

ORDER  
28.11.2022

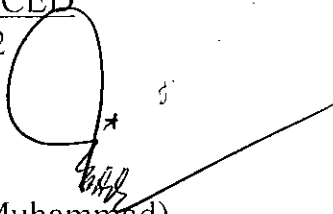
Nemo for the appellant. Mr. Muhammad Jan, District Attorney  
for the respondents present.


The appeal in hand was called on for hearing after various  
intervals, however none appeared on behalf of the appellant till the  
closing time, therefore, the appeal in hand stands dismissed in default.

Parties are left to bear their own costs. File be consigned to the record  
room.

**SCANNED**  
**KPBT**  
**Peshawar**

ANNOUNCED  
28.11.2022

  
(Mian Muhammad)  
Member (Executive)


  
(Salah-Ud-Din)  
Member (Judicial)

SA 1283/2013

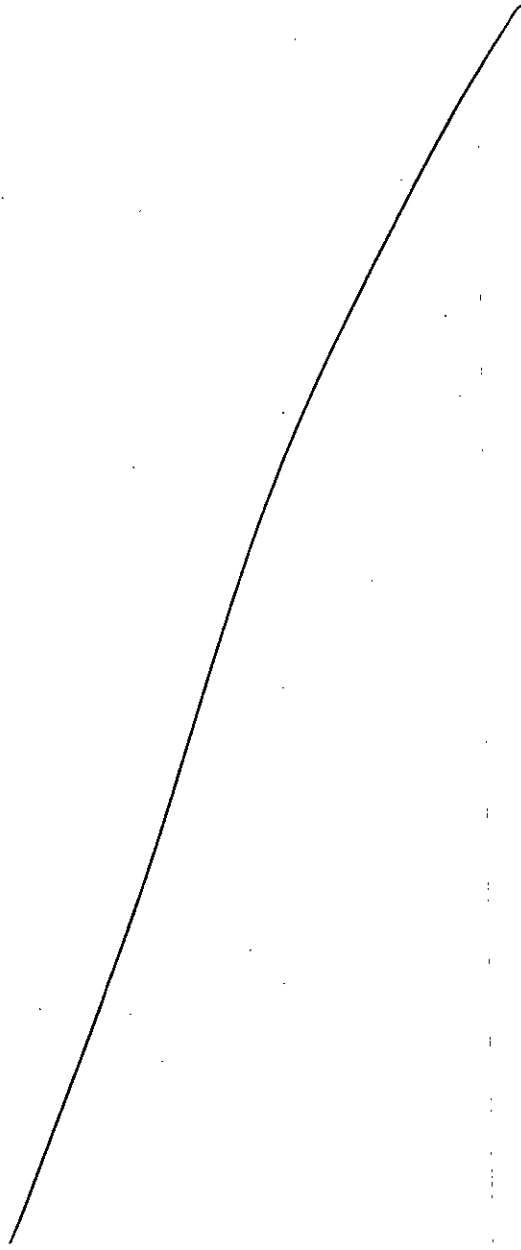
4<sup>th</sup> Nov. 2022

Lawyers are on strike today.

This being old case of 2013 is adjourned to 28.11.2022 as last chance for arguments before the D.B. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.

  
(Fareeha Paul)  
Member(E)

  
(Kalim Arshad Khan)  
Chairman



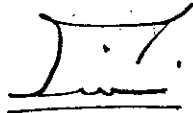
10.06.2022 Bench is incomplete,

therefore, case is adjourned  
to 25.07.2022 for the  
same as before  
Reader

25<sup>th</sup> July 2022 Nemo for the appellant.

Due to non-availability  
of postal tickets  
of district appellant  
was not put on notice

Previous date was changed on Reader Note, therefore,  
notice for prosecution of the appeal be issued to the appellant  
as well as his counsel and to come up for arguments on  
19.09.2022 before the D.B.



(Salah-Ud-Din)  
Member (J)

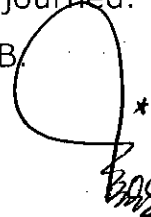


(Kalim Arshad Khan)  
Chairman

19.09.2022

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

Learned Member (Judicial) Mr. Salah-ud-Din is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 03.11.2022 before the D.B.



(Mian Muhammad)  
Member (Executive)


R

13.09.2021

Nemo for appellant.

Muhammad Adeel Butt learned A.A.G for the respondents present.

Notice be issued to appellant/counsel for 31.12.2021 for hearing before D.B.

  
(Rozina Rehman)  
Member (J)

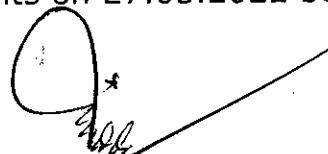
  
Chairman


*Due to winter vacation  
the case is adjourned to 14/4/22 for  
the same as before*

14.04.2022

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

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel through registered post and to come up for arguments on 27.05.2022 before the D.B.


  
(Mian Muhammad)  
Member (E)


  
(Salah-ud-Din)  
Member (J)

27<sup>th</sup> May, 2022

Clerk of the counsel present. Mr. Naseerud Din Shah, Asstt. AG for respondents present.

Arguments could not be heard due to general strike of the bar. Adjourned. To come up for arguments on 21.06.2022 before D.B.

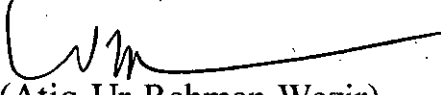
  
(Fareeha Paul)  
Member (E)

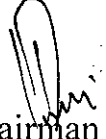
  
(Kalim Arshad Khan)  
Chairman

07.12.2020

Junior to counsel for appellant and Mr. Muhammad Jan,  
learned Deputy District Attorney for respondents present.

Due to general strike of the bar, the matter is adjourned to  
26.02.2021 for hearing before D.B.

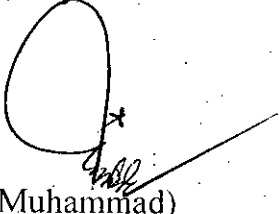
  
(Atiq-Ur-Rehman Wazir)  
Member (E)

  
Chairman

26.02.2021

Counsel for the applicant and Addl. AG for the respondents  
present.

The Hon'ble Chairman is on leave. Due to incomplete  
bench, the matter is adjourned to 25.05.2021 for hearing before  
the D.B.

  
(Mian Muhammad)  
Member(E)


25.05.2021

Appellant present through counsel.

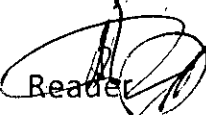
Asif Masood Ali Shah learned Deputy District  
Attorney for respondents present.

Former made a request for adjournment; granted.  
To come up for arguments on 13/9/2021 before  
D.B.

  
(Atiq ur Rehman Wazir)  
Member (E)

  
(Rozina Rehman)  
Member (J)

\_\_\_\_\_ .2020 Due to COVID19, the case is adjourned to  
10 / 8 / 2020 for the same as before.

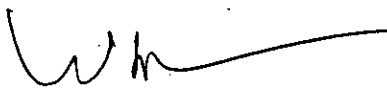
  
Reader

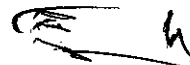
10.08.2020 Due to summer vacations case to come up for the same on  
13.10.2020 before D.B.

  
Reader

13.10.2020 Mr. Imran Khan, Advocate for appellant is present. Zara Tajwar,  
Deputy District Attorney for the respondents is also present.

Junior counsel for the senior submitted that his senior is busy  
before the Hon'ble Peshawar High Court, Peshawar and requested for  
adjournment. Adjourned to 07.12.2020 on which to come up for  
arguments before D.B.

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

  
(Muhammad Jamal Khan)  
Member (Judicial)

13.02.2020

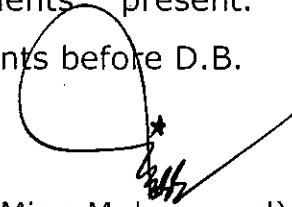
Junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is busy in the Hon'ble Peshawar High Court, Peshawar. Adjourned to 20.03.2020 for arguments before D.B.


  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

20.03.2020

Due to general strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Kabirullah Khattak, Additional AG for the respondents present. Adjourned to 22.05.2020 for arguments before D.B.

  
(Mian Muhammad)  
Member

  
(M. Amin Khan Kundi)  
Member

27.09.2019 Junior to counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourned. To come up for arguments 06.11.2019 before D.B.



(Hussain Shah)  
Member



(M. Amin Khan Kundi)  
Member

06.11.2019 Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Being an old case of the year 2013, adjourned by way of last chance. To come up for arguments on 24.12.2019 before D.B.



Member



Member

24.12.2019 Appellant in person present. Mr. Muhammad Jan learned Deputy District Attorney present. Appellant seeks adjournment as his counsel is not available. ~~Adjourned~~ Adjourned by way of last chance. To come up for arguments on 13.02.2020 before D.B.



Member



Member



24.04.2019

Appellant in person and Assistant A.G for the respondents present.

Appellant requests for adjournment due to non-availability of his learned counsel.

Adjourned to 24.06.2019 for arguments before the D.B.

  
Member

  
Chairman

24.06.2019

Imran Advocate junior to learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney present. Junior to counsel for the appellant seeks adjournment as senior learned counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 27.08.2019 before D.B.

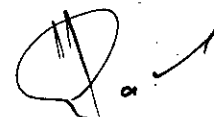
  
Member

  
Member

27.08.2019

Imran Advocate present on behalf of learned counsel for the appellant present. Mr. Riaz Paindakheil learned AAG present. Imran Advocate seeks adjournment. Being an old case, adjourned on the payment of cost of Rs.3000/- to be paid on behalf of appellant. To come up for arguments on 27.09.2019 before D.B.

  
Member

  
Member

30.11.2018

Appellant in person and Mr. Ziaullah, DDA for the respondents present.

A request for adjournment is made at the bar on the ground of engagement of learned senior counsel for appellant before the Hon'ble High Court. Adjourned to 23.01.2019 for arguments before the D.B.

  
Member

  
Chairman

23.01.2019

Counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 11.03.2019 for arguments before D.B.

  
(HUSSAIN SHAH)  
MEMBER

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

11.03.2019

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

A request for adjournment is made due to engagement of learned senior counsel for the appellant in many cases before the Honourable High Court today.

Adjourned to 24.04.2019 before the D.B.

  
Member

  
Chairman

30.04.2018


Clerk to counsel for the appellant and Mr. Kabir Ullah Khattak, learned Additional Advocate General present. The Tribunal is defunct due to retirement of Hon'ble Chairman. Therefore the case is adjourned. To come up for the same on 12.07.2018

  
READER

12.07.2018


Clerk to counsel for the appellant present. Mr. Muhammad Jan, DDA 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

21.08.2018

Due to Eidul Azha vacation,  
the case is adjourned to 17-10-2018.

  
Reader

17.10.2018

Learned counsel for the appellant and Mr. Riaz Ahmed Painsdakhel learned Assistant Advocate General for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 30.11.2018 before D.B.


  
Member

  
Member

27.07.2017

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 09.10.2017 before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Hamid Mughal)  
Member

09.10.2017

Junior counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney for the respondents also present. Junior counsel for the appellant seeks adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourn. To come up for arguments on 26.12.2017 before D.B.

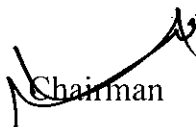
  
(Muhammad Amin Khan Kundi)  
Member

  
(Muhammad Hamid Mughal)  
Member

26.12.2017

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Counsel for the appellant seeks adjournment. Granted. To come up for arguments on 26.02.2018 before the D.B.

  
Member

  
Chairman

26.02.2018

Junior Counsel for the appellant and Asstt. AG for the respondents present. Learned Senior Counsel for the appellant is not in attendance. Seeks adjournment. To come up for arguments on 30.04.2018 before the D.B.

  
Member

  
Chairman

Appeal No. 1283/2013

28.06.2016

Junior to counsel for the appellant and Mr. Muhammad Jan. GP for respondents present. Junior to counsel for the appellant requested for adjournment. To come up for arguments on 21.11.2016.

  
Member

  
Member

21.11.2016

None present for the appellant. Assistant AG for respondents present. Notice be issued to the appellant and his counsel. To come up for arguments on 30.3.2017.


  
(MUHAMMAD AMIR NAZIR)  
MEMBER

  
(ABDUL LATIF)  
MEMBER

30.03.2017

Mr. Imran, Junior counsel for appellant present. Mr. Ziaullah, Government Pleader for also respondents present. Junior counsel for appellant requested for adjournment. Adjourned. To come up for arguments on 27.07.2017 before D.B.


  
(Ahmad Hassan)  
Member

  
(Muhammad Amin Khan)  
Member

Appeal No. 1283/2013

21.11.2014

Clerk of counsel for the appellant and Mr. Hazrat Badsbah, HR Litigation on behalf of respondent No. 3 with Mr. Muhammad Adeel Butt, AAG for the respondents present. The Tribunal is incomplete. To come up for rejoinder on 12.03.2015.

  
Reader

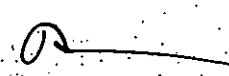
12.03.2015

Counsel for the appellant, M/S Khurshid Khan, SO for respondent No. 1 and Javed Ahmed, Supdt. for respondent No. 2 along with Addl. A.G for all respondents present. Counsel for the appellant requested for adjournment. The appeal is assigned to D.B for rejoinder and final hearing for 1.10.2015.

  
Chairman

01.10.2015

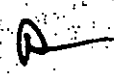
Counsel for the appellant and Mr. Muhammad Jan, GP for respondents present. Arguments could not be heard due to shortage of time. To come up for arguments on 22-3-16.

  
Member

  
Member

22.03.2016

Junior to counsel for the appellant and Mr. Usman Ghani, Sr.GP for respondents present. Junior to counsel for the appellant requested for adjournment due to non-availability of senior counsel for the appellant. To come up for arguments on 28.06.2016.

  
Member

  
Member

Appeal No. 1283/2013  
Mr. Saad Kusrin

6. - 29.04.2014

Counsel for the appellant present. Preliminary arguments heard and case file perused. Through the instant appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, the appellant has impugned order dated 26.03.2013 issued by respondent No.3 vide which the appellant was awarded major penalty of Removal from Service due to willful absence from duty. He filed departmental appeal which has not been responded within the statutory period of 90 days, hence the instant appeal.

Since the appeal is well within time and point raised in the Tribunal required further consideration, hence admit for regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply on 10.07.2014.

Appellant Deposited  
Security & Process Fee  
Rs. 200/- Bank  
Receipt is Attached with File.

Member

7. 8.05.2014  
This case be put before the Final Bench I for further proceedings.

Chairman

10.7.2014

Counsel for the appellant, M/S Khurshid Khan, SO for respondent No. 1 and Khaista Rehman, Legal Representative for respondents No. 3 & 4 with Mr. Usman Ghani, Sr. GP for the respondents present. Written reply received on behalf of respondents No. 1 to 3, and representative of respondents No. 3 and 4 stated that the appeal relates to the office of DEO (M) Peshawar, therefore, the reply submitted today be also considered on behalf of respondent No. 4. Copy of the written reply of the respondents is handed over to the learned counsel for the appellant for rejoinder on 21.11.2014.

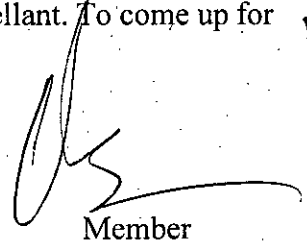
Chairman

Appeal No. 1283/2013

3

02.12.2013

No one is present on behalf of the appellant. To come up for preliminary hearing on 28.01.2014.

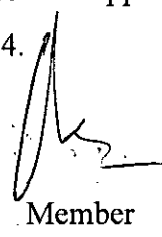


Member

4

28.01.2014

Clerk of counsel for the appellant present and requested for adjournment due to non-availability of counsel for the appellant. To come up for preliminary hearing on 11.03.2014.

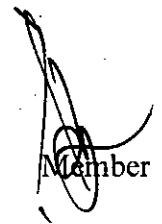


Member

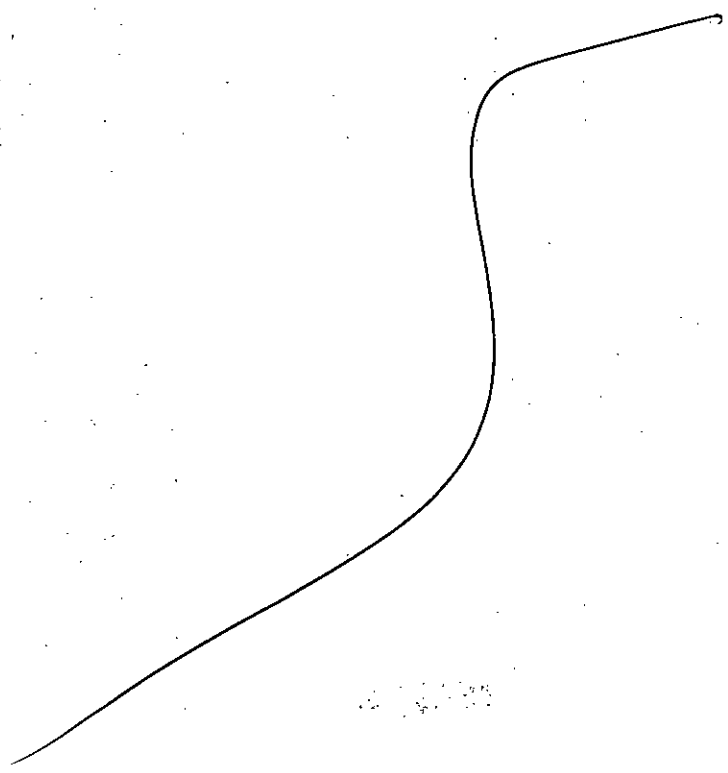
5

11.03.2014

No one is present on behalf of the appellant. Notices be issued to the appellant/counsel for the appellant for preliminary hearing on 29.04.2014.



Member







Form- A  
FORM OF ORDER SHEET

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

Case No. 1283/2013


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	03/09/2013	<p>The appeal of Mr. Said Karim resubmitted today by Mr. Ibad-ur-Rehman 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> <p>2 9-9-2013. This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>2-12-2013</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Said Karim (Ex-CT) r/o Kula Dher Tehsil and Distt. Charsadda received today i.e. on 19/08/2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Heading of the appeal is incomplete which may be completed.
- 2- Annexures of the appeal may be attested.
- 3- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1171 /S.T.

Dt. 19/08 /2013.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Ibadur Rehman Adv. Pesh.

*Resubmitted please*  
*After attending the observation*  
*03/9/2013*

BEFORE THE HONOURABLE KHYBER PAKHTUNKHA SERVICE  
TRIBUNAL PESHAWAR.

Appeal No. 1283 /2013

Said Karim (Ex-CT) R/o Kula Dher, Tehsil & District  
Charsadda.

Appellant

Versus

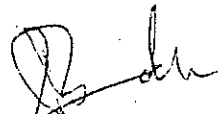
Secretary, Elementary & Secondary Education & others

Respds:

I N D E X .

S.No.	Description of documents	Page No.
1-	Memo & Grounds of appeal	1 - 4
2-	Dismissal (Impugned) order dt: 26-03-2013	5
3-	Departmental appeal with postal receipt	6 - 8
4-	Order dated 15/9/2010	9
5-	Letter dated 27/8/2012 with enclosures	10-12
6-	Letter dated 16/10/2012 with Enclosures	13-15
7-	Application dated 15-1-2013	16
8-	Copies of visa and Passport	17-19
9-	NOC by department	20
10-	Medical chits/reports	21-25
11-	Wakalatnama	26

Dated. 19 /8/2013.

  
**IBADUR RAHMAN**  
Advocate High Court  
127-Sarhad Mansion  
Hashtnagri, GT Road  
Peshawar

①

BEFORE THE HONOURABLE KHYBER PAKHTUNKHA SERVICE  
TRIBUNAL PESHAWAR.

Appeal No. 1283 /2013

Said Karim (Ex-CT) R/o Kula Dher Tehsil & District  
Charsadda.

1259  
19-8-13

Appellant.

Versus

- 1- Secretary, Elementary & Secondary Education, KPK Peshawar.
  - 2- Director, Elementary & Secondary Education KPK Peshawar.
  - 3- District Education Officer, Elementary and Secondary Education,  
District Peshawar.
  - 4- Principal, Government High School, PAF Shaheen Camp  
Peshawar.
- Respondents.

APPEAL U/S 4 OF SERVICE TRIBUNAL ACT.  
KHYBER PAKHTUNKHWA. 1974, against the  
Order dt. 26-3-2013

Prayer in appeal.

On acceptance of the appeal in hand, the impugned order  
No.11518-2 dated 26/03/2013, issued by the Respondent No.3,  
may graciously be set a side and the appellant be re-instated in  
service with all back benefits.

Respectfully sheweth,

Appellant submits as under :-

- 1- That the appellant was performing his duties as CT (Teacher) since  
1995 and was posted at Government High School PAF Shaheen  
Camp Peshawar.
- 2- That since the appointment, the appellant performed his duties with  
full dedication, zeal & zest and to the entire satisfaction of his  
superiors.
- 3- That wife of the appellant who is also a Teacher in a government  
was granted a scholarship for doing her M.Phil at United Kingdom,  
so wife of the appellant proceeded to UK for the said purpose.

- 4- That wife of the appellant felt so difficulties to live in United Kingdom all alone and there is handicapped son of the appellant and for this reason she applied for a spouse Visa which was accordingly allowed.
- 5- That the appellant applied for Ex-Pakistan leave with effect from 01-09-2010 to 31-08-2012 which was properly granted vide order No. 7588-89 dated 15/09/2010, and the appellant proceeded to UK. In this regard, a proper No Objection Certificate (NOC) was also issued in favour of the appellant by the Government of Khyber Pakhtunkhwa.
- 6- That after successful completion of her M. Phil, wife of the appellant sought permission to complete her Ph.D which was allowed consequently her stay at UK was extended to 2014.
- 7- That for completion of her Ph.D, the UK government extended not only the visa of wife of the appellant but also extended the visa period of the appellant as well as the children of the appellant.
- 8- That there is a fully handicapped son of the appellant who is not only blind but also a patient epilepsy, therefore, he needs proper and continuous care.
- 9- That for the reason stated above, the appellant was not able to join his duties after the expiry of leave, therefore, the appellant applied from abroad for extension of leave.
- 10- That the said leave application was duly processed and the appellant was informed that in due course of time, the said leave will be further extended as the appellant has a long unblemished service on his credit.
- 11- That the respondent did not inform the appellant about the leave application and the appellant through his own sources came to know that the leave application of the appellant has been rejected, therefore, the appellant has left with no option but to come back to Pakistan and join his duties.
- 12- That on 02-04-2013, the appellant came back to Pakistan and on the very next day, the appellant reported his joining to the Principal of the school (Respondent No.4) where the appellant was informed that the appellant has been removed from service vide order dated 26-03-2013.
- 13- That the appellant submitted a departmental appeal dated 23-4-2013 to the respondent No.2 but after the lapse of such a

considerable time, no response what so ever has been communicated to the appellant.

- 14- That the appellant has now left with no option but to approach this honourable tribunal through the appeal in hand on the following ground amongst others :-

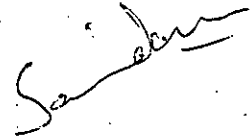
GROUND S :

- a. That the impugned order of dismissal dated 26-03-2013 is illegal, harsh, without lawful authority, not maintainable and nullity in the eyes of law.
- b. That No Charge sheet or statement of allegation was ever served upon the appellant before issuance of the impugned dismissal order.
- c. That no Show Cause Notice or Final Show Cause was served upon the appellant.
- d. That no proper Inquiry in the matter has been conducted before issuance of the impugned order and only on this score, the impugned order is nullity in the eyes of law.
- e. That no chance of personal hearing was ever provided to the appellant and the appellant has been condemned unheard and the impugned order is liable to be set a side.
- f. That as and when the appellant came to know about the refusal of his leave, the appellant came back to Pakistan and reported for joining but he was not allowed to join his duties.
- g. That it is an admitted fact that the appellant was abroad but not a single try was made to send any notice what so ever to the address of the appellant at United Kingdom.
- h. That the appellant has unblemished service career and there is no adverse remarks on the service career of the appellant. At many occasions, the services of the appellant were duly acknowledged by the high ups.
- i. That the impugned order was issued in hasty manner and the miseries of the appellant were altogether ignored while passing the impugned order dated 26-03-2013.
- j. That the impugned order is harsh and bad in law and on facts and based on mala fide and ill will.

k. That the appellant be allowed to add any other ground at the time of arguments.

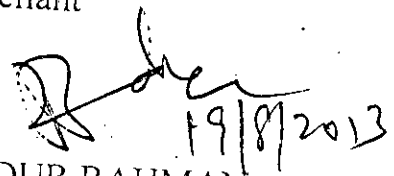
It is therefore, humbly been prayed that the impugned order No. 11518-2 Dated 26-03-2013 may graciously be set a side and the appellant be re-instated in service with all back benefits.

Any other remedy deem proper in the matter and not specifically asked for may also please be given with costs throughout.



Appellant

Through:



IBADUR RAHMAN  
Advocate High Court  
127-Sarhad Mansion  
Hashtnagri, GT Road  
Peshawar.

Affidavit

Stated on oath that the above contents are true and correct to the best of my knowledge and belief.



Deponent

(5)

**DISTRICT EDUCATION OFFICER ( MALE ) PESHAWAR.**

**NOTIFICATION :-**

WHEREAS Mr. Said Karim Government High School P.A.F Shaheen Camp Peshawar was proceeded against under Khyber Pakhtunkhwa Govt. Servant (Efficiency & Discipline ) Rules, 2011 for the charge of " wilful absence from duty with effect from 01/09/2012

2. AND WHEREAS absence notice was served upon the accused official through Principal concerned on the body of show cause notice at his home address but he did not report for duty.

3. AND WHEREAS the absentee / show cause notice were served upon Mr. Said Karim, C.T Government High School P.A.F Peshawar through Daily Newspapers Express and Daily Surkhob dated 27/02/2013 but he remained absent and did not report for duty in response to the notice.

4. AND WHEREAS The competent authority (District Education Officer (M) E&SE) Peshawar) after having considered the charge an evidence on record is of the view that the charge of wilful absence against the accused official has been proved.

5. NOW THEREFORE, In exercise of the Powers conferred under Rules-4 (b) iii. of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, I being the competent Authority . ( District Education Officer (Male) Peshawar is pleased to impose major penalty of "Removal from Service " upon Mr. Said Karim (C.T) GHS P.A.F Shaheen Camp Peshawar with immediate effect.

*SH*  
**SHARIF GUL**

District Education Officer (Male)  
Peshawar.

Exst. No: 11518--2 Dated Peshawar the 26/03/2013

Copy forwarded to the :-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Principal GHS PAF Shaheen Camp Peshawar.
3. Mr. Said Karim CT GHS PAF Shaheen Camp Peshawar.

*The  
Please keep for record  
Ali Badshah  
8/4  
2013*

*[Signature]*  
DISTRICT EDUCATION OFFICER  
(MALE) PESHAWAR.

**ATTESTED**

*[Signature]*  
**IBADUR-RAHMAN**  
ADVOCATE  
HIGH COURT, PESHAWAR



(6)

The Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa,  
At Dabgari Gardens,  
Peshawar.

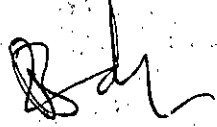
SUBJECT: DEPARTMENTAL APPEAL AGAINST THE ORDER  
NO.11518-20 DATED 26-03-2013, OF THE DISTRICT  
EDUCATION OFFICER PESHAWAR.

Respected Sir.

Appellant submits as under :-

- 1- That the appellant was performing his duties as C.T (Teacher) since 1995 and was posted at GHS PAF Shaheen Camp Peshawar.
- 2- That since the appointment, the appellant performed his duties with full dedication/zeal and to the entire satisfaction of his superiors.
- 3- That the wife of the appellant was granted a scholarship for doing her M. Phil at United Kingdom, so the wife of the appellant proceeded to UK for the said purpose.
- 4- That the wife of the appellant applied for a spouse Visa in UK which was granted accordingly.
- 5- That the appellant applied for Ex-Pakistan leave w.e.f. 01-09-2010 to 31/08/2012 which was properly granted vide order <sup>No.</sup> ~~dated~~ 7588-89 dated 15/09/2010. In this respect a proper NOC was also issued in favour of the appellant by the government of Khyber Pakhtunkhwa.(Attached)
- 6- That after the completion of the M. Phil degree of the wife of the appellant, she was granted to permission to complete her Ph. D, therefore her stay at UK was extended further upto 2014.
- 7- That on one side the study visa of the wife of the appellant was extended and on the other hand the appellant has a handicapped son who is not only blind but also a patient of chronic epilepsy, who needs proper care.(Medical reports are attached).

ATTESTED

  
IQBAL RAHMAN  
ADVOCATE  
HIGH COURT PESHAWAR

- (7)
- 8- That due to the said reasons, the appellant was unable to join his duties, therefore, the appellant applied from abroad for extension of his leave.
  - 9- That the said leave application was duly processed and the appellant was informed that in due course of time, the said leave will be further extended as the appellant has a long unblemished service career.
  - 10- That the appellant through his own sources came to know that the leave application of the appellant has been declined, hence, the appellant opted to come back to Pakistan and join his duties. (photo copy of passport is attached)
  - 11- That on 02-04-2013, the appellant came back to Pakistan and on the very next day reported his joining to concern school but the appellant was shocked to know that he has been Removed from service vide order dated 26-03-2013.
  - 12- That feeling aggrieved by the said order, the appellant approaches this your good self through the appeal in hand on the following grounds amongst others:-

GROUNDS:

- a. That the impugned order of dismissal dated 26-03-2013 is illegal, harsh, without lawful authority, nullity in the eyes of law and not maintainable.
- b. That before issuance of the impugned order no Charge Sheet or statement or allegation was ever served upon the appellant.
- c. That no Show Cause Notice or Final Show Cause Notice was served upon the appellant.
- d. That no Inquiry in the matter has been conducted before issuance of the impugned order.
- e. That no chance of personal hearing was provided to the appellant and the appellant has been condemned unheard and only on this score the impugned order is liable to be set a side.

**ATTESTED**

*Ady*  
**IBADUR RAHMAN**  
JUDGE  
HIGH COURT, PESHAWAR

8

- f. That as and when the appellant came to know about the refusal of his leave, the appellant came to Pakistan and joined his duties but he was not allowed to join his duties.
- g. That it is an admitted fact that the appellant was abroad but not a single try was made to send any notice what so ever to the address of the appellant as UK.
- h. That the impugned order is harsh and bad in law & on facts and based on mala fide and ill will.

It is, therefore, requested that the impugned Dismissal order dated 26-03-2013 of the District Education Officer Peshawar may graciously be set aside and the appellant be re-instated in service with all back benefits.

Yours Faithfully

*Said Karim*  
 (SAID KARIM)  
 Ex-CT-Teacher

R/o Kula Dher  
 Distt. Charsadda  
 iii, of Argyll Street  
 PAI 2EU  
 Paisly Scotland U.K.

Dated. 23/4/2013

ATTESTED

*Adur Rahman*

LEADUR-RAHMAN  
 ADVOCATE  
 HIGH COURT, PESHAWAR

No/ 588

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Received a registered\* addressed to Director, Education Date Stamp 28/4/13

Initials of Receiving Office Secretary \*Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) 2000 (in words) Two thousand

If insured { Insurance fee Rs. 100 Ps. 100 Weight 100 Kilo Grams (in words) 100

Name and address of sender [Signature]

9

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E & S) EDUCATION PESHAWAR.

GRANT OF LEAVE.

Under the provision Govt: of Khyber Pakhtun Khwa Civil servants revised leave rules 1981, sanction is hereby accorded to the grant of leave in favour of Mr. Saif Karim CT GHS, PAF Shaheen Camp Peshawar Cantt: detail is given below :-

<u>From</u>	<u>To</u>	<u>Remarks.</u>
01/9/2010	9/9/2011	(374-days) half pay.
10/9/2011	31/8/2012	(356-days) without pay.

NOTE:-

1/- Necessary entry to this effect should be made in his S/Book.

(JAMIL-UR-REEMAN)  
EXECUTIVE DISTRICT OFFICER  
(E&S) EDUCATION PESHAWAR.

Encls. No. 5588-89 /S. Karim CT/Dated Peshawar the 15/9 /2010

Copy of the above is forwarded to the :-

- 1/- District Accounts Officer Peshawar.
- 2/- Headmaster GHS, PAF Shaheen Camp Peshawar Cantt: alongwith original Service Book of the teacher concerned.

*J. Khan*  
District Officer (Male)  
(E&S) Education Peshawar.

*R. Khan*  
HEADMASTER  
GHS, PAF SHAHEEN CAMP  
PESHAWAR CANTT.

o/c (10)

Principal Govt. High School  
PAF Shaheen Camp Peshawar Cantt.

No. 177 / P / File Said Karim

Dated. 27 / 08 / 2012.

To

The Executive District Officer,  
Elementary & Secondary Education,  
Peshawar.

Subject:

EXTENTION IN EXTRA ORDINARY LEAVE.

Memo:

Enclosed please find herewith original application along with original service book and leave account in r/o Mr, Said Karim CT of this school for the extention in extra ordinary leave w.c.from 01-09-2012 to 31-08-2015 (1095 days) with out pay for further necessary action.

Enclosed. Original Service Book.

*Ali Bud Sahi*  
*Ali Bud Sahi*

Principal  
Govt. High School PAF  
Shaheen Camp Peshawar Cantt.

**ATTESTED**

*Abdur Rahman*

**IBADUR RAHMAN**  
ADVOCATE  
HIGH COURT, PESHAWAR

To,

The Principle,

Government High School,

PAF, Shaheen Camp Khyber Pukhtun khwa, Peshawar Pakistan.

14 August 2012

Subject: Application to extend leave

o/c (11)

Respected Sir,

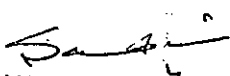
My name is SAID KARIM and I am working as a CT teacher in Government High School PAF Shaheen camp Peshawar. FATA education department has given the permission to my wife to achieve the PhD degree from University of The West of Scotland UK. She need more three years for the research and her FATA education department already extend her leave. I have two kids and one is totally disabled. He always needs me. It is not possible for me to leave my family alone. Therefore, my humble requests please grant me leave for three years so she can complete her PhD with full devotion. 01-09-2012 to 31-08-2015 (1095 days)

In the past, you have lots of kindness on me and I am extremely gratified for all of your kindness. As you may know that getting education is very expensive and I am paying all of my wife fees from my pocket with a little bit help from my family. It will cost me a fortune to travel to Pakistan for to extend my leave. In addition to these difficulties, I have a disable kid who is blind and his travelling to Pakistan is extremely difficult for me.

I would be extremely grateful if you can extend my leave for three more years. I was, am and will be thankful for your all kindness.

Your's sincerely,

Name: SAID KARIM



Father Name: GUL RAHIM

Post: CT

School: G, H, School, PAF, Shaheen Camp Peshawar.

*Ali B... ..*  
Principal  
GHS PAF Shaheen  
Camp Peshawar.

05/09/12  
EXECUTIVE DISTT. OFFICER (ESS)  
PESHAWAR  
1795276  
S/Book

Received by Ghulam Nabi etc

ATTESTED

*Abdul...*  
ABDUR RAHMAN  
ADVOCATE  
HIGH COURT, PESHAWAR

12

To,

The Principle,

Government High School,

PAF, Shaheen Camp Khyber Pukhtun khwa, Peshawar Pakistan.

14 August 2012

Subject: Application to extend leave


Respected Sir,

My name is SAID KARIM and I am working as a CT teacher in Government High School PAF Shaheen camp Peshawar. FATA education department has given the permission to my wife to achieve the PhD degree from University of The West of Scotland UK. She need more three years for the research and her FATA education department already extend her leave. I have two kids and one is totally disabled. He always needs me. It is not possible for me to leave my family alone. Therefore, my humble requests please grant me leave for three years so she can complete her PhD with full devotion. 01-09-2012 to 31-08-2015 (1095 days)

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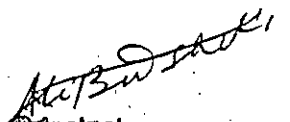
Your's sincerely,


  
Name: SAID KARIM

Father Name: GUL RAHIM

Post: CT

School: G, H, School, PAF, Shaheen Camp Peshawar.

  
Principal  
PAF Shaheen  
Camp Peshawar.

  
SAID KARIM  
CT  
G, H, SCHOOL, PAF, SHAHEEN CAMP, PESHAWAR

From.

13

The Principal  
G.H.S PAF Shaheen  
Camp Peshawar Cantt.

*o/c*

No. 190 Dated. 16/10/2012

To

The E.D.O (E&S) Education  
Peshawar.

Subject: EXTENSION IN EXTRA ORDINARY LEAVE

Memo:

Reference is made vide your office letter No.2243 dated.29/09/2012.

Once again the official Said Karim (C.T) on leave submit another application for extension in extra ordinary leave sent by Email submitted for further necessary action please.

*Book is attached the application.*

*Chuldaal Nabi  
NC*

*26  
19/10/2*

*Ali Baidar*

Principal  
G.H.S PAF Shaheen  
Camp Peshawar Cantt.

**ATTESTED**

*Badhy*  
**IBADUR-RAHMAN**  
ADVOCATE  
HIGH COURT, PESHAWAR



14

To,  
The Executive,  
Khyber Pukhtun khwa, Peshawar Pakistan.

08 October 2012

Subject: Application to extend leave. Further to 14 August Application

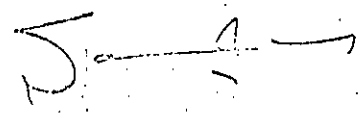
Respected Sir,

My name is SAID KARIM and I am working as a CT Teacher since 1995. According to the rules and regulation of our education department, I'm entitled for without pay leave. My first leave was from September 2010 to September 2012. As I mentioned in my previous application that my younger child is totally disabled. He cannot see, understand, sit, stand, eat and walk. He is totally depend on me. It's difficult for his mother to look after him alone, especially to carry him for the toilet needs. It is not possible for me to leave my family alone and also, It will cost me a lot to travel to Pakistan, for the extension of my leave. Therefore my humble requests please grant me leave for three years.

I would be extremely grateful if you can extend my leave for three more years. I was, am and will be thankful for your all kindness.

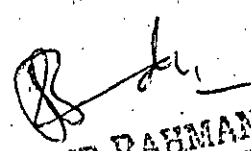
Your's sincerely,

Name: SAID KARIM  
Father Name: GUL RAHIM  
Post: CT  
School: G, H, School, PAF, Shaheen Camp Peshawar.  
Ph: 00441413256143 / 00447401472073 / 00447939590542  
Email: Syed.karim59@hotmail.co.uk



*Ali B...*  
Principal  
GHS PAF Shaheen  
Camp Peshawar.

**ATTESTED**

  
**IBADUR-RAHMAN**  
ADVOCATE  
HIGH COURT, PESHAWAR



15

EXECUTIVE DISTRICT OFFICER  
(E & S) EDUCATION PESHAWAR  
NO: 22-43

DATED 29/9 /2012

To

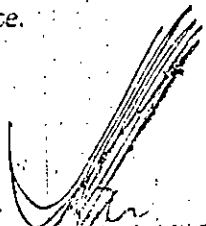
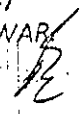
The Principal  
GHS PAF Shaheen Camp  
Peshawar Cantt:

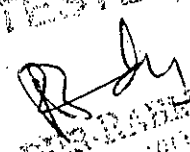
Subject: EXTENSION IN EXTRA ORDINARY LEAVE.

Memo:

Reference your No: 177 dated 7/08/2012, on subject cited above and to returned the case along with service book with the remarks that arrival report of the applicant and attendance certificate after availing (730 days) leave may be submit to this office.

Encie: Service Book.

  
DISTRICT OFFICER (MALE)  
(E & S) EDUCATION PESHAWAR  


ATTESTED  
  
IMADUS SAMI  
ADVOCATE  
HON COURT, PESHAWAR

To,  
The Principal (G.H. School, PAF Shaheen camp)  
&  
Executive (Khyber Pukhtun Khwa, Peshawar, Pakistan)

15<sup>th</sup> Jan 2013

Subject: Application to extend leave

Respected Sir,

In addition to my first application, this is another request highlighting rules/regulations and my current circumstances to approve without pay leave.

I have attached a copy of rules <sup>as (Annex I)</sup> that I am entitled to without pay leave. I completely meet the rules and regulations for extension in my without pay leave.

My current circumstances do not allow me to leave my family and my special need kid alone and to travel to Pakistan to apply for without pay leave. You are aware that I am residing in the UK supporting my family. My disable kid whose medical records are attached with this application needs my assistance all the time.

I have been given unnecessary tensions at the time when my seniors need to support me in this difficult time.

Once again, I request you respectfully that approve my application, please.

Your's sincerely,

Name: SAID KARIM  
Father Name: GUL RAHIM  
Post: CT  
School: G, H, School, PAF, Shaheen Camp Peshawar.  
Ph: 00441413288143 / 00447401472073  
Email: Syed.karim69@hotmail.co.uk

*Said Karim*  
15-1-13

*Said Karim*  
SAID KARIM  
15-1-13  
PESHAWAR

RESIDENCE PERMIT

RC5399679

NAME  
KARIM SAID

VALID UNTIL  
30-11-2014

PLACE AND DATE OF ISSUE  
UK 04-12-2012

TYPE OF PERMIT  
PBS DEPENDANT  
LEAVE TO REMAIN

REMARKS  
RESTRICTED WORK  
NO DR/DENTIST  
TRAINING



*[Signature]*  
HIGH COURT PESHAWAR  
ADVOCATE  
LEADUR-RAHMAN

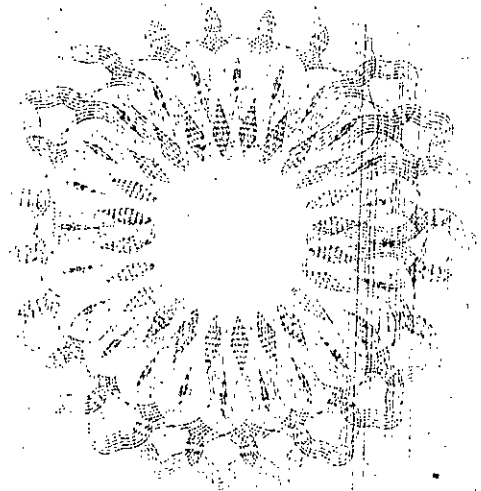






مشاہدات

مشاہدات  
OBSERVATIONS



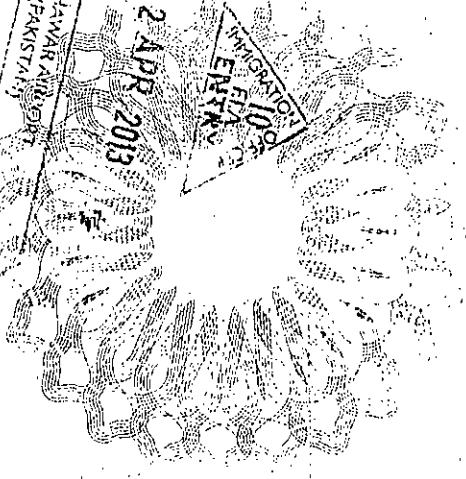
ATTESTED

*IBADUR RAHMAN*  
IBADUR-RAHMAN  
ADVOCATE  
HIGH COURT, PESHAWAR

مشاہدات  
OBSERVATIONS

PESHAWAR  
HIGH COURT  
PAKISTAN  
02 APR 2013

100  
FEDERAL  
ENFORCEMENT  
AGENCY



SERVICE/ NO OBJECTION CERIFICATE.

20

It is certified that Mr, Said Karim S/O Gul Rahim is posted as CT teacher in Education Department since 09/02/1995. Presently he is performing his duties against the same position.

Further it is stated that this Office will have no objection on his selection for dependant visa .

However he will submit his application for proper leave for the period required ,and he will report for duties as and when he come back.

ATTESTED

Executive District Officer.  
(E&S) Education Peshawar

Behy

IBADUR RAHMAN  
ADVOCATE  
HIGH COURT, PESHAWAR

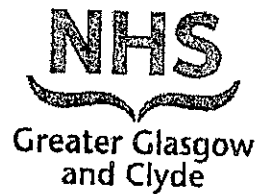


MRI

21

**Renfrewshire**  
Community Health Partnership

Panda Centre  
Level 2 South  
Royal Alexandra Hospital  
Corsebar Road  
Paisley PA2 9PN



**PANDA CENTRE**

Direct Line - 0141 314 7202

**HG/CD**

Dictated 11.02.11  
Typed 14.02.11

Parent or Guardian of  
Waleed Ahmad  
Flat 1/3  
19 Lady Lane  
Paisley  
PA1 2LH

Dear Parent or Guardian

Re: **Waleed Ahmad**                      **DOB/CHI 0809058170**

Most of Ahmad's blood tests are back and do not give a cause for his developmental problems.

His MRI scan is back. You told me that he had a similar scan in Pakistan which showed water on his brain. The scan done in January does show that the ventricles of his brain (the fluid filled spaces) are larger than they should be and this is because there has been loss of brain tissue. This picture could be seen after meningitis and could fit in with the story that you told me of his illness in Pakistan.

If you have any questions about this please contact me at the Panda Centre. I will see him back in clinic as planned.

Yours sincerely

**Dr H Gibson**  
Consultant Paediatrician

  
IBADUR-RAHMAN  
MRCP (A)  
MRCP (C), FRCR (A)

**Delivering better health**

[www.nhsggc.org.uk](http://www.nhsggc.org.uk)

Acute Services Division

Women and Children's Directorate



Greater Glasgow  
and Clyde

PAEDIATRIC DENTISTRY

Date: 21 July 2011  
CHI Number: 0809058170  
Hospital Number: Y0801382

The Parent/Guardian of  
WALEED AHMAD  
15 ARGYLE STREET  
2/2  
PAISLEY  
PA1 2ET

Dear Parent/Guardian

PAEDIATRIC DENTISTRY ADMISSION

We write to confirm your child's admission for their surgical procedure as:

Area: DSU - DAY SURGERY UNIT, YORKHILL  
Day & Date: Thursday 28 July 2011  
Arrival Time: 0730  
Consultant: PAUL MCLAUGHLIN

We attach instructions for the admission. If your child requires to be fasted, please read carefully the fasting instructions overleaf. Please be prepared for your child to be kept in overnight for observation if required.

If for any reason, you cannot attend on this admission date, please contact the Department as soon as possible so that we can offer this slot to another patient and arrange another suitable date for you. We appreciate your help in running an efficient service.

One parent or legal guardian MUST attend to sign the consent form.

Please bring this letter with you on date of admission.

PLEASE NOTE: In the event of an emergency your child's admission may be cancelled at short notice.

Contact details can be found on the attached instruction sheet.

Yours sincerely

PAEDIATRIC DENTISTRY

ATTESTED

Ibadur-Rahman  
ADVOCATE  
HIGH COURT, PESHAWAR

Delivering better health

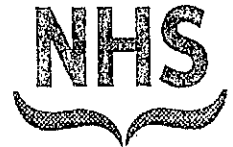
www.nhsggc.org.uk

40366

23

Chi No.: 1610018311

Royal Alexandra Hospital  
Corsebar Road  
Paisley  
PA2 9PN



Greater Glasgow  
and Clyde

Tel: 0141 887 9111  
Fax: 0141 848 9082  
Date: 15 September 2011

SHAHZAD AHMAD  
FLAT 2/2  
15 ARGYLE STREET  
PAISLEY  
PA1 2ET

Our Ref:  
fitzaRAH562581

**OUT PATIENT APPOINTMENT**

**An appointment has been made for you at the following clinic:-**

Clinic: Gonzalez, P (4550152)  
Ophthalmology Clinic

Appointment: 2:40 PM  
Thursday 14 June 2012

Please go to: DESK 2 OUT PATIENT DEPARTMENT

Should the above appointment be unsuitable or no longer required please contact the Appointments Department within 7 days to cancel or arrange an alternative date otherwise we will assume that you will attend, your waiting time guarantee will be affected if you alter this appointment outwith the 7 days. There is no need to confirm this appointment if you will be attending.

The Appointments Department is open from 9 a.m. to 5.00 p.m. Monday to Thursday and 9 a.m. to 4.30pm on Friday. Telephone No. 0141 314 6194.

The appointment date is the earliest available. Your GP will not be able to arrange for an earlier appointment unless your condition deteriorates significantly. If, unfortunately, your condition does deteriorate significantly whilst you are waiting for your appointment, you should seek the assistance and advice of your GP.

If your details have changed, please inform the receptionist when you check in to the clinic.

Medical Records Department

ATTESTED

*Rahman*  
LEADUR-RAHMAN  
ADVOCATE  
HIGH COURT, PESHAWAR

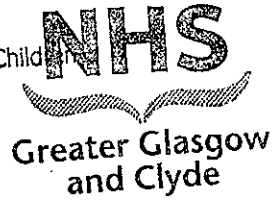
# Acute Services Division

## Women and Children's Directorate

Mr Duncan, Miss Murnaghan and Miss Read: 0141-201-0276  
Mr Wilson/ Mr Huntley: 0141-201-0275  
Mr Rowland : 0141-201-0267  
Fax No: 0141-201-0476

Secretary: [sheila.mclaughlin@ggc.scot.nhs.uk](mailto:sheila.mclaughlin@ggc.scot.nhs.uk)

Royal Hospital for Sick Children  
Yorkhill  
Glasgow  
G3 8SJ



### DEPARTMENT OF ORTHOPAEDIC SURGERY

LB/SM

Dictated: 02.11.12  
Typed: 21.11.12

Parent / Guardian

Waleed Ahmad  
F 2/2 15 Argyle Street  
Paisley  
PA1 2ET

#### TO WHOM IT MAY CONCERN

**Waleed Ahmad dob 8.9.05 HN 801382 CHI: 0809058170**

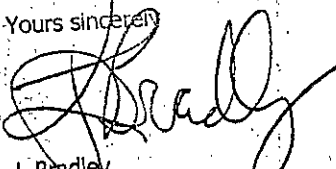
I write on behalf of the parents of Waleed Ahmad who is under the care of Mr James Huntley at Yorkhill Children's Hospital. Waleed has multiple developmental problems and is wheelchair bound 99% of the time with neurological problems in his lower legs that stop him walk and learnt how to stand only with multiple supports and standing frame under constant care. He requires assistance for most things but of particular note here transfers and transportation require another person to transport and move him.

His mother tells me today that she lives in the upper storeys of her building and currently has to physically pick up her son and carry him up the stairs to get him into the house. He is large and he is only going to be getting bigger and mum is suffering from back pain and shoulder problems as a result of this.

We would fully endorse any support that you could give to Waleed and his family to be placed in ground level accommodation or plus any further assistance that may help with his mobilisation. Currently his mother is able to lift him with some difficulty and resulting in pain however in the not too distant future this will become an impossible task for her due to the size.

If we can be of any further assistance please don't hesitate to contact the department here via the secretary and we would be happy to help.

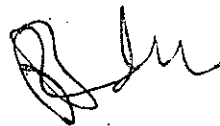
Yours sincerely

  
L Bradley  
Clinical Fellow in Orthopaedics

**Delivering better health**

[www.nhsggc.org.uk](http://www.nhsggc.org.uk)

ATTESTED



**IBADUR-RAHMAN**  
ADVOCATE  
HIGH COURT, PESHAWAR

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**Acute Services Division**

THE ROYAL HOSPITAL FOR SICK CHILDREN  
GLASGOW G3 8SJ

Women and Children's Directorate



PRE-ADMISSION CLINIC  
TELEPHONE NO : 0141 232 1968

To the parent or guardian of:-

WALEED AHMAD  
15 ARGYLE STREET  
2/2  
PAISLEY  
PA1 2ET

DATE: 4 May 2012  
HOSPITAL NO: Y0801382  
CHI NO: 0809058170

Dear Parent/Guardian

Your child is scheduled for admission to hospital for elective surgery. Please bring WALEED for a pre-admission visit as detailed below.

This visit will last approximately one hour and will involve a full physical examination and you will have the opportunity to have any questions answered.

Please report to Day Surgery Reception Desk on

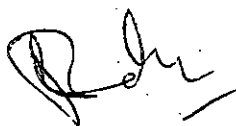
Thursday 17 May 2012 10:20 am

If this appointment is not suitable please telephone us as soon as possible to arrange an alternative date.

Yours sincerely

Sandra Tumath  
Nurse Practitioner  
Pre-admission Programme

**ATTESTED**

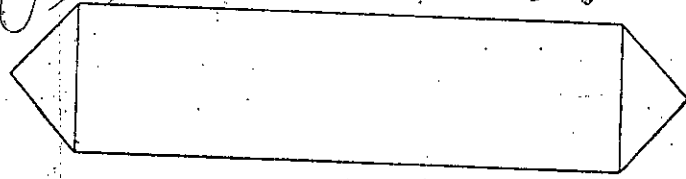
  
**IBADUR-RAHMAN**  
ADVOCATE  
HIGH COURT, PESHAWAR

*Delivering better health*

www.nhsggc.org.uk

بعد الت صائب سرویس کے لیے درخواست

26



2 منجانب  
بنام

مورخہ

مقدمہ

دعویٰ

جرم

سید کریم

سید کریم  
سید کریم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیردی وجواب دہی وکل کاروائی متعلقہ

آن مقام کے لیے عسار حسن احمد

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز

وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی

اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت

مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ مالے بجائے

تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے

اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے

سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں

گے۔ کہ پیروی مذکور کریں۔ لہذا کالت نامہ لکھ دیا کہ سندر ہے۔

20/3

اپریل

27

المرقوم

العبد العبد

کے لئے منظور ہے۔

مقام

30

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**

SERVICE APPEAL No: 1283/2013

**Said Karim Ex-CT Distret Charsadda.**

..Appellant

**VERSUS**

Secretary Elementary & Secondary Education Government of Khyber Pakhtun khwa & others.  
.....Respondents

**PARAWISE COMMENTS FOR AND ON BEHALF OF THE RESPONDENTS No: 1, to 3.**

Respectfully Sheweth:-

The respondents No: 1-3 submit as under :-

**Preliminary objections**

- 1 The appellant has no cause of action/locus standi.
- 2 The instant appeal is badly time barred.
- 3 The appellant has concealed the material fact from this Hon! able Tribunal hence liable to be dismissed.
- 4 The appellant has not come to Hon! able Tribunal with clean hands.
- 5 The instant appeal is against the prevailing laws & rules.
- 6 The appellant is estopped by his own conduct to file in present appeal.
- 7 The instant appeal is not maintainable in the present form & also in the present circumstances of the issue.
- 8 This Hon !able Tribunal has no jurisdiction to adjudicate the present appeal.

**ON FACTS**

- 1 That para-1 needs no comments being pertains to the personal service record of the appellant.
- 2 That para-2 is also needs no comments being pertains to the personal service record of the appellant.
- 3 That para-3 is also needs no comments being pertains to the service record of the Wife of the appellant, hence no comments.
- 4 That para-4 is also needs no comments being pertains to the domestic affairs & life of the Wife of the appellant, hence no comments.
- 5 That Para-5, is correct to the extent that the appellant has been granted Ex-Pakistan leave wef 01-9-2010 to 31-8-2012, vide order dated 15.9.2010 by the then Executive District Officer E&SE Peshawar & the appellant was supposed to resume his official duty against the CT post on 1-9-2012, which he did not resume, hence he was serve the show cause notice 9-1-2013 on his postal address as Mahallah Taj Abad P/O University Town Peshawar received on dated 22-1-2013 by the father of the appellant namely Mr. Bashir Khan bearing CNIC No: 17301-5717131-9 and a final show cause notice in the daily Surkhab" Peshawar dated 27-2-2013 with the direction to the appellant to resume his official duty & explain his position with regard to his willful absence from his official duty against the CT post with in 15-days from the publication of the said final show cause notice, but he miserably failed to resume his duty against the said post, hence he was removed from service vide notification No: 1158-2 dated

9/17

the said post, hence he was removed from service vide notification No: 1158-2 dated Peshawar the 26-3-2013, issued by the respondent No: 3 after observing all legal formalities in the instant case (copies of the referred documents are annexures A, B & C).

- 6 That para-6 is incorrect & misleading, hence no comments.
- 7 That para-7 is also pertains to the academic record of the wife of the appellant & the Burdon of his willful absence from his official duty against CT post can not be shifted on the shoulder of his wife, hence denied.
- 8 That para-8 needs no comments being pertains to the domestic problems of the appellant.
- 9 That para-9 is also incorrect & misleading, the appellant has been found guilty on the grounds of his willful absence from his official duty since 1-9-2012 on malafide intensions just to prolong his stay in England for the purpose of financial benefits by taking the shelter of his wife Education & the plea of his son.
- 10 That para-10 is incorrect & misleading the entire correspondence for the grant of extension in his Ex-Pakistan leave was based on malafide motives in hope of prolonging his stay in England, hence his application was declined by the competent authority by keeping and view acute shortage of teaching staff at GHS PAF Shaheen Camp Peshawar in the interest of public service under the discretionary powers conferred upon the respondent No: 3 under the relevant law/rules.
- 11 That para-11 is incorrect & misleading, the appellant has properly been informed/communicated in due course prior to the issuance of his termination from service notification dated 26-3-2013.
- 12 That para-12 is also incorrect & misleading, detail reply has already been given in the above mentioned paras.
- 13 That para-13 needs no comments being pertains the office record of the respondent No: 2.
- 14 The appellant has no cause/ reason to approach this Hon !able Tribunal. Hence the present appeal is liable to be dismissed inter alia on the following grounds :-

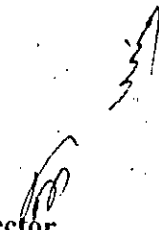
#### ON GROUNDS

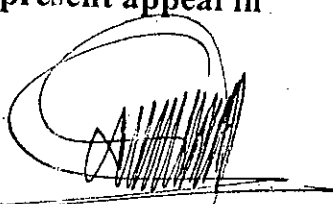
- A. That para-A is incorrect & denied, the appellant has been treated as per rules & policy prior to the issuance of removal from service order dated 26-3-2013 by the respondent No: 3 after taking in to account all facts & circumstances of the present case alongwith the observations of all legal formalities.
- B That para-B is incorrect & denied, proper statement of allegations with regard to his willful absence from his official duty wef 1-9-2012 against CT post has been served upon the appellant in both show cause notices issued by the respondent No: 3.
- C That para-C is incorrect & misleading detail reply has been given in the above paras.
- D That para-D is also incorrect & denied, the appellant has been found absent from his official duty wef 1-9-2012 with out assigning any cogent reason for the same guilt, hence he was removed from service vide order dated 26-3-2013 in the light of facts & circumstances of the case.
- E That Para-E is also incorrect & denied, the appellant has been served show cause notices for the resumption of his official duty which he did not respond despite the fact that sufficient time & chances were given to the appellant by the respondent No: 3.

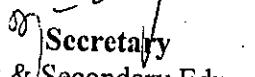


- F. That para-F is incorrect & denied, no cogent proof & record is available in the office of the respondents No: 3 & 4 to justify the stand of the appellant for the resumption of his duty on a belated stage in the presence of removal from service order dated 26-3-2013 of the respondent No: 3.
- G. That para-G is incorrect & denied, hence no comments.
- H. That para-H is also incorrect & denied, hence no comments.
- I. That para-I is incorrect & misleading, detail reply has been given in the above mentioned paras.
- J. That para-J is incorrect, the removal from service order dated 26-3-2013 has correctly been issued by the respondent No: 3 in the light of the facts & circumstances of case after meeting the required legal formalities.
- K. That the respondents seek leave of this Hon!able Tribunal to submit and advance additional grounds & case law at the time of arguments before this Hon! able Bench.

It is therefore, humbly prayed that on the above facts that this Hon! able Tribunal may very graciously be pleased to dismiss the present appeal in favour of the respondents with cost

  
**Director**  
 Elementary & Secondary Education  
 Khyber Pakhtunkhwa Peshawar.

  
**District Education Officer ,**  
 (M) E&SE Peshawar.

  
**Secretary**  
 Elementary & Secondary Education  
 Department, Government of Khyber  
 Pakhtunkhwa

(A)

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DISTRICT EDUCATION OFFICER ( MALE ) PESHAWAR.

NOTIFICATION :-

WHEREAS Mr. Said Karim Government High School P.A.F Shaheen Camp Peshawar was proceeded against under Khyber Pakhtunkhwa Govt. Servant (Efficiency & Discipline ) Rules, 2011 for the charge of "wilful absence from duty with effect from 01/09/2012"

2. AND WHEREAS absence notice was served upon the accused official through Principal concerned on the body of show cause notice at his home address but he did not report for duty.

3. AND WHEREAS the absentee / show cause notice were served upon Mr. Said Karim, C.T Government High School P.A.F Peshawar through Daily Newspapers ~~in presence and identity of~~ dated 27/02/2013 but he remained absent and did not report for duty in response to the notice.

4. AND WHEREAS The competent authority (District Education Officer (M) E&SE) Peshawar after having considered the charge and evidence on record is of the view that the charge of wilful absence against the accused official has been proved.

5. NOW THEREFORE, In exercise of the Powers conferred under Rules-4 (b) iii of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, I being the competent Authority ( District Education Officer (Male) Peshawar is pleased to impose major penalty of "Removal from Service" upon Mr. Said Karim (C.T) GHS P.A.F Shaheen Camp Peshawar with immediate effect.

SHARIF GUL  
District Education Officer (Male)  
Peshawar.

~~Endst. No. 11518-2 Dated Peshawar the 26/03/2013~~

Copy forwarded to the :-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Principal GHS PAF Shaheen Camp Peshawar.
3. Mr Said Karim CT GHS PAF Shaheen Camp Peshawar.

DISTRICT EDUCATION OFFICER  
(MALE) PESHAWAR.

دوسری ایجوکیشن کمیٹی راولپنڈی (ب)

6/11

Member ABC CERTIFIED

Daily Surkhhab Peshawar

روزنامہ سحر

شماره 278

جلد 23

16 ربیع الثانی 1434 ہجری بدو 27 فروری 2013ء 14 بجائیں

**ذکر الکریم**

ہرگاہ آپ کو سیدہ ریم گرفت، بی سکول بی اے ایف شاہینک پشاور مورفہ 1/9/2012 سے اشاعت  
 ہوا تک ایف کی اطلاع یا درخواست کے ذریعے سے غیر ماہر ہے اس ضمن میں آپ کو برسات پرسنل گرفت  
 بی سکول بی اے ایف شاہینک پشاور شہکار نوشہرہ اسلڈ پتر پڈا نمبر 356 تاریخ 9/11/2013 کو جاری  
 کیا گیا ہے لیکن تاہل آپ ذریعے پر حاضر نہیں ہوئے لہذا بذریعہ جزی نوٹس ہذا آپ کو ہدایت کی جاتی ہے کہ  
 آپ اس نوٹس کی اشاعت کے 15 دن کے اندر اندر اپنی ذریعے پر حاضر ہو جائیں اور اپنی غیر ماہری کی وجہ  
 بیان کریں۔ بصورت دیگر مزید حکومت خیر بختو خواہی ایئر ڈی رولر 2011 کے تحت یکطرفہ کارروائی میں  
 لائی جائے گی جو آپ کی ہر کارروائی ملازمت سے سیکورس ہونے پر ہی ہوگی۔

**ذکر الکریم**

Also available on [www.khyberpakhtunkhwa.gov.pk](http://www.khyberpakhtunkhwa.gov.pk) INF/PJ544

(9)

63

DISTRICT EDUCATION OFFICER (MALE)  
(E & S) EDUCATION PESHAWAR.

NO: 6204 DATED: 14/07/2012

To

The Principal  
PAF Shiaheen Camp Peshawar.

Subject:

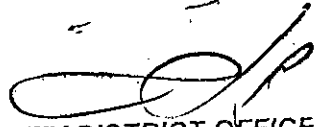
FINAL SHOWCAUSE NOTICE.

Memo:

I am directed to refer to the subject noted above and to forward two copies of show cause notice duly signed by the competent authority i. e District Education Officer (Male). (E&S) Education Peshawar in original to serve the same on the teacher concerned and one copy of the same may be returned to this office in token of having received the notice by him.

Reply to FINAL show cause notice should be furnished within the stipulated time period.

Encl: S/Book and show cause(02 Copies)

  
DEPUTY DISTRICT OFFICER (MALE)  
(E & S) EDUCATION PESHAWAR





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9/1

## FINAL SHOW CAUSE NOTICE

I Mr. Sharif Gul District Education Officer Peshawar as competent authority under Khyber Pakhtunkhwa Govt: Servants Efficiency and Discipline, Rules 2011 do hereby serve you Mr. Said Karim (CT) GHS PAF Shaheen Camp Peshawar, as under:

- a) You were issued Show cause Notice vide this Office Endst:No:356 dated 09-01-2013 but you failed to resume your duty, So the undersigned hereby served you FINAL SHOW CAUSE NOTICE.
- b) You were granted Ex Pakistan Leave Vide Executive District Officer (E & S) Education Peshawar No: 7588-89 Dated 15-09-2010 for the period from 01-09-2010 to 09-09-2011 (374 Days) on Half Pay and 10-9-2011 to 31-08-2012 (356 Days) (E.O.L) without Pay. You were required to attend the duty on 01-09-2012 but instead of resumption of duty you applied for extension in leave for a further period from 01-09-2012 to 31-08-2015 (1095 Days) (E.O.L) without pay which has been regretted by the Executive District Officer (E & S) Education Peshawar and thus you remained willfully absent from duty.

### ABSENCE FROM DUTY

Specified in rule 3 of the said rules:

- 1- As a result therefore I as competent authority here decided to impose upon you the major penalty of Removal from Govt: service under the said rules.
- 2- You are therefore directed to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate weather you desire to be heard in person.
- 3- If no reply to this notice is received within seven days or not more then 15-days of it delivered it shall be presumed that you have no defence to front in the case an ex-parte action shall be taken against you.

COMPETANT AUTHORITY

*[Handwritten Signature]*

9/2

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DISTRICT EDUCATION OFFICER (MALE)  
(E & S) EDUCATION PESHAWAR.

NO. 356 DATED 9/14/2012

To

The Principal  
PAF Shaheen Camp Peshawar.

Subject:

SHOWCAUSE NOTICE

Memo:

I am directed to refer to the subject noted above and to forward two copies of show cause notice duly signed by the competent authority i. e District Education Officer (Male) (E&S) Education Peshawar in original to serve the same on the teacher concerned and one copy of the same may be returned to this office in token of having received the notice by him.

Reply to show cause notice should be furnished within the stipulated time period.

Encl: As above. + S/BOOK -

  
DEPUTY DISTRICT OFFICER (MALE)  
(E & S) EDUCATION PESHAWAR.

C/3.

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**SHOW CAUSE NOTICE**

I Mr. Sharif Gul District Education Officer Peshawar as competent authority under Khyber Pakhtunkhwa Govt: Servants Efficiency and Discipline , Rules 2011 do hereby serve you Mr. Said Karim (CT) GHS PAF Shaheen Camp Peshawar, as under:

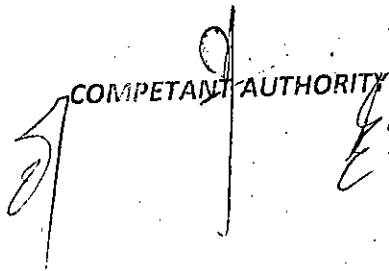
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- 3- If no reply to this notice is received within seven days or not more then 15-days of it delivered it shall be presumed that you have no defence to front in the case an ex-parte action shall be taken against you.

COMPETANT AUTHORITY.



Before The Kyber Aikhtarkhmasa Service Tribunal Peshawar

Mian Abdul Rehman vs Senior Civil Judge Nowshera.

Application of I Rule O.P.C for striking out  
Account General NCR as respondent No, 3 being  
not necessary party.

Respectfully sheweth,

1. That captioned appeal is pending before  
this honorable court wherein today is date  
of being.
2. That as respondent No, 3 is not necessary  
party, hence the respondent No, 3 be  
deleted from the panel of respondent.

It is therefore humbly prayed that  
on acceptance of this petition respondent No, 3  
be deleted from panel of respondent's.

dt, 29/06/2022

petitioner  
Mian  
Sayed Shabir Shabir  
advocate