the (08) preliminary objections are illegal and incorrect. No reason in support of the same is ever given as to why appellant has no cause of action, malafide motives, unclean hands, pressurizing the respondents, against the prevailing law and rules, non-joinder/mis-joinder of necessary parties, estopped by his own conduct and appeal is not tenable/maintainable in the eyes of law.

**ON FACTS**

1. Admitted correct by the respondents. Documentary proof is available with the department.
2. Not correct. Appellant is no authority to extend / assist Ex-EDO in making illegal appointments. It was the job of the Committee / Authority to scrutinize the record as per merit list.
3. In response to para, it is submitted that there is no scope of issuing double charge sheets on the same allegation in service law.
4. Not correct. The standard of satisfaction and dissatisfaction is not formulated / fixed either by the law or by the authority.

5. Not correct. The para of the appeal is correct. The para of the reply is without proof regarding conduct of enquiry.
6. Not correct. Show cause notice shall be supported with the enquiry report, if made / conducted by the respondent / authority.
7. Admitted correct but the punishment is against law, rules and natural justice.
8. Not correct. The matter was not dealt with as per the mandate of law, so the action taken against the appellant is unwarranted and illegal.

**GROUND S:**

- a. Not correct. The then authority was neither blind nor illiterate to do something with closed eyes.
- b. Not correct. The ground of the appeal is correct.
- c. Not correct. The ground is without proof and the enquiry was not conducted as enunciated in the rules.
- d. Not correct. No statement of any witness in presence of appellant was recorded nor he was afforded opportunity of cross examination.
- e. Not correct. The ground of the appeal is correct.
- f-g. As above.

It is, therefore, most humbly prayed that the appeal be accepted as prayed for.

  
Appellant

Through

Saadullah Khan Marwat

Dated: .02.2015

Arbab Saif Ul Kamal

Miss Rubina Naz  
Advocates,

3  
BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. 568/2014

Aman Ullah

Versus

Chief Minister & Others

AFFIDAVIT

I, the undersigned appellant, do hereby solemnly affirm and declare that contents of **Rejoinder** are true and correct to the best of my knowledge and belief.

  
\_\_\_\_\_  
DEPONENT

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR**

S.A No. 568/2014

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Versus

Chief Minister & Others

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Through

Saadullah Khan Marwat

Dated: .02.2015

Arbab Saif Ul Kamal

Miss Rubina Naz  
Advocates,

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR**

S.A No. 568/2014

Aman Ullah

Versus

Chief Minister & Others

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I, the undersigned appellant, do hereby solemnly affirm and declare that contents of **Rejoinder** are true and correct to the best of my knowledge and belief.

  
DEPONENT

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR**

S.A No. 568/2014

Aman Ullah

Versus

Chief Minister & Others

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Through

Dated: .02.2015

  
Appellant

Saadullah Khan Marwat

Arbab Saif UI Kamal

Miss Rubina Naz  
Advocates,



**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR**

S.A No. 568/2014

Aman Ullah

Versus

Chief Minister & Others

**AFFIDAVIT**

I, the undersigned appellant, do hereby solemnly affirm and declare that contents of **Rejoinder** are true and correct to the best of my knowledge and belief.

  
DEPONENT

قعدالت جناب سرسٹریٹ ہونٹل صوبہ سرحد پشاور

مجناب اسٹیلٹ

امان اللہ خان بنام

دعویٰ اصل

### باعث تحریرہ اینکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور کیلئے سعید اڈاکا خان ذمہ داری سے ایڈووکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے رضی نامہ و تقرر ثالث و فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور رضی دعویٰ اور درخواست ہر قسم کی تعدداتی اور اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری بکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مشارق قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر واختہ منظور قبول ہوگا و دوران مقدمہ میں جو خرچہ و ہرجانہ التواء مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دوزہ پر ہو یا عد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم

العبد العبد العبد

سید اللہ خان مروت  
ایڈووکیٹ  
Naz  
ہن روپیہ تاز  
ایڈووکیٹ

العبد