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**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA  
SERVICE TRIBUNAL PESHAWAR.**

**Service Appeal No: 1267/2023**

Aurangzeb ( Ex & Late PSHT) GPS Wana Khel Tehsil Takht Bhai,  
District, Mardan..... (Appellant)

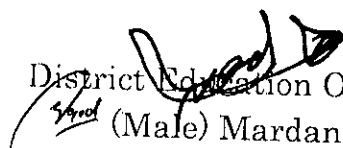
**Versus**

Govt of KPK Through Secretary ( Elementary and Secondary) &  
Others..... (Respondents)

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Respondent

  
District Education Officer  
(Male) Mardan

*Spare  
Copies*

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District, Mardan..... (Appellant)

**Versus**

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Others..... (Respondents)

**JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS No: 1-4.**

**Respectfully Sheweth,**

**PRELIMINARY OBJECTIONS :**

- Khyber Pakhtunkhwa  
Service Tribunal  
7846  
25/09/23
- 1 That the Appellant has got no cause of action/locus standi to file the instant appeal before this Honorable Tribunal.
  - 2 That the appellant has concealed material facts from this Honorable Tribunal in the titled appeal.
  - 3 That the Appellant has not come to this Honorable Tribunal with clean hands.
  - 4 That the case is bad for miss-joinder and non-joinder of the necessary parties.
  - 5 That the appeal is time barred by law of limitation Act.
  - 6 That the appellant has been died since 29-June- 2023, hence the appeal is liable to be dismissed, hence denied.

(Copy of Death Certificate is as Annexure-A)

**ON FACT:**

1. Para No 1 is correct.
2. **Incorrect & not admitted.** As there are so many complaints against the appellant , first the appellant asked the students to massage his legs and body in the school, Second the appellant has taken labour/(work) from the student during construction, Third the appellant used abusive language, Forth the appellant has not completed construction within threes years. The respondent No 04 i-e SDEO (Male) sent report to the respondent No 03 i-e DEO (Male) Mardan on 13-09-2023. Further more the appellant took cash Book, Two cheque books, PTC Fund Register of the School and other Financial Record of the school which is not providing to the department by their legal heirs, hence denied.

(Copy of Letter/ Report is as Annexure-B)

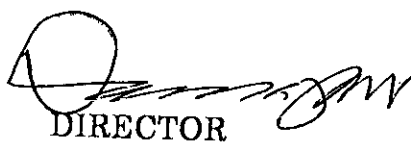
3. Incorrect & not admitted. As the respondent issued show cause Notice vide No 7255 dated 16/09/2022, and mentioned allegation in the show cause Notice. The respondent has completed all the codal formalities and issued the order of compulsory retirement of the appellant. After that the appellant has been died since 29-June- 2023, hence the appeal is liable to be dismissed, due his death, hence denied.  
(Copy of Show cause Notice is as Annexure-C)
4. Incorrect & not admitted. As the departmental appeal of the appellant has been rejected since 06/04/2023, hence denied.
5. Incorrect & not admitted. As the departmental appeal of the appellant has been rejected since 06/04/2023, hence denied.
6. That Para needs no comments.

GROUNDS:

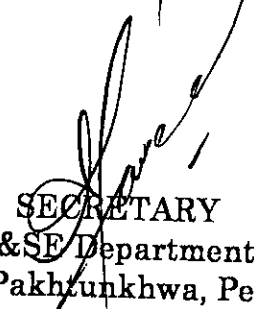
- A. Incorrect & not admitted. As, the order is legal, lawful, and is not liable to be set aside, hence denied.
- B. Incorrect & not admitted. As the respondent issued show cause Notice vide No 7255 dated 16/09/2022, and mentioned allegation in the show cause Notice. The respondent has completed all the codal formalities and issued the order of compulsory retirement of the appellant. After that the appellant has been died since 29-June- 2023, hence the appeal is liable to be dismissed.
- C. Incorrect & not admitted. As each and every cases have their own merits and circumstances. The service appeal of the appellant is useless due to the death of the appellant, hence denied.
- D. Incorrect & not admitted. As the respondent treated to the appellant just like the respondent has treated other teachers, the appellant has given opportunity of defense and the appellant has replied to the show cause Notice , hence denied.  
(reply of Show cause Notice is as Annexure-D)
- E. Incorrect & not admitted. As there are so many complaints against the appellant , first the appellant asked the students to massage his legs and body in the school, Second the appellant has taken labour/(work) from the student during construction, Third the appellant used abusive language, Forth the appellant has not completed construction within threes years. The respondent No 04 i-e SDEO (Male) sent report to the respondent No 03 i-e DEO (Male) Mardan on 13-09-2023. Further more the appellant took cash Book, Two cheque books, PTC Fund Register of the School and other Financial Record of the school which is not providing to the department by their legal heirs, hence denied.

- (4)
- F. Incorrect & not admitted. As the order of the compulsory retirement is legal and is not liable to be set aside, hence denied.
- G. Incorrect & not admitted. As the respondent has not violated Article 10-A of the constitution of Islamic Republic of Pakistan. The appellant has given opportunity of defense and the appellant has replied to the show cause Notice, hence denied.
- H. Incorrect & not admitted. As the respondent has not infringed the constitutional rights of the appellant under Article 4 & 25 of the constitution of Islamic Republic of Pakistan 1973, hence denied.
- I. Incorrect & not admitted. As reply is the above Para.
- J. Incorrect & not admitted. As reply is the above Para.
- K. Incorrect & not admitted. As the respondent has been treated to the appellant accordance with law, hence denied.
- L. Therefore, the Respondent also seeks leave to this Honorable Tribunal to submit additional grounds record & case law at the time of arguments.

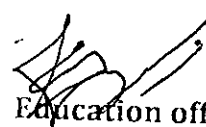
Therefore, in view of the above made submissions, it is most humbly prayed that on the acceptance of this reply, the appeal in hand may kindly be dismissed in favor of the Respondent Department in the interest of justice.




DIRECTOR  
E&SE Department Khyber  
Pakhtunkhwa, Peshawar.  
(Respondent No: 2)



SECRETARY  
E&SE Department Khyber  
Pakhtunkhwa, Peshawar.  
(Respondents No:1)



Sub Divisional Education officer  
(Male) Takht Bhai Mardan  
(Respondent No: 4)



District Education Officer  
(Male) Mardan  
(Respondent No: 3)

5

1 1

**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA  
SERVICE TRIBUNAL PESHAWAR.**

**Service Appeal No: 1267/2023**

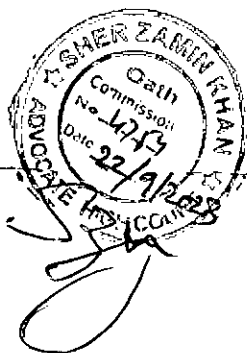
Aurangzeb ( Ex & Late PSHT) GPS Wana Khel Tehsil Takht Bhai,  
District, Mardan..... (Appellant)

**Versus**

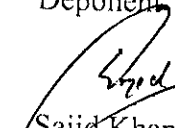
Govt of KPK Through Secretary ( Elementary and Secondary) &  
Others..... (Respondents)

**AFFIDAVIT**

I, Mr. Sajid Khan Legal Representative Education Department Mardan do hereby solemnly affirm and declare that the contents of Joint Para Wise Comments submitted by Respondents No 1 to 3 are true to the best of my knowledge and belief and nothing has been concealed from this Honorable Service Tribunal. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off.



Deponent

  
Sajid Khan  
16101-6005318-5



**OFFICE OF THE  
DISTRICT EDUCATION OFFICER  
(MALE) MARDAN**




& ☎ 0937-933151. ✉ deomalemardan@gmail.com

No: 6165 /

Dated: 2/2/2023

**AUTHORITY LETTER**

I, District Education Officer (Male) Mardan do hereby authorize Mr. Sajid Khan, Legal Representative of District Education Officer Male of District Education Office (Male) Mardan to deal with the issues regarding litigation and to represent & attend the KPK Honorable Service Tribunal Peshawar regarding litigation.

  
DISTRICT EDUCATION OFFICER  
(MALE) MARDAN

⑦

**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA  
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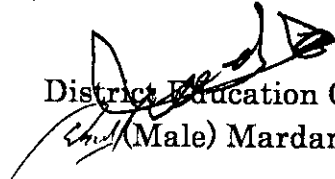
Govt of KPK Through Secretary ( Elementary and Secondary) &  
Others..... (Respondents)

**Reply to Application for condonation of delay.**

***Respectfully Sheweth,***

1. Para No 1 is **Incorrect, & Not admitted**, the appeal is not within time.
2. Pare No 2 is **Incorrect, & Not admitted**, as the order is valid and maintainable.
3. Para No 3 is **Incorrect, & Not admitted** as the application of the appellant may not kindly be treated as part of the service appeal because the service appeal is **badly Time barred**, and the appellant is not explain each and every day as per the relevant law.
4. Pare No 4 is **Incorrect, & Not admitted** as the appellant is careless due to which the service appeal was delay.
5. Pare No 5 is **Incorrect, & Not admitted**, as the order is valid and maintainable.
6. Pare No 6 is **Incorrect, & Not admitted**, as the appellant has provide opportunity to defense himself.
7. Para No 7 is **Incorrect, & Not admitted** as the application of the appellant may not kindly be treated as part of the service appeal because the service appeal is badly Time barred, and the appellant is not explain each and every day as per the relevant law.
8. Para No 8 is **Incorrect, & Not admitted** as the Honorable Tribunal to condone the delay as per limitation Act.

Therefore, it is humbly prayed that keeping in the above facts, the application may kindly be dismissed with cost.

  
District Education Officer  
Mardan (Male) Mardan



اندراج وفات سرٹیفکیٹ

Death Registration Certificate

دفتر اندراج PAF BABA 2 1007391

Dist: Mardan

1000246L8016

11950216

Deceased Person's Details

Full Name: Zeb	نام: اورنگزیب
Nationality: Pakistan	قومیت: پاکستانی
Phone No: 99101-7537367-7	تلفن نمبر: 99101-7537367-7
Date of Birth: 16 Jun 1973	تاریخ پیدائش: 16 Jun 1973
Gender: Male	جنس: مرد
Religion: Islam	مذہب: اسلام
Age: 50 Months 00 Years	مدت علالت: 00 مہ 00 دن 00 گھنٹے
Date of Death: 29 Jun 2023	تاریخ وفات: 29 Jun 2023
Date of Burial/Last Rite: 29 Jun 2023	تاریخ تدفین/آخری رسومات: 29 Jun 2023
Place of Death: Home	جائے وفات: گھر
Reason of Death: Natural	وجہ وفات: قدرتی
Nature of Death: Normal	کیفیت وفات: عام
Burial/Last Rite at: Pan Kalan	جگہ تدفین/آخری رسومات: پانی کلان

Parental Information

Parent Name: Zeb Ud Din	والد کا نام: ظہیر الدین
Occupation: Farmer	صاحب کار: کاشتکار
Address: Mardan	پتہ: ماردان

Address

Address: Pan Kalan Mohalla Gul Bahar	پتہ: ماردان پانی کلان محله گولہ باہر
City: Mardan	شہر: ماردان
Province: FATA	صوبہ: فٹا

Applicant's Details

Name: Zeb Ud Din	نام: زبید الدین
Phone No: 16102-5897382-4	تلفن نمبر: 16102-5897382-4
Relationship: Husband	منوفی سے رشتہ: خدیوت

Information of Burial/Last Rite by

Name: Zeb Ud Din	نام: زبید الدین
Phone No: 16102-5897382-7	تلفن نمبر: 16102-5897382-7
Relationship: Deceased's Son	منوفی سے رشتہ: بیٹا
Date: 29 Jun 2023	تاریخ اندراج: 29 Jun 2023
Time: 14:00	تاریخ اجراء: 29 Jun 2023
Place: Home	اندراج اسٹیشن: گھر
Signature: [Signature]	اضافی معلومات:



سیکرٹری دستخط

ٹائبرنہ بیت بابا 2

تحصیل تحت پانی صنعہ - ماردان

ATTESTED  
District Education Officer  
(Male) Mardan

Not Registered



Annexure B - 8

OFFICE OF THE SUB-DIVISIONAL EDUCATION OFFICER,  
(Male) Takht Bhai

EMAIL :- sdeo.m.t.bhai@gmail.com

No. 1493 / Dated; 13/09/2022

To

The District Education Officer,  
(Male) Mardan.

Subject:

REPORT AGAINST MR. AURANG ZEB, PSHT,  
GPS WANA KHEL JEHANGIR ABAD:

Memo;

In the light of various complaints of community members to your goodself as well as to this office, against Aurang Zeb PSHT the report is submitted as under: -

- 1) Mr. Aurang Zeb PSHT is working in GPS Wana Khel since 28/05/2019.
- 2) The community, school teachers and PTC committee are always at dragon drawn with MR. Aurang Zeb.
- 3) MR. Aurang Zeb is using abusive language and is bad mannered person.
- 4) He takes labour work from students in the construction work of ACR.
- 5) He could not complete construction of ACR through conditional grant in the last three Years.
- 6) He has some mental problem and is regularly using medicine for it.
- 7) He asks the students to massage his legs and body in the school.
- 8) This office has submitted various reports from time to time vide No. 2223/G

Dated: 12/09/2020, No. 2507 Dated; 02/10/2020, No. 2538 Dated; 08/10/2020, No. 589/G  
Dated; 04/01/2021, No. 1117 Dated; 16/04/2021, No. 1235 Dated; 20/05/2021, No. 1449  
Dated; 06/07/2021, No. 577 Dated; 30/03/2022, No. 1343 Dated; 22/08/2022 No. 1417  
Date; 05/09/2022 and No. 1438 Dated; 08/09/2022.

Similarly various show cause notices and explanations has been issued to him through various inquiries.

Log Book remarks has been written by SDEO and ASDEO from time to time.

In spite of all the above actions, he does not mend his ways.

In the light of the above situation, it is suggested to issue his compulsory retirement order in the best interest of public service and for the time being he may be transferred on administrative ground as per given proposal to silence the protesting public till the completion of his compulsory retirement process please.

S.No.	Name of PSHT	From	To	Remarks
1	Mr. Aurang Zeb	GPS Wana Khel	GPS Shekhano Banda	Vice No. 2 Admin Ground
2	Mr. Niaz Ali	GPS Shekhano Banda	GPS Wana Khel	Vice No. 1

Enclosed - 4 Reports.

ATTESTED

SUB-DIVISIONAL EDUCATION OFFICER,  
District Education Officer (Male) TAKHT BHAI,  
(Male) Mardan

کمپوٹرز ممران کا پیپر شیئر اور نئی سب

GPS و ناضل کے بارے میں بیان

بچوں کے ساتھ اخلاق سہارا اور سکول

ٹائٹلز ہیں

بچوں کو مالی سہارا دینے ہیں

بچوں کو جاننا لینے کے لئے جیورگٹری ہیں

بچوں کے لئے سکول سے اپنے مالش صحابہ اور

سکول میں جو تمام زہر لقمہ ہیں لبر کی

بچوں سے تمام آواز ہیں

سکول کے باقی سٹاف بھی اس سے

مالش ہیں

م سے لقمہ لقمہ اور نئی سب اس سکول  
سے آیا ہیں سکول کا منتقل

دن میں لکھنا چاہتے ہیں

لکھنا پیرید لکھنا ان سے لکھنا دیا

تو کتب سے نکالی دیتے ہیں

جو ناقابل قلم ہیں

DR, A

بکریں کی لی

DR, A

عزیزان خان

ضابطہ 10

عنا مشعل



District Education Officer  
(Male) Mardan

Annexure C (11)

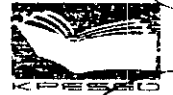
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT, GOVT. OF KHYBER PAKHTUNKHWA



DISTRICT EDUCATION OFFICE (M) MARDAN

Phone & Fax #. 0937933151

Email address: [deomalemardan@gmail.com](mailto:deomalemardan@gmail.com)



75

No. 7255 /citizen/ Dated: 16-09-2022

**SHOW CAUSE NOTICE**

I, Zulfiqar ul Mulk, District Education officer (Male) Mardan as Competent Authority under the Khyber Pakhtunkhwa government servants (Efficiency & Discipline) Rules, 2011, do hereby serve you Mr. Aurang Zeb PSHT GPS Wana Khel Jehangir Abad shows cause notice as follows

- You, the community, school teachers and PTC Committee are always dragon drawn with each others.
- You are using abusive language.
- You are taking labour from the students.
- You have not completed construction of ACR through conditional Grant since three years.
- You are asking the students to massage your legs and body in the school.
- In exercise of the power conferred by the KPK Govt. servant (Efficiency & Discipline) Rules, 2011, the Competent Authority is hereby pleased to serve you with the instant show cause notice with the direction to submit your defense in writing within 05 days of the issuance of this notice as to why the major penalty of Rule (b) of the said rules should not be imposed upon you and also intimate whether you desire to be heard in person.
- In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defense to offer and ex-parte decision will be taken against you.

(Zulfiqar ul Mulk)

DISTRICT EDUCATION OFFICER  
(MALE) MARDAN

Copy to the:

- SDEO(M) Takht Bhai to serve this show cause notice and ensure his reply

DISTRICT EDUCATION OFFICER  
(MALE) MARDAN

KEEP NOTHING UNDER THE TABLE, EXCEPT YOUR SHOES & USE THEM TO KICK OUT CORRUPTION

Attested  
[Signature]

کشمیر صواب اس دستخط انجمن افسر مردانہ مردانہ

صفحہ نمبر 1

صواب عالی:

(67)

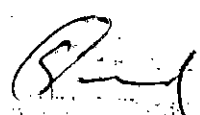
وضاحت :- درخواستیہ امر اد شوکار ڈی ای ٹی لہجہ مردانہ

گزارش و مدعا یہ کہ یہ آپ صاحبان اعلان اور اجازت کے بہترین میں ہوئی  
 انشاء اللہ! (1) یہ کہ یہ آپ صاحبان کی طرف سے ایک شوکار ڈی ای ٹی  
 NO: 6813 سندس دستخطی ایس و فائیل کو پیدہ ٹھوس کے نام آ رہا ہے۔  
 جو کہ صواب (ASDE-O) مہاب کے وائس ایس پر دیکھا گیا ہے۔  
 (2) یہ کہ یہ ای ٹی ٹی کو فیل کے کہنے کے مطابق پیدہ ٹھوس کو ڈی ای ٹی سے جو وضاحت  
 طلب کی گئی ہے، سر اسر من گواہت اور جھوٹ پر مبنی ہے۔  
 جس کی کمالی درخواست کے ساتھ منسلک ہے۔

(3) یہ کہ یہ پیدہ ٹھوس ایس و فائیل 7:50 بجے سکول طاقتور ہو گئی  
 اور پھر 5:50 بجے آگئی ہیں ایس دوران ایس عدو گھر کی تعمیر  
 میں جاری ہے۔ اور یہ تکیل کو ٹھیکہ والا ہے۔

(4) یہ کہ یہ پیدہ ٹھوس ایس و فائیل سے جو وضاحت اعلیٰ اور تعاون  
 کی طلب کی گئی ہے، اس ضمن میں وضاحت پیش کی جاتی ہے۔  
 کہ مطلوب پیدہ ٹھوس (Copract) شخص ہے۔ اور اعلیٰ  
 ہم خاص طور سے رہا ہے۔ اور سکول میں کسی قسم کی غلط  
 فہم و موجود نہیں ہے۔ جس میں کچھ نہ آفرود سکول کا معاملہ ہے  
 اور تمام تمام تعلق بخش فرار رہا ہے۔ جبکہ پچوبہ دنوں  
 گورنمنٹ ہائی سکول صاحبان کو پیدہ ٹھوس مہاب نے بھی سکول  
 کا وزٹ کر کے تمام کام کو تعلق بخش فرار رہا ہے اور پیدہ ٹھوس  
 وزٹ کے دن وہ سنت بجا رہا تھا۔

Attested  
by

  
 District Education Officer  
 (Male) Mardan

13  
 2019-20 کے لیے اسکولوں میں تعلیم سے متعلقہ امور کے بارے میں  
 جو کچھ کرنا ہے اس کے بارے میں - اور اسکولوں میں کافیاں  
 خیرات کی صورت میں - تقصیر سے بچنے کے لیے اسکولوں میں کافیاں  
 اور چھوٹے کچھ اور اسکولوں میں کافیاں - کہ وہ  
 اسکولوں میں کافیاں اور دیگر اہل انصاف کے ذریعہ بھی کرنا ہے۔  
 اور اسکولوں میں روزانہ (3) کا پانچ بجے جاتا ہے۔ چلنے لگنے  
 کچھ والے تو آ رہے ہیں۔ اور ہم ایسے روزانہ دیکھتے ہیں۔  
 مطلوبہ سٹوڈنٹس کے بارے میں کچھ بھی جانتا ہے۔

6  
 اس سے جو کچھ ہم جانتے ہیں۔ اور حقیقت یہ ہے کہ اسکولوں میں  
 لہذا یہ سٹوڈنٹس کے لیے اس میں اضافہ کے خلاف جو الزامات  
 عائد کیے گئے ہیں، اس کے بارے میں ہم سچے سچے کو جاننے  
 ہوتے ہیں اور ڈیوٹی فیل (Duty fail) قرار دیا جائے۔  
 اور ان کے خلاف لگائی گئی الزامات کو ہم لگا جاتے۔  
 چھوٹے میں کچھ اور گاؤں والوں سے اس بارے  
 میں سخت غم و غصہ کا اظہار کر کے سٹوڈنٹس کو ہم  
 کرنے کے اقدامات کی سہولت کی گئی۔

7  
 یہ سٹوڈنٹس کے گورنمنٹ ہائی اسکول جہان آباد میں  
 رہا کرتے ہیں اور درخواست کے ساتھ منسلک کیا گیا ہے۔  
 اور اعلیٰ اسکولوں میں لگا گیا ہے۔ کہہ کہہ مطلوبہ سٹوڈنٹس  
 انتہائی اہم مقامی شخص اور محنتی شخص ہے۔ جو کچھ  
 وہ دوسرے سٹوڈنٹس کے ذریعہ ہے۔ اور حفظان و امت  
 کے امور میں سے پوری طرح واقف ہے۔ یہ سٹوڈنٹس  
 جہان آباد میں سکھانے کے لیے مطلوبہ سٹوڈنٹس کا نام تحریر فرما کر

District Education Officer  
 (Male) Mardan

میرا نام ہے

پتہ

8. آپ کے ہاں دو فرمیں ہیں جن کی ایک کاپی اس میں شامل ہے۔  
 (65) اس میں مندرجہ ذیل تمام الزامات سے بھی آگاہی ہے کہ  
 پاپا جانے، اور ان کے خلاف شکایتوں کو فوری طور  
 پر حل کیا جائے۔ وضاحت کے بغیر نظر آپ ہاں  
 مہربانی فرما کر مطلوبہ اقدامات کو جلد سے جلد  
 اپنی سرپرستی اور (ASDEO) کے تحت  
 قرار دیا جائے گا اور اس کے ساتھ  
 ہر دو فرما  
 عنایت و مشورہ فرماویں  
 عین لائنیں ہوگی!

5-9-2022

مقامی طور پر

کمالی

آپ کے ہاں اس کا نام ہے جس میں مندرجہ ذیل تمام الزامات سے بھی آگاہی ہے کہ  
 اس میں مندرجہ ذیل تمام الزامات سے بھی آگاہی ہے کہ

مقامی طور پر

Forwarded to  
 HEAD MASTER  
 GPS Wankhedi  
 Takht Bhai

(ASDEO) کے تحت  
 سرپرستی کے تحت

Asst. Secy. Division  
 Edu. Officer  
 Takht Bhai

Prasad