


FORM OF ORDER SHEET

Court of _____

Appeal No. 1839/2023

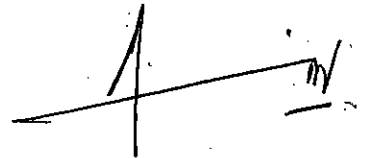
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/09/2023	<p>The appeal of Mr. Habib Ullah resubmitted today by registered post through Mr. Muhammad Anwar Awan Advocate. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>

The appeal submitted by Mr. Muhammad Anwar Awan Advocate today i.e. on 25.08.2023 is incomplete on the following score which is returned to him for completion and resubmission within 15 days.

1. Appeal has not been flagged /marked with annexures.
2. Annexures of the appeal are unattested.
3. Six more set of copies /sets along with annexures i.e. complete in all respect may also be submitted with the appeal.
4. Annexures B ,D & G of the appeal are illegible which may be placed with legible/better one.

No. 3/03 /S.T,

Dt. 25-08 /2023



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Anwar Awan Adv.
Supreme Court.

Respected Sir,

Appeal is properly flagged. All annexures are duly attested. Six set of all file is attached.

Illegible copies of annexure B, D & G are

attached: *Anwar*
ndh

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR AT D.I.KHAN.

Appeal no.. 1839 of 2023.

Habib Ullah / **VERSUS** Director E & S Deptt. and others

INDEX

No.	Particulars	Annexure	Pages
1	Appeal		1-6
2	Copy Minutes	A	7-9
3	Copy of Table	B	10-16
4	Copy of Notification Dated 22-3-2023	C	17
5	Copy of Letter dated 20-06-2023	D	18
6	Copy of Application Along-with Postal Receipt	E	19
7	Copy of Notification dated 11-7-2023	F	20
8	Copy of order Dated 1-03-2023	G	21
9	Wakalat Nama		22

Your humble Petitioner



Habib Ullah

Dated; 19-08-2023.



Mohammad Anwar Awan
Advocate Supreme Court.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

Appeal no. 1839 of 2023.

Habibullah TT GPS Multan Nai Darazinda D.I.Khan.

VERSUS

Khyber Pakhtunkhwa
Service Tribunal

Case No. 7167
Dated 25/8/2023

1. Director Elementary and Secondary Education Deptt: Peshawar.
2. District Education officer (Male) Elementary and Secondary Education
Deptt: D I khan.
3. Sub-Divisional Education Officer (Male) Tehsil Darazinda D.I.Khan.
4. District Account Officer Kechary Road Dera Ismail Khan.
5. Government of KPK through secretary Elementary and Secondary
Education Deptt: Peshawar.

Answer
APPEAL UNDER SECTION 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974

AGAINST ORDER DATED 11-7-2023 IN APPEAL
THROUGH WHICH ORDER DATED 14-11-2022 IS
SET ASIDE BUT ILLEGAL, MALAFIDE AND
DISCRINMINATROY ORDER FOR
INTERVEINING PERIOD SINCE 14-11-2022 TO
5-7-2023 IS TREATED AS EXTROORDINARY
LEAVE (LEAVE WITHOUT PAY) etc.

That the brief facts of the case are as under:

1. That the appellant was serving as theology Teacher (TT) at GPS Multanai Darazinda. The inquiry was conducted against habitually absent teacher and recommended for compulsory retirement of appellant due to six days of absence from school reported by monitoring staff. Copy off minutes of meeting and table of absence staff are Annexure A and B.
2. That feeling aggrieved, the appellant filed departmental appeal against the his compulsory retirement from service to respondent No.1 who void order dated 22-3-2023 nominated Muhammad Ilyas District Education Officer Lucky Marwat as inquiry officer to probe the matter and submit his report with clear recommendation within 10 days. Copy of Notification Dated 22-3-2023 is annexure C.
3. The inquiry officer conducted inquiry and submit his report with recommendation to reinstate the petitioner. The respondent No.1 vide Letter dated 20-6-2023 directed the respondent No.2 for submission of his report. Copy of letters is Annexure D.
4. That on 8-8-2023 is come to the knowledge of appellant that one of his colleague whose name is also mentioned in inquiry report, was reinstated into service so appellant filed another application for acceptance of his appeal on the basis of inquiry report. On 17-08-2023, the appellant received the order of acceptance of appeal vide notification dated 11-07-2023 via what Sapp. Copies Of Notification dated 11-7-2023 and application along with postal recite are Annexure E and F.
5. That feeling aggrieved from the notification dated 11-07-2023 to the extent of intervening period since 14-11-2022 to 5-07-2023 is treated as extraordinary

Amir

leave (Leave without Pay) etc, appellant is constrained to approaches this honorable court on the following amongst other:

GROUND:

1. That the appellant is not treated in accordance with law and the actions of the respondents are malafide besides being discriminatory and harsh to the extent of intervening period since 14-11-2022 to 5-07-2023 is treated as extraordinary leave (Leave without Pay) etc.
2. That it is evident from the minutes of meeting of district steering committee recommended for compulsory retirement of 12 teacher of different schools but most of them are reinstated after acceptance of appeal w.e.f the date of compulsory retirement with all back benefits but the appellant was treated discriminatory to the extent of treating intervening period since 14-11-2022 to 5-07-2023 as extraordinary leave (Leave without Pay) etc. Copy of order Dated 1-03-2023 in Annexure G.
3. It is also evident from inquiry report and letter 20-06-2023, the respondent No.1 directed the Respondent No.2 for such Illegal action against appellant for compulsory retirement so due to the fault attributed to respondent no.2, the appellant could not be penalized.
4. That the petitioner was charged for six days absence from duty while dilsoz Khan and other were charge for 10 days absence from duty by the monitoring data but they were reinstated with all back benefits and appellant was treated discriminatory by the respondent No.1.

In view of the above, It is, therefore, most respectfully prayed that on acceptance this appeal this honorable court may please to declare of Notification Dated 11-07-2023 to the

Amir

extent of intervening period since 14-11-2022 to 5-07-2023 is treated as extraordinary leave (Leave without Pay) etc, is illegal, void, Discriminatory, without lawful authority and of no legal effect and respondents may pleased be directed to reinstate the appellant with all back benefits.

YOUR HUMBLE APPELLANT

Habib Ullah

Habib Ullah
Through Counsel

Dated; 19-08-2023.

Anwar

Mohammad Anwar Awan
Advocate Supreme Court

AFFIDAVIT

Habib ullah do hereby solemnly affirm and declare on OATH that the contents of the same are true and correct to the best of my knowledge and belief and that nothing has been concealed from this honorable court.

Habib Ullah

Deponent.

12101-0261088-1

*Attested
AC
19-8-2023*

- 5 -

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR AT D.I.KHAN.

Appeal no..... of 2023.

Habib Ullah VERSUS Director E & S Deptt. and others

Service Appeal

Application for condonation of delay

Respectfully Sheweth,

1. That this service appeal against order 11-07-2023 is filed before this honorable court.
2. That after the submission of appeal, the respondent No-1 nominated Muhammad Ilyas as inquiry office to probe the matter and submitted his report. The inquiry officer submitted his report for re-instatement of appellant and others and thereafter the matter remains silent. The appellant got knowledge that one of the retired employee Abdur Rehman PSHT is re-instated so appellant submitted an application dated 10-08-2023 to respondent No-1 acceptance of his appeal on the basis of inquiry report so via whatsapp appellant received the order of appeal on 17-08-2023 so filed the appeal. The order dated 11-07-2023 was not communicated to the appellant by the respondent nor issued any order of the arrival so delay was occurred due to no knowledge of order.

Amir

3. That this honorable court has vast power to accept the instant application.

It is therefore prayed that the application may kindly be accepted.

YOUR HUMBLE APPLICANT

Habib Ullah

Habib Ullah
Through counsel

Anwar Ad

Mohammad Anwar Awan
Advocate Supreme Court.

AFFIDAVIT

Habib ullah do hereby solemnly affirm and declare on OATH that the contents of the same are true and correct to the best of my knowledge and belief and that nothing has been concealed from this honorable court.

Habib Ullah

Deponent.

12101-0261088-1

CHIEF COMMISSIONER
Dera Ismail Khan
Attested
19-8-2023
Ad



PK

GOVERNMENT OF KHYBER PAKHTUNKHWA
Education Monitoring Authority Dera Ismail Khan
Elementary & Secondary Education Department

Ph : 0966-740059 Email : dikhan.dmo@gmail.com



No. 1150/DSC/DMO/D.I.Khan/2022

Dated: 22/11/2022

MINUTES OF THE DISTRICT STEERING COMMITTEE (DSC) MEETING FOR THE MONTH OF NOVEMBER 2022.

The subject meeting was held on 22-11-2022 at 11:00 am in the office of the worthy Deputy Commissioner D.I.Khan. The following attended the meeting:

1. Addl; Deputy Commissioner (G), DIKhan (In Chair).
2. District Monitoring Officer, EMA, E&SED, DIKhan (Secretary).
3. District Education Officer. (Male), D.I.Khan.
4. Deputy District Education Officer, (Male), D.I.Khan.
5. District Education Officer, (Female), D.I.Khan.
6. Deputy District Education Officer, (Female), D.I.Khan.
7. SDEOs (M) Tehsil DIKhan, Kulachi, Darazinda&Paharpur
8. SDEO (F) Tehsil Darazinda.
9. ADEO (M) (Estab. Primary/Secondary), DIKhan.
10. Assistant Programmer, DEO(F), DIKhan.
11. Rep of District Accounts Officer, DIKhan.

Attested
M. Sajid Baloch
Advocate High Court
Distt. D.I.Khan

The Chair welcomed the participants and highlighted aims and objectives of the meeting. The DMO was invited to present monitoring reports. After review of the previous DSC meeting agenda, the following issues were discussed in detail.

Issue	Brief description	Decision	Timeline	Action By
Habitually Absent Teaching Staff	<p>In the last DSC meeting, the Chair showed serious displeasure and dissatisfaction over the negligence of District Education Officers (Male & Female) and strictly directed DEO (M) and DEO (F) to impose major penalty as per E&D rules and share action taken report along with documentary proofs within two days with the office of the District Monitoring Officer.</p> <p>The District Monitoring Officer presented the updated status of habitually absent teaching staff and action taken against them by both the District Education Officers (Male & Female).</p> <p>Action taken by DEO (Male) against the habitually absent teachers:</p> <p>Removal from service:</p> <ol style="list-style-type: none">1. Abrar Muavia Qari GHS Jatta2. Rafiq Haider CT GMS Jhoke Machi Sharqi3. Ahmad Nawaz PSHT GPS Gara Maroo <p>Termination of contract:</p> <ol style="list-style-type: none">1. Muhammad Umair PET GMS Gur Wali2. Muhammad Bilal PST GPS Awan <p>Compulsory Retirement:</p> <ol style="list-style-type: none">1. Saif udDin PSHT GPS Raha Khilzai2. Dilsoz Khan PSHT GPS Anwar Khan3. Zahir Khan SCT GMS SpulmaiWam4. Akhtar Muhammad PST GPS Mughal Kot5. Abdur Rehman PSHT GPS Nishpa6. SiayarKhan PST GPS Baskai7. Tahir Shah TT GPS Nishpa8. Zahir Shah PST GPSSarkazai9. Habibullah TT GPS Multanai10. Gul Zamir PST GPS Nara Sa11. Adil Shan PST GPS Ilyas Khezai12. Hamidullah Khan PST GPS Narai	<p>The Chair directed both the District Education Officers (Male & Female) to take strict action against the remaining habitually absent staff and share reports. He further directed them to share the evidence of action taken (copy of service books with the red entry and the source form showing the deduction of the habitual absent staff) with the office of the District Monitoring Officer EMA Dikhan.</p> <p>The Chair further directed District Monitoring Officer Dikhan to verify and validate the action claimed by the DEOs (Male & Female) to have been taken in this regard. Moreover, include such evidence in District Steering Committee meeting's presentations in future.</p> <p>The Chair appreciated the action taken by the DEO and directed him to share the 'Removal from Service, the Compulsory Retirement Orders and the Demotion to the Lower Scale' with the quarter concerned and do the needful for leading it to the logical conclusion.</p>	01 Week	DEO (M) DEO (F) DMO EMA DEO(M)

After Seal
id Baloch
to High Court
Bar Dikhan

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1-1-1

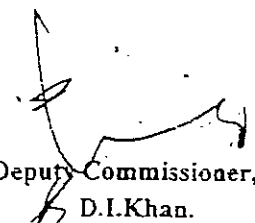
4.	Out of School Children	The issue of out of school children was discussed and highlighted in the meeting.	<p>The Chair directed both the District Education Officers (Male & Female) to start out of school children campaign and direct all the Heads of schools to identify such children in the vicinity of school and approach and convince their parents for admission of their children in the school.</p> <p>The Chair further directed both the District Education Officers (Male & Female) to share a report regarding out of school children with the offices of the Additional Deputy Commissioner (G) and District Monitoring Officer.</p>	By Next DSC	DEO (M) DEO (F)
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At the end the Chair stressed upon the participants of the meeting that the decisions taken in the District Steering Committee must be timely implemented in letter and spirit so that the key performance indicators are improved, and educational targets be achieved in the befitting manner in district DIKhan. Meeting ended with a vote of thanks to and from the Chair.

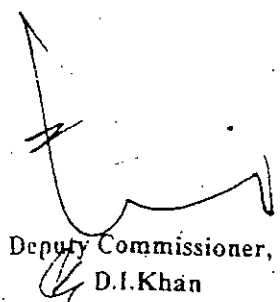
Endst No. & Date even.

Copy forwarded to:

1. Director, Education Monitoring Authority, E&SE, Khyber Pakhtunkhwa Peshawar.
2. Director, Directorate of E & SE, Khyber Pakhtunkhwa Peshawar.
3. Director ESRU, Khyber Pakhtunkhwa Peshawar.
4. PS to Secretary E&S Education Department, Peshawar.
5. PS to Commissioner, DIKhan Division, DIKhan.
6. District Education Officer (Male) DIKhan.
7. District Education Officer (Female) DIKhan.
8. Additional Assistant Commissioner, TSD Drazinda.


Deputy Commissioner,
D.I.Khan.

Affix
M. Sajid Baloch
Advocate
Distt. Education Officer


Deputy Commissioner,
D.I.Khan

B - 10 -

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


WHEREAS you Mr. Habibullah while serving as TT at GPS Multan were proceeded for having committed the following acts which constitutes inefficiency and misconduct under rules 3 sub rules (a), (b) & (c) of the Government of Punjab Govt. Servants (Efficiency & Discipline rules 2011)

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

AND WHEREAS show cause notices were served upon you vide this office No. 9617 dated 03-03-2022 the competent authority i.e. District Education Officer (Male) DIKhan.

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

WHEREFORE the competent Authority in exercise of the power conferred under Sub Rule 3 of the Government of Khyber Pakhtunkhwa, Establishment and Administration Department Rules 2011, I.M.O. Dera Ismail Khan District Education Officer (Male) DIKhan as competent authority is please to impose the order of "COMPULSORY RETIREMENT" upon Mr. Habibullah TT GPS Multan from the date of this show cause notice i.e. 03-03-2022.



DISTRICT EDUCATION OFFICER
(MALE) DERA ISMAIL KHAN

Encl: No 26645-50

Dated 14/11 2022.

Copy to the:-

- 1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 2. Deputy Commissioner, DIKhan.
- 3. District Comptroller of Accounts, DIKhan.
- 4. District Monitoring Officer EMA, DIKhan.
- 5. Principal/Head Master Concerned.
- 6. Master File.


DISTRICT EDUCATION OFFICER
(MALE) DERA ISMAIL KHAN

Attestee
M. Sajid Baloch
Advocate High Court
Distt. Bar D.I. Khan

- 10A -

..... Better Copy.

OFFICE OF THE DISTRICT EDUCATION OFFICE
(MALE) DERA ISMAIL KHAN.

Order; as you Mr. **Habib Ullah** while serving as TT at GPS Multanni were proceeded for having the following acts which constitute inefficiency and misconduct under rule 3 sub rules (a), (b) & C Khyber Pakhtunkhwa Govt; Servants (Efficiency & Discipline Rules 2011).

1. That you were appointed against the post of TT.
2. That you remained absent from duties as reported by EMA (Education Monitoring Admn) mentioned in various show cause notices served upon you.

AND whereas show cause notices were served upon you vide this office No. 9617 dated 03/03/2022 the competent authority i.e District Education Officer (Male) DIKhan.

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

Moreover, the competent authority in exercise of the power conferred under sub Rule 3 of Govt. Khyber Pakhtunkhwa, Establishment and administration Department Rules 2011, I District Education Officer (Male) DIKhan as competent authority is please to impose the punishment of "Compulsory Retirement" said Mr. Habib Ullah TT GPS Multanni from the above said show cause notices i.e 03/03/2022.

District Education Officer
(Male) Dera Isamil Khan.

Endst; No. 26645-50 dated 14/11/2022

Copy to the:

1. Director Elementary & Secondary Education Khyber Pakhtunkhwan, Peshawar.
2. Deputy Commissioner, DIKhan.
3. District Comptroller of Accounts, DIKhan.
4. District Monitoring Officer EMA, DIKhan
5. Principal / Head Master Concerned.
6. Master File.

District Education Officer
(Male) Dera Isamil Khan.

Attested

S. Baloch
District High Court
District DIKhan

- 11 - B -

Habitual Absent Teaching Staff (Male) - TSD Darazinda

Sr.	CNIC	Full Name	Designation	Name of School	Monitoring Date	Number of Absentees
1	1210411915341	Bin Yamin	TT	GPS TOR KANI	16/Jul/21	10
					21/Aug/21	
					20/Sep/21	
					21/Oct/21	
					20/Nov/21	
					6/Dec/21	
					3/Jan/22	
					28/Mar/22	
					16/Apr/22	
					9/May/22	
2	1220153181119	Ali Zar	PSHT	GPS KARAM HAIZAI	26/Jul/21	10
					7/Aug/21	
					17/Sep/21	
					16/Oct/21	
					13/Nov/21	
					31/Jan/22	
					15/Jan/22	
					10/Mar/22	
3	2230112345687	Dilsoze Khan	PSHT	GPS ANWAR KHAN	17/Jul/21	10
					25/Aug/21	
					18/Sep/21	
					6/Oct/21	
					9/Nov/21	
					25/Jan/22	
					10/Jan/22	
					17/Mar/22	
4	2230158035767	Akhtar Muhammad	PST	GPS TAJA NOOR	23/May/22	10
			PST	GPS AURANG KOR	17/Jul/21	
			15/Aug/21			
			18/Sep/21			
			5/Oct/21			
			4/Dec/21			
			26/Jan/22			
			17/Mar/22			
5	1220153741899	Ahsan Ullah	PSHT	GPS BEHRAN	19/Jul/21	9
					23/Aug/21	
					4/Sep/21	
					13/Oct/21	
					18/Nov/21	
3/Jan/22						

Attested
 D. H. H. H.
 High Court
 for D.L. Khan

- 12 - 9 -

Sr.	CNIC	Full Name	Designat	Name of School	Monitoring Date	Number of Absentees
					9/Mar/22	
					9/Apr/22	
					16/May/22	
6	1220118962093	Hameed Ullah	PST	GPS LOWAR KALAI	27/Jul/21	9
					13/Aug/21	
				GPS NAI JANA	23/Aug/21	
					4/Sep/21	
					13/Oct/21	
					4/Feb/22	
					9/Mar/22	
					9/Apr/22	
					18/May/22	

Attest

Baloch
High Court
D.I. Khan

- 13 -

Sr.	CNIC	Full Name	Designati	Name of School	Monitoring Date	Number of Absentees
7	2230139800127	Zahir Khan	CT	GMS SPULMAI WAM	15/Jul/21	9
					5/Aug/21	
					22/Sep/21	
					22/Oct/21	
					27/Jan/22	
					23/Feb/22	
					7/Mar/22	
					11/Apr/22	
					12/May/22	
8	2230190904077	Yahya Khan	PSHT	GPS BAKHTIAR SHAH	13/May/22	9
			PSHT	GPS KOT FALAK	17/Jul/21	
					13/Aug/21	
					7/Oct/21	
					11/Dec/21	
					13/Jan/22	
					3/Feb/22	
					7/Mar/22	
					18/Apr/22	
9	1220168021215	Siyar Khan	PST	GPS BASKAI	28/Jul/21	8
					5/Aug/21	
					9/Oct/21	
					20/Jan/22	
					16/Feb/22	
					9/Mar/22	
					11/Apr/22	
					12/May/22	

Attestes
M. Sajid Baloch
Advocate High Court
Distt. Bar D.I.Khan

14

Sr.	CNIC	Full Name	Designation	Name of School	Monitoring Date	Number of Absentees
10	1210109340887	Tahir Shah	TT	GPS NISHPA	25/Sep/21	7
					11/Oct/21	
					22/Nov/21	
					17/Jan/22	
					14/Feb/22	
					24/Mar/22	
					11/May/22	
11	1220118874527	Asmat Ullah	PSHT	GPS TOR KANI	16/Jul/21	7
					20/Sep/21	
					20/Nov/21	
					3/Feb/22	
					28/Mar/22	
					16/Apr/22	
					9/May/22	
12	2230106491531	Zahir Shah	PST	GPS MUGHAL KOT	29/Jul/21	7
					5/Aug/21	
					9/Oct/21	
					10/Nov/21	
					16/Feb/22	
					9/Mar/22	
					12/May/22	
13	2230121347675	Muhammad Islam	TT	GPS ILLYAS KHAIZAI	24/Aug/21	7
					27/Oct/21	
					9/Nov/21	
					17/Jan/22	
					1/Feb/22	
					8/Mar/22	
					10/May/22	

Attended
M. Sajid Baloch
Advocate High Court
Distt. Bar D.I.Khan

Sr.	CNIC	Full Name	Designation	Name of School	Monitoring Date	Number of Absentees
14	1210102610881	Habib Ullah	TT	GPS MULTANAI	26/Jul/21	6
					27/Oct/21	
					17/Jan/22	
					1/Feb/22	
					13/Apr/22	
					10/May/22	
15	1210154811169	Muhammad Wali Khan	PST	GPS KHURA KHEL	13/Aug/21	6
					7/Oct/21	
					13/Jan/22	
					7/Mar/22	
					18/Apr/22	
					11/May/22	
16	1210425361285	Abdul Rehman	PSHT	GPS NISHPA	25/Sep/21	6
					11/Oct/21	
					17/Jan/22	
					14/Feb/22	
					24/Mar/22	
					11/May/22	
17	1220188764511	Gul Zamir	PST	GPS NARI SAR	10/Nov/21	6
					26/Jan/22	
					7/Feb/22	
					9/Mar/22	
					12/Apr/22	
					23/May/22	
18	2220133939181	Saif Ud din	PSHT	GPS RAGHA KHILIZAI	27/Jul/21	6
					6/Oct/21	
					8/Nov/21	
					25/Jan/22	
					24/Feb/22	
					PST	

Attested

M. Sajid Baloch
Advocate High Court
Distt. Bar D.I.Khan

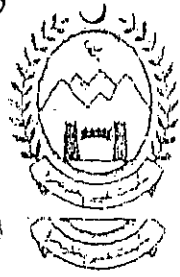
- 18 -

Sr.	CNIC	Full Name	Designation	Name of School	Monitoring Date	Number of Absentees
19	2230115126155	Habib Ur Rahman	TT	GPS AHMAD KOR:	12/Jul/21	6
					24/Aug/21	
					20/Sep/21	
					3/Feb/22	
					27/Mar/22	
					30/May/22	
20	2230157709891	Hunar Shah	TT	GPS NISHPAZAI	24/Aug/21	6
					27/Oct/21	
					17/Jan/22	
					1/Feb/22	
					8/Mar/22	
					10/May/22	
21	2230180125823	Adil shah	PST	GPS ILLYAS KHAIZAI	24/Aug/21	6 ✓
					27/Oct/21	
					17/Jan/22	
					1/Feb/22	
					8/Mar/22	
					10/May/22	
22	2230194781115	Kifayat Ullah	CT	GMS DANEE	19/May/22	6
			PST	GPS GITKAI	13/Aug/21	
					6/Oct/21	
					13/Jan/22	
					24/Feb/22	
					7/Mar/22	

Attest
M. Sajid Saibohi
Advocate High Court
Distt. Bar D.I.Khan

C-17-18

Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar
PH No. 091-9330242 Fax 091-9210936



No. 18086-89 /EM/II, M/ Dirazanda Vol: II Dated 27/03/2023

NOTIFICATION.

Consequent upon the approval of the competent authority, Mr. Muhammad Ilyas, District Education officer Male Lakki Marwat is nominated as Inquiry Officer to probe into the appeal for Re-instatement in to services of Mr. Adil Shah Ex-PSHT, Mr. Abdur Rehman Ex-PSHT and Mr. Habibullah Ex- TT following their compulsory retirement by DEO (M) D.I Khan vide No.26633-38 dated 14/11/2022, No.26597-602 dated 14/11/2022 and No.26645-50 dated 14/11/2022 respectively.

The Inquiry Officer is further asked to submit his report with clear recommendations within 10 days positively please.

Director

Elementary & Secondary Education
Khyber Pakhtunkhwa.

Endost. of even No. & Date:

Copy forwarded for information to the;

1. Muhammad Ilyas District Education officer (M) Lakki Marwat along with its enclosures.
- ✓ 2. District Education officer (M) Dera ismail Khan
3. Sub Divisional District Education officer (M) Lakki.
4. Additional Director (Estab:) NMDs E&SE Local Directorate.

Assistant Director (Estab:)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

Attest
M. Sajid B...
Advocate High Court
Distt. Bar D.I. Khan

۱۵۰۰۰۰۰۰۰۰۰۰۰۰

D - 18 -

Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa
Dist. No. 1480342

Establishment



To

District Education Officer
(Establishment)

Subject
Memo.

REPORT REGARDING OF ABSENT TEACHERS

I am directed to refer to the serial dated and to state that the following 03 Non-teaching teachers, who were removed from service on your good self, and the inquiry officer has recommended to re-instate the said three teachers. So you are hereby ask to justify your action taken against these teachers. Report should be submitted within a week time positively. please.

S.No.	Name of Teacher	Name School
1	Mr. Adil Shah PSHT	GPS Ilyas Khattak
2	Mr. Abdur Rehman PSHT	GPS Nispana
3	Mr. Habibullah T	GPS Mullana

Assistant Director (Establishment)
Elementary and Secondary Education
Khyber Pakhtunkhwa Province

(Signature)

Encl. of even No. & Date
Copy forwarded for information to the

PA (Additional Director) (Establishment) Khyber Pakhtunkhwa

Assistant Director (Establishment)
Elementary and Secondary Education
Khyber Pakhtunkhwa Province

Attended

(Signature)
Add.
Dist.

- 18A -

..... Better Copy.

Directorate of Elementry and Secondary Education
Khyber Pakhtunkhwa, Peshawar.
Ph No. 0969330242

No. 21302-3/EM/HM/Darazinda Voll-II dated 20/06/2023

To,

The District Education Officer (Male),
Dera Ismail Khan.

SUBJECT:- REPORT REGARDING 03 ABSENT TEACHERS.

Memo;

I am directed to refer to the subject cited above and to state that the following 03 No of teachers, which were removed from services, by your good self, and the inquiry officer has recommended to re-instate the said three teachers. So you are hereby ask to justify your action taken against these teachers. Report should be submitted within a week time positively, positively please.

S No.	Name of Teacher	Name School
1	Mr. Adil Shah PSHT	GPS Ilyas Khezai.
2	Mr. Abdur Rehman PSHT	GPS Nishpazai
3	Mr. Habib Ullah TT	GPS Multani

Assistant Director (Estab)
Elementary and Secondary Education
Khyber Pakhtunkhwa, Peshawar.

Endst; of even NO. & Date

Copy forwarded for information to the;

1. PA to Additional Director (Estab;) E& SE Khyber Pakhtunkhwa,
Peshawar.

Assistant Director (Estab)
Elementary and Secondary Education
Khyber Pakhtunkhwa, Peshawar.

Attended

M. Sajid Baloch
Advocate High Court
Distt Peshawar

E-19

Q

بخدمت جناب ڈائریکٹر ایجوکیشن (ایلیمنٹری اینڈ سیکنڈری) پشاور

جناب عالی!

موردبانہ گزارش ہے کہ من سائل کو بلاوجہ مورخہ 14/11/2022 کو محکمہ سے جبری ریٹائرڈ کر دیا گیا تھا۔ جس کے خلاف من سائل نے اپیل جناب کو بھجوائی تھی جس پر جناب والا نے مورخہ 22/03/2023 کو دوبارہ انکوائری کا حکم دیا تھا۔ جس پر دوبارہ انکوائری ہوئی اور انکوائری آفیسر نے من سائل مع دیگر دو کسان عبدالرحمان PSHT اور عادل شاہ PST کو بحالی کی سفارش کی گئی ہے۔

جناب عالی! مورخہ 08/08/2023 کو من سائل کے حکم میں آیا ہے کہ انکوائری کے بعد عبدالرحمان PSHT گورنمنٹ پرائمری نشپہ زئی کو بحال کر دیا گیا ہے جبکہ میری اپیل انکوائری رپورٹ آنے کے باوجود بھی فیصلہ نہیں پہوا ہے۔

لہذا استدعا ہے کہ انکوائری رپورٹ کی روشنی میں من سائل کی اپیل بھی منظور فرمائی جاوے اور من سائل کو نوکری پر بحال کیا جاوے۔

مورخہ: 10/08/2023

الارض

حبیب اللہ TT گورنمنٹ پرائمری سکول ملتان ٹی سب ڈویژن درازندہ ضلع ڈیرہ اسماعیل خان

0346-9505119

Handwritten signature

M. Sajid Baloch
Advocate High Court
Distt. Bar D.I. Khan

GSI No. 12-069508-002-73



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Name: IMRIB ULI AH

Phone: 03469505119

Address: ARABAD COLONY
DERA ISMAIL KHAN

Name: DIRECTOR EDUCATION

Phone: 09152545505

Address: FBSE KP PESHAWAR

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F - 20

Directorate of Elementary and Secondary Education

Khyber Pakhtunkhwa Peshawar
PH No. 091-9331240 Fax 091-9210936

Notification

WHEREAS, the District Education Officer (Male) Sub Division Darazinda D.I.Khan imposed a Major Penalty of "COMPULSORY RETIREMNT" upon Mr.Habib Ullah Ex T T GPS Multani Sub Division Darazinda vide Order No.26645-50 dated 14-11-2022.

AND WHEARAS, Mr.Habib Ullah Ex T T GPS Multani Sub Division Darazinda submitted a Departmental Appeal to Appellant Authority vide dated 15-12-2022.

AND WHEARAS, the Appellant Authority sent the appeal to the District Education Officer (Male) Sub Division Darazinda D.I.Khan for detailed report vide letter No. 14171-72 Dated 04-01-2023.

AND WHEARAS, the District Education Officer (Male) D.I Khan submitted its report vide letter No. 110 Dated 18-01-2023, confessing his mistake by taking him for duty at GPS Multani Sub Division Darazinda, and finding him six days absent from duty in the light of EMA Report over there, and consequently, retiring him compulsorily from service vide No. 26645-50 dated 14-11-2022.

AND WHEREAS, the Appellant Authority nominated District Education Officer (M) Lakki Marwat as an Inquiry Officer vide notification No.18086-89 Dated 22-03-2023.

AND WHEREAS, the District Education Officer (M) Lakki Marwat (Inquiry Officer) submitted its report vide No. 4606 Dated 31-05-2023, with the recommendations that the mentioned order No. 26645-50 Dated 14-11-2022 be Set aside with immediate effect and the intervening period from the date of his Compulsory Retirement i.e. 14-11-2022 to 05-07-2023 be treated as Extra Ordinary Leave (Leave without Pay) under the revised Leave Rules, 1981.

NOW THEREFORE, the competent authority, in exercise of the power conferred upon by the Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar, being Appellate Authority, after having examined the evidences on record and recommendations of the Inquiry Officer, is pleased to accept the appeal of Mr. Mr.Habib Ullah Ex T T GPS Multani Sub Division Darazinda, District D.I Khan, Under Rules (17) (2) (b) of E&D 2011, and set aside the DEO (M) D.I.Khan Order earlier issued vide 26645-50 Dated 14-11-2022 with immediate effect, his intervening period since 14-11-2022 to 05-07-2023 is hereby treated as Extra Ordinary Leave (Leave without Pay) under the revised Leave Rules, 1981 to fill the gap between his previous service. Furthermore, Salary for Six (06) days absent period shall be deducted from him and deposited in Government Exchequer through Challan.

Director

Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.

Endst. No. 21889-94 /EM/III SD Darazinda D.I Khan Vol: II Dated 11/07/2023
Copy forwarded for information to the;

1. District Education Officer (Male) D.I Khan with the remarks to submit a copy of Challan regarding Six Days Salary of the mentioned teacher to this Office for record.
2. Deputy Commissioner D.I Khan.
3. District Accounts Officer D.I Khan.
4. SDEO Sub Division Darazinda.
5. Teacher concerned.
6. PA to Director E&SE KP Peshawar.

Attest
Mr. Sajid Saleem
Deputy Commissioner
District Peshawar

11/7/23
Assistant Director (Estab)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

Attest
Mr. Sajid Saleem
Deputy Commissioner
District Peshawar

G-2

Notification

Whereas, Muhammad Dil Soz Khan, Ex-PSHT, was performing his duties with the absence of all GPS Chama Bar Sub Division Deraizinda, District D.I Khan,
 Whereas, the District Education Officer (Male) D.I Khan transferred him from GPS Ameer Khan Korona Peshawar Sub Division Deraizinda, to GPS Chama Bar Sub Division Deraizinda, District D.I Khan, vide DEO No. 26609/01 dated 23/04/2022,
 Whereas, EMA reported him absent from his duty of GPS Ameer Khan Korona Peshawar Sub Division Deraizinda, which led the District Education Officer (Male) D.I Khan to proceed him for cancelling of membership and misconduct under rules 3 (a), (b) and 5 (c) of the Khyber Pakhtunkhwa Civil Servants (Conduct & Discipline) Rules 2011),
 Whereas consequently, the District Education Officer (Male) D.I Khan served "Show Cause Notice" upon the Ex-PSHT Muhammad Dil Soz Khan, vide No. 0101/ dated 19/01/2022, No. 0550/ dated 06/03/2022, No. 0555/ dated 07/03/2022, and No. 0577/ dated 00/04/2022
 Whereas, the Ex-PSHT Muhammad Dil Soz Khan did not reply to the above mentioned "Show Cause Notice" served upon him by the District Education Officer (Male) D.I Khan,
 Whereas, the District Education Officer (Male) D.I Khan, in exercise of the power under Sub Rules 4-b (ii) and 9 of Govt. of Khyber Pakhtunkhwa Civil Servants ESD Rules, being competent authority, imposed the Major Penalty of Compulsory Retirement from service w.e.f. 19/01/2022, on which the first "Show Cause Notice", had been served and consequently, Muhammad Dil Soz Khan Ex-PSHT GPS Ameer Khan Korona Peshawar Sub Division Deraizinda, was compulsorily retired from service vide DEO Notification 26609/ dated 14/11/2022,
 Whereas, the Muhammad Dil Soz Khan Ex-PSHT GPS Chama Bar Sub Division Deraizinda, District D.I Khan, submitted his appeal to the Director, E&SE, for his Re-instatement into Service vide his office Copy No. 3915 dated 12/12/2022, pleading that he had been continuously performing as PSHT at GPS Chama Bar Sub Division Deraizinda, District D.I Khan as per the transfer order vide DEO No. 26609-00 dated 23/04/2022, without any absence.
 Whereas, this office invited detailed report/commitments from the District Education Officer (Male) D.I Khan vide No. 13464-00 dated 28/12/2022 into the appeal of Muhammad Dil Soz Khan Ex-PSHT GPS Chama Bar Sub Division Deraizinda, District D.I Khan
 Whereas, the District Education Officer (Male) D.I Khan submitted his reply vide his office No. 874 dated 12/01/2023, confessing his mistake by taking him for duty at GPS Ameer Khan Korona Peshawar Sub Division Deraizinda, and finding him as absent from duty in the light of EMA Report over there, and consequently, retiring him compulsorily from service.

NOW THEREFORE, the competent authority, in exercise of the power conferred upon by the Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar, being Appellate Authority, after having examined the evidence on record, is pleased to accept the appeal of Muhammad Dil Soz Khan, Ex-PSHT, GPS Ameer Khan Korona Peshawar Sub Division Deraizinda, District D.I Khan, working now at GPS Chama Bar Sub Division Deraizinda, D.I Khan, Under Rules (17) (2) (b) of ESD 2011, and to reinstate him into service w.e.f. the date of compulsory retirement on 19/01/2022, with all back benefits.

Director
 Elementary and Secondary Education
 Khyber Pakhtunkhwa Peshawar.

Encl. No. 17354-40 JEMM EO Deraizinda D.I Khan, Vol. 01 Dated 01/03/2023

- Copy forwarded for information to the:
1. District Education Officer (Male) D.I Khan,
 2. Deputy Commissioner D.I Khan,
 3. District Monitoring Officer D.I Khan (EMA),
 4. District Accounts Officer D.I Khan,
 5. SDEO Sub Division Deraizinda,
 6. Muhammad Dil Soz Khan, Ex-PSHT, GPS Chama Bar Sub Division Deraizinda, D.I Khan,
 7. PA to Director E&SE KP Peshawar.

Assistant Director (Establishment)
 Elementary and Secondary Education
 Khyber Pakhtunkhwa Peshawar

Affected
 M. Saad Ullah
 Assistant Director
 Establishment
 Elementary and Secondary Education
 Khyber Pakhtunkhwa Peshawar

17354-40
 01/03/23

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DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION,
KHYBER PAKHTUNKHWA, PESHAWAR.

NOTIFICATION:

Whereas, Muhammad Dil Bar Khan, EsPSHT, was performed the duties with no absentee at GPS Cheena Sar Sub Division Darazinda, District DIKhan.

Whereas, the District Education Officer (Male) DIKhan mentioned the from GPS Anwar Khan Karoona Patwara Sub Division Darazinda to GPS Cheena Sar Sub Division Darazinda, District DIKhan vide DEO No. 20286-90/ dated 23/06/2022.

Whereas, EMA reported has absent from his duty at GPS Anwar Khan Karoona Sub Division Darazinda which had to District Education Officer (Male) DIKhan to proceed him for cancelling of beneficiary and misconduct, under Rule 3 sub Rules a, b and d of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Disciplinary Rules 2011).

Whereas, consequently the District Education Officer (Male), DIKhan served show cause notices upon the Ex-PSHT Muhammad Dil Soz Khan, vide No.91017/ dated 19/01/2022, No. 0558/ dated 05/03/2022. No. 0595/ dated 07/03/2022, and No. 9897/dated 09/04/2022.

Whereas, the Ex-PSHT Muhammad Dil Soz Khan and not reply to the above mentioned show cause notices served upon him by the District Education Officer Male, DIKhan.

Whereas, the District Education Officer Male, DIKhan, in exercise of the power under Sub Rules 4-b (ii) and 9 of Govt. of Khyber Pakhtunkhwa Civil Servant E &D Rules, being competent authority, imposed the major penalty of compulsory retirement from service w.e.from 19/01/2022, on which the first show cause notice, had been served and recently. Muhammad Dil Soz Khan Ex-PSHT GPS Anwar Khan Karoona Parova Sub Division Darazinda, was compulsory retired from service vide DEO Notification 26509/ dated 14/11/2022.

Whereas, the Muhammad Dil Soz Khan Ex-PSHT GPS Cheena Sar Sub Division Darazinda, District DIKhan, submitted his appeal to the Director E&SE for him reinstatement into service was this office dairy NO. 3315/ dated 12/12/2022, pleading that no had been continuously confirming as PSHT at GPS Cheena Sar Sub Division Darazinda, District DIKhan as per his removal order vide DEO No. 20385-90 dated 23/08/2022, without any absentee.

Whereas, the office invited detailed report / comments from the District Education Officer Male, DIKhan vide No. 13464-65 dated 26/12/2022 into the appeal of Muhammad Dil Soz Khan Ex-PSHT GPS Cheena Sar Sub Division Darazinda District DIKhan.

Whereas, the District Education Officer (Male), DIKhan, submitted his reply vide his office NO: 824 dated 12/01/2023, confessing his mistake by taxing him as absent from duty in the light of EMA Report over there, and consequently; retiring him compulsory from service.

Now therefore, the competent authority, in exercise of the power conferred upon by the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar, being appellant authority, other having examined the evidences on record, is pleased to accept the appeal of Muhammad Dil Soz Khan Ex-PSHT, GPS Anwar Khan Karoona Parova Sub Division Darazinda, District DIKhan, working no at GPS Choona Sar Sub Division Darazinda DIKhan under Rules (11)(2)(b) of E&D 2011, and set aside the DEO Male, DIKhan notification vide No. 26609/ dated 14/11/2022, and to reinstate him into service w.e.f the date of compulsory retirement on 19/01/2022, with all back benefits.

Director
Elementary and Secondary Education
Khyber Pakhtunkhwa, Peshawar.

Endst; No. 17334-40 /EM&SD Darazinda DIKhan Vol.01 dated 01/03/2023

Copy forwarded for information to the:-

1. District Education Officer Male, DIKhan.
2. Deputy Commissioner, DIKhan.
3. District Monitoring Officer, DIKhan (EMA)
4. District Accounts Officer, DIKhan.
5. SDEO Sub Division Darazinda.
6. Muhammad Dil Soz Khan, Ex-PSHT, GPS Cheena Sar Sb Division Darazinda, DIKhan.
7. PA to Director E&SE KP Peshawar.

Atte

Assistant Director (Estab;)
Elementary and Secondary Education
Khyber Pakhtunkhwa, Peshawar.

- 29

VAKALATNAMA

BEFORE THE KHYBER PUKHTUNKHAWA SERVICE TRIBUNAL
CAMP COURT D.I.KHAN

Habib ullah **VERSUS** Govt of KPK etc

TITLE Appeal

I/WE Appellant

The Above Named Habib ullah hereby appoint

MUHAMMAD ANWAR AWAN ADVOCATE SUPREME COURT,

in the above Captioned Cases to all or any of the following Acts Deeds & Things.

- ✓ To Appear, Act & Plead for Me/Us in the above mentioned cases in this Court/Tribunal in which the same may be tried or heard or any other proceedings out of our connected therewith.
- ✓ To Sign, Verify, File OR Withdraw all proceedings, Petitions, Appeals, Affidavits, Applications for Compromise OR Withdrawals OR for the Submission of Arbitration of the said case OR any other Documents may be Deemed Necessary OR Advisable by them by the Conduct, Prosecution OR Defense of the above case at all its stages.
- ✓ To Receive Payments, Issue receipts for all moneys that may be OR become Due & Payable to us during the course on Conclusion of the Proceedings.
- ✓ To do all other Acts & Things, Which may be Deemed Necessary OR Advisable during the course of Proceedings.

AND HEREBY AGREE:

- To Ratify Whatever Advocates may do the Proceedings:
- Not to Hold the Advantages Responsibilities if the said case be proceed Ex-parte OR Dismissed in Default in Consequence of their Absence from the Court when it is called for Hearing.
- That the Advocates shall be entitled to withdraw from the Prosecution of the said case if the Whole or any part of the Agreed Fee Remain Un-Paid.
- That Advocates may be Permitted to argue any other point at the time of Arguments.

In Witness Whereof I/We have signed this Vakalatnama here under the Contents of which have been Read/Explained to Me/Us which is fully understood by Me/Us.

Dated: _____

Accepted By:



SIGNATURE OF EXECUTANT (S)



**MUHAMMAD ANWAR AWAN
ADVOCATE SUPREME COURT
03339962231**

12/01-0261088-1

0346-9505119