

29.1.2016

Petitioner with counsel and Mr. Khurshid Khan, SO alongwith Addl: A.G for respondents present. Learned Addl: AG requested for adjournment. To come up for implementation report and arguments on 1.4.2016 before S.B.

  
Chairman.

01.04.2016

Petitioner with counsel and Mr. Khurshid Khan, SO alongwith Addl. A.G for respondents present. The Tribunal was informed that the services of the appellant have been restored to original position as it was before the imposition of penalty vide notification dated November 30, 2015.

Since the judgment of this Tribunal stood implemented as such the same is filed without any further proceedings. So far as reservations of the petitioner regarding fresh enquiry and non-payment of salary are concerned, the petitioner may agitate his such grievances before the proper forum if so advised. File be consigned to the record room.

  
Chairman

ANNOUNCED

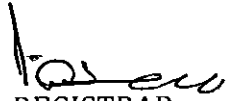


01.04.2016

01.04.16

FORM OF ORDER SHEET

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

Execution Petition No. 150/2015

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	03.12.2015	<p>The Execution Petition submitted by Mr. Iftikhar Ahmad through Mr. Ijaz Anwar Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This Execution Petition be put up before S. Bench on <u>04-12-2015</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	04.12.2015	<p>Counsel for the petitioner present. Notice be issued to the respondents for 29.1.2016 before S.B.</p> <p style="text-align: right;"> Chairman</p>

1.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL PESHAWAR**

Implementation No. 150 /2015  
In Appeal No. 136/2013  
Decided on. 27.1.2015

N.W.F. Province  
Service Tribunal  
Case No. 1381  
Dated 4-12-2015

Iftikhar Ahmad Ex-District Officer (M) Office of the EDO  
Elementary & Secondary Education, Peshawar presently Principal  
GHS Rashakai District Nowshera.

(Applicant)

VERSUS

1. Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. Secretary Elementary and Secondary Department Khyber Pakhtunkhwa Peshawar.
3. Secretary to Chief Minister Khyber Pakhtunkhwa, Khyber Pakhtunkhwa House Peshawar.

(Respondents)

**Application For Implementation Of The**  
**Judgment And Order Dated 27.1.2015 Of This**  
**Honorable Tribunal.**

**RESPECTFULLY SUBMITTED:**

1. That the above noted service appeal was pending adjudication in this honorable Tribunal and was decided vide judgment and order dated 27.1.2015.
2. That vide the judgment and order dated 27.1.2015 this honorable Tribunal while accepting the appeal of the appellant held as under: *"In view of the afore stated situation, the appeals, referred to above, are accepted and the impugned orders are set aside and it is directed that the competent authority may proceed against the appellants after fulfilling the codal formalities essential for conducting the inquiry in the prescribed manner within three months. In view of the afore stated situation, the services of the appellants are restored to their positions as it were before the imposition of penalties. The issue of back benefits shall be subject to the outcome of fresh inquiry. Parties are left to their own costs."* (Copies of the judgment and order dated 27.1.2015 is attached).

3. That in the judgment, this honorable tribunal has allowed three months time to the respondents to initiate and finalize the inquiry, the respondents however deliberately delayed the matter and now vide notification dated 30.11.2015, the applicant has been re-instated in service however, simultaneously served him with a charge sheet dated 23.11.2015. The charge sheet is time barred and is violative of the judgment of this honorable Tribunal.
4. That the applicant time and again visited the office of the respondents for the implementation of the order and judgment of This Honourable Tribunal however, they are reluctant.
5. That besides the respondents contumaciously delayed the re-instatement of the applicant, and it was only on 30.11.2015 when the order of re-instatement is issued.
6. That the respondents are bound to implement the Judgment and order dated 27.1.2015 of this honorable Tribunal and to consider the applicant for in accordance with the judgment of this Honorable Tribunal.
7. That no appeal has been filed against the judgment of this Honorable Tribunal, thus the same has attained finality.
8. That there is no legal impediment in the implementation of the judgment and order of this Honorable Tribunal.

It is therefore, prayed that on acceptance of this application the judgment and order dated 27.1.2015, of this honorable Tribunal be implemented in letter and spirit.

  
Applicant

Through

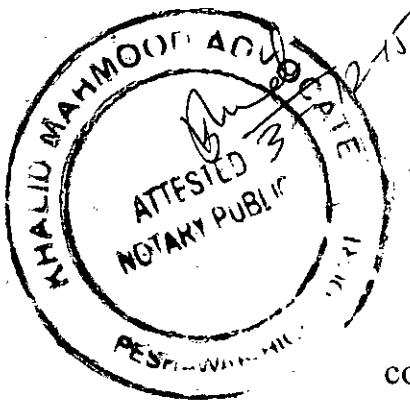
  
Ijaz Anwar  
Advocate Peshawar

  
&  
Sajid Amin  
Advocate Peshawar

Affidavit

I do hereby solemnly affirm and declare on oath that the contents of the above petition are true and correct and that nothing has been kept back or concealed from this Honorable Tribunal.

  
Deponent.



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

Implementation No. \_\_\_\_\_/2015

In Appeal No. 136/2013

Decided on. 27.1.2015

Iftikhar Ahmad Ex-District Officer (M) Office of the EDO  
Elementary & Secondary Education, Peshawar presently  
Principal GHS Rashakai District Nowshera.

**(Applicant)**

**VERSUS**

Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber  
Pakhtunkhwa, Civil Secretariat Peshawar and others.

**(Respondents)**

**Application for the suspension of the charge  
sheet dated 23.11.2015 till the decision of the  
above noted petition.**

**Respectfully Submitted:**

1. That the appellant has filed the titled implementation petition in this Honourable Tribunal in which no date of hearing is fixed so far.
2. That the facts and ground mentioned in the accompanied appeal may be read as integral part of this application.
3. That since the charge sheet issued is violative of the judgment and order of this honorable Tribunal, therefore, legally it cannot be proceeded.
4. That the applicant has got a good prima facie case and there is likelihood of it success.
5. That the applicant would be exposed to great hard ship and inconvenience in case the order is not suspended.

6. That the order passed is in violation of law and posting and transfer policy.
7. That it will also serve the interest of justice if the order impugned is suspended till the final decision of the appeal.

It is, therefore, prayed that on acceptance of this application the operation of the charge sheet dated 23.11.2015, may please be suspended till the decision of the petition.

*Iftikhar*  
Applicant

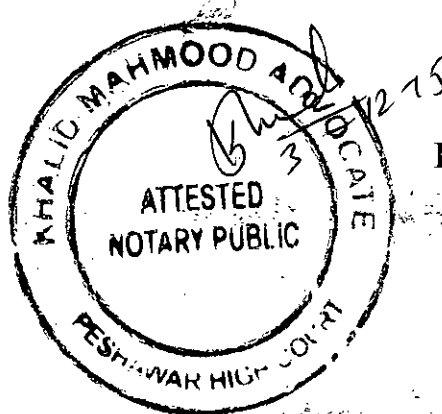
Through

*Ijaz*  
IJAZ ANWAR  
Advocate, Peshawar

&  
*Sajid*  
SAJID AMIN  
Advocate, Peshawar

### AFFIDAVIT

I, Iftikhar Ahmad Ex-District Officer (M) Office of the EDO Elementary & Secondary Education, Peshawar presently Principal GHS Rashakai District Nowshera, do hereby solemnly affirm and declare on oath that the contents of the above application are true and correct to best of my knowledge and believe and that nothing has been kept back or concealed from this Honourable Tribunal.



*Iftikhar*  
DEPONENT

15

REGISTERED



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

NOTIFICATION

Dated Peshawar the November 30, 2015

NO.SO(S/M)E&SED/4-17/2015/Jamil-ur-Rehman & others:

In pursuance of Khyber Pakhtunkhwa Service Tribunal Peshawar judgment dated 27-01-2015 in Appeal No.136/2013, the Competent Authority is pleased to set aside the penalty of "Reduction to lower grade/ lower post" imposed vide this department notification No.SO(S/M)E&SED/4-17/2012/Gohar Ali Ex-EDO E&SE Peshawar dated 11-10-2012 in r/o Mr. Iftikhar Ahmad, Ex-District Officer Male BS-18 Peshawar (now Subject Specialist Statistics BS-17 GHSS Nahaqi Peshawar) without back benefits w.e.f 27-01-2015. However, the grant of back benefits to the said officer will be subject to the outcome of fresh inquiry against him.

2. No TA/DA is allowed.

**SECRETARY**

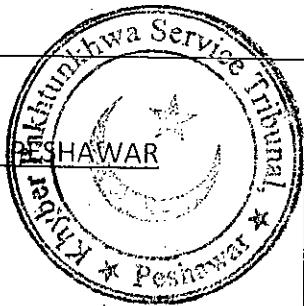
Endst: of even No. & Date :-

Copy forwarded to the:

- i. Accountant General, Khyber Pakhtunkhwa, Peshawar.
- ii. Director, E&SE Khyber Pakhtunkhwa; Peshawar.
- iii. Registrar, Khyber Pakhtunkhwa, Service Tribunal Peshawar.
- iv. District Education Officer Male, Peshawar.
- v. Mr. Iftikhar Ahmad, Subject Specialist Statistics BS-17 GHSS Nahaqi Peshawar.
- vi. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
- vii. Office order file.

(MUJEEB-UR-REHMAN)  
SECTION OFFICER (SCHOOL/S/MALE)

5



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 136/2013

(Iftikhar Ahmad-vs-Govt. of KPK through Chief Secretary etc)

27.01.2015

JUDGMENT

Muhammad Azim Khan Afridi, Chairman: Appellant with counsel and Mr. Khurshid Khan, S.O for respondents alongwith learned Addl: A.G present. Arguments heard and record perused.

Vide our detailed judgment and order of today in connected appeal No. 100/2013 titled Himayatullah-Vs-Govt. of KPK through Chief Secretary and others, the appeal is accepted and the impugned orders are set-aside and it is directed that the competent authority may proceed against the appellant after fulfilling the codal formalities essential for conducting the inquiry in the prescribed manners within three months. In view of the afore-stated situation, the services of the appellant are restored to its original position as it was before the imposition of penalty. The issue of back benefits shall be subject to the outcome of fresh inquiry. Parties are left to their own costs. File be consigned to the record.

ANNOUNCED

27.01.2015

Sd/- Muhammad Azim Khan Afridi Chairman
Sd/- Abdul Latif Khan Member

Certified copy
Khyber Pakhtunkhwa Service Tribunal, Peshawar

Date of Presentation 29-1-2015
Number of Pages 400
Copying Fee 4
Urgent
Total 4
Name of Officer
Date of Completion of Case 9-2-2015
Date of Delivery of Case 9-2-2015



6



S.No. of order or proceedings	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3

27.01.2015

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No.100/2013  
(Himayatullah-Vs-Govt. of KPK through Chief Secretary and others)

JUDGMENT

Muhammad Azim Khan Afridi, Chairman: Appellant with counsel and Mr. Khurshid Khan, S.O for respondents No. 1 and 2 alongwith learned Addl: A.G for respondents present.

This order shall dispose of the instant Service Appeal No. 100/2013 as well as Service Appeal No. 104/2013 titled Jameel-ur-Rehman-Vs-Govt. of KPK through Chief Secretary etc, Service Appeal No.136/2013 titled Iftikhar Ahmad-Vs- Govt. of KPK through Chief Secretary etc, Service Appeal No. 159/2013 titled Shafiq-ur-Rehman-Vs- Govt. of KPK through Chief Secretary etc, Service Appeal No. 160/2013 titled Muhammad Zubair-Vs- Govt. of KPK through Chief Secretary etc and Service Appeal 161/2013 titled Fida Hussain-Vs- Govt. of KPK through Chief Secretary etc as identical questions of facts and law are involved therein.

Arguments of the learned counsel for the appellants as well as learned Addl: A.G heard and record perused with their assistance.

Brief facts of the afore-stated appeals are that one Gohar Ali, Ex-EDO Education Peshawar was proceeded against departmentally and was compulsorily retired from service. The said orders of compulsory retirement were challenged by the said officer before the august Peshawar High Court and, finally, he was reinstated in service by the Chief Minister vide notification dated 26.08.2013 during the pendency of the writ petition and, due to the afore-stated notification, writ petition No. 2179-P of 2012 titled Gohar Ali-Vs-Chief Secretary, KPK etc, was withdrawn by the said officer.

**ATTESTED**  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

On the strength of the said inquiry against Gohar Ali, the appellants were also proceeded against departmentally and show cause notice to each appellant was issued by the Chief Minister and only on the strength of the same, the appellants were awarded punishments including major penalties.

During the course of argument, learned counsel for the parties including Addl: A.G, while assisting the Court, agreed that no regular inquiry was conducted and as such penalties imposed against the appellants were not in accordance with law. It was further agreed that in view of the changed circumstances including reinstatement of Gohar Ali, Ex-EDO the competent authority is required to conduct fresh inquiry keeping in view the change circumstances and provisions of law.

In view of the afore-stated situation, the appeals, referred to above, are accepted and the impugned orders are set-aside and it is directed that the competent authority may proceed against the appellants after fulfilling the codal formalities essential for conducting the inquiry in the prescribed manners within three months. In view of the afore-stated situation, the services of the appellants are restored to their positions as it were before the imposition of penalties. The issue of back benefits shall be subject to the outcome of fresh inquiry. Parties are left to their own costs. File be consigned to the record.

*Sd/- Muhammad Azim Khan Afzali  
Chairman  
Sd/- Abdul Latif Khan  
Member*

**ANNOUNCEE**  
27.01.2015

**Certified to be true copy**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

*Date of presentation of the petition 29.1.2015*

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

SUMMARY FOR CHIEF MINISTER

Subject: - RE-INSTATEMENT INTO SERVICE IN R/O MR. JAMIL-UR-REHMAN, EX-EDO, BS-19 E&SE PESHAWAR AND OTHERS.

Mr. Muhammad Humayun, Ex-Secretary BS-21 Science & Technology Department Khyber Pakhtunkhwa, was appointed as inquiry officer by the Chief Minister to conduct formal inquiry against Mr. Gohar Ali Khan, Ex-EDO, E&SE Peshawar into the allegations levelled against him mentioned in the charge sheet and statement of allegations vide notification dated 25-02-2012 (F/A).

Major penalty of "compulsory retirement" was imposed upon him in the light of recommendations of the inquiry officer and approval of the competent authority vide notification dated 15-11-2012 (F/B). The inquiry officer had also pointed out the following co-accused who were involved in irregularities in the same inquiry and there were also penalized by the Competent Authority vide notifications dated 11-10-2012 and 15-11-2012 (F/C to H).

S.#	Name, designation and address	Penalty imposed.
1.	Mr. Jamil-ur-Rehman, Principal GHS No.1 City Peshawar.	downgraded from BS-19 to BS-18
2.	Mr. Ifikhar Ahmad Ex-Dy.DEO (Male) Peshawar.	downgraded from BS-18 to BS-17
3.	Mr. Shafiq-ur-Rehman, Assistant office of EDO Peshawar.	downgraded from BS-14 to BS-09
4.	Mr. Himayat ullah PET, GMS Mohallah Hidayat Shah Peshawar.	compulsory retired
5.	Mr. Muhammad, Zubair, Junior Clerk office of EDO Peshawar.	compulsory retired
6.	Mr. Fida Hussain Junior Clerk office of EDO Peshawar.	compulsory retired

All the above mentioned accused submitted their review petitions which were also rejected by the Competent Authority vide letter dated 31-12-2012 (F/I).

Mr. Gohar Ali Khan, Ex-EDO, E&SE Peshawar was re-instated in service in the light of commitment made by the Department before the court vide notification dated 26-08-2013 (F/J).

The above mentioned co-accused filed their appeals in the Khyber Pakhtunkhwa, Service Tribunal against the penalties imposed upon them. They have now submitted their applications (F/K to P) along-with judgement of Service Tribunal and requested that they may be restored to their original positions. The relevant parts of the judgement are reproduced as under:

"During the course of argument, learned counsel for the parties including Addl. A.G, while assisting the Court, agreed that no regular inquiry was conducted and as such penalties imposed against the appellants were not in accordance with Law. It was further agreed that in

R. J. Khan

view of the changed circumstances including reinstatement of Gohar Ali, Ex-EDO, the competent authority is required to conduct fresh inquiry keeping in view the change circumstances and provision of law.

The appeal is accepted and the impugned orders are set-aside and it is directed that the competent authority may proceed against the appellants after fulfilling the codal formalities essential for conducting the inquiry in the prescribed manner within three months. In view of the afore-stated situation, the services of the appellants are restored to their original positions as it were before the imposition of penalties. The issue of back benefits shall be subject to the outcome of fresh inquiry."

6. This department submitted the instant case to Law Department for filing CPLA in the Supreme Court of Pakistan against the Judgement of Service Tribunal. The Law Department reported that the subject case was an unfit case for filing of appeal in the upper forum and advised the administrative department to conduct fresh inquiry (if seems fit and proper) within the limitation as mentioned by the Tribunal as the Tribunal also directed the issue of the back benefits shall be subject to the outcome of fresh inquiry (F/Q).

7. Keeping in view the direction of Service Tribunal and advice of Law Department, this Department proposes that a fresh inquiry may be conducted against Mr. Gohar Ali Khan, and appellants mentioned in Para-2 above except M/S Jamil-ur-Rehman and Himayat Ullah PET who have attained the age of superannuation on 19-04-2015 and 30-01-2015 respectively and cannot be proceeded against under E&D Rules 2011, as per FR-54-A. However, their retirement order shall not be issued till the outcome of fresh inquiry. The appellants mentioned in para-2 above may be restored to their original position as they were before the imposition of penalties without back benefits. The matter of back benefits shall be subject to the outcome of fresh inquiry.

8. The Chief Minister/ Competent Authority is requested to:-

- a) Approve proposal contained in Para-7 above.
- b) Appoint an inquiry officer/ inquiry committee from the panel given below:-
  - i. Mr. Ahmad Jan, Principal BS-20 GHS No.1, Charsadda.
  - iii. Mr. Khurshid Rauf, Principal BS-20 GHSS Mingora Swat.
  - iii. Mr. Saeed Khan, Principal BS-20 RITE (Male), Timergara Dir Lower.
- c) Sign the charge sheet and statement of allegations at (F/R to AA) and also insert name of the inquiry officer/ committee in the statement of allegations at (F/S, U, W, Y and AA).
- d) Dy. Director (F&A), Directorate E&SE may be nominated as departmental representative to assist the inquiry officer/ committee.

APR 2015  
S-50  
2015

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Para-8 of the summary is submitted for approval of Chief Minister.

4.1.1.1/7/8/2015  
(AFZAL LATIF)  
Secretary

Minister for E&SE

Chief Secretary

Chief Minister

*(Signature)*

CHARGE SHEET

11

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa as Competent Authority, hereby charged you, Mr. Iftikhar Ahmad, Ex-District Officer (BS-18) E&SE Peshawar as follows:-

That you, while posted as District Officer E&SE Peshawar committed the following irregularities:

**"Made irregularities in the purchase of Jute Tats, Science equipments and furniture. Attested a fake work order and processed bills on the basis of fake documents to Accountant General office during financial years 2009-10 and 2010-11."**

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

*Pervez Khattak*  
(PERVEZ KHATTAK)  
CHIEF MINISTER KHYBER PAKHTUNKHWA  
COMPETENT AUTHORITY

23/11/2015

Mr. Iftikhar Ahmad, Ex-District Officer,  
(BS-18) E&SE Peshawar.

*Ahmad*  
*to*

12

**DISCIPLINARY ACTION**

I, **Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa** as Competent Authority, am of the opinion that Mr. Iftikhar Ahmad, Ex-District Officer (BS-18) E&SE Peshawar has rendered himself liable to be proceeded against, as he committed the following acts/ omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

**STATEMENT OF ALLEGATIONS**

“Made irregularities in the purchase of Jute Tats, Science equipments and furniture. Attested a fake work order and processed bills on the basis of fake documents to Accountant General office during financial years 2009-10 and 2010-11.”

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

- i. Syed Kamran Shah (Pcs SG BS-20)
- ii. Mr. Khurshid Rauf, Principal (BS-20) G.H.S.S Mingora Swat
- iii. \_\_\_\_\_

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

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

*Pervez Khattak*  
**(PERVEZ KHATTAK)**  
**CHIEF MINISTER KHYBER PAKHTUNKHWA**  
**COMPETENT AUTHORITY.**

23/11/2010-

Mr. Iftikhar Ahmad, Ex-District Officer,  
(BS-18) E&SE Peshawar.

*Attested*



GOVERNMENT OF KHYBER PAKHTUNKHWA  
LAW, PARLIAMENTARY AFFAIRS AND  
HUMAN RIGHTS DEPARTMENT

No.SO(Lit)/LD/9-5(2)E&SED/2015/16770-  
Dated Peshawar the 17/3/2015

To

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Elementary & Secondary Education Department.

Subject:

SERVICE APPEAL NO.136/2013 IFTIKHAR AHMAD VS  
GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH CHIEF  
SECRETARY AND OTHERS.

Dear Sir,

I am directed to refer to your letter NO.SO(Lit-II)E&SED/1-3/14/S.A#104/13/Jamil-ur-Rehman, dated 05-03-2015 on the subject noted above and to forward herewith minutes of the meeting held on 13-03-2015 under the Chairmanship of Secretary-Law Department Khyber Pakhtunkhwa (which are self-explanatory) for perusal and further necessary action, please.

Yours faithfully,

(Muhammad Ismail Khalil)  
SECTION OFFICER (Lit)

Endst: No.& Date Even.

Copy alongwith copy of minutes forwarded to the:

1. PS to Advocate General Khyber Pakhtunkhwa, Peshawar.
2. PS to Secretary Law Department Khyber Pakhtunkhwa.
3. PA to Deputy Solicitor Law Department.

SECTION OFFICER (Lit)

Copy Number 1168  
Date of Copy 17/3/2015  
Secretary Elementary & Secondary  
Education Peshawar

SO (L-II)

Aliya



SERVICE APPEAL NO.136/2013 IFTIKHAR AHMAD VS GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH CHIEF SECRETARY AND OTHERS.

A meeting of the Scrutiny Committee on the above titled subject was held on **13-03-2015** under the Chairmanship of Secretary Law Department in order to determine the suitability / Fitness of the subject case for filing of appeal in the upper forum or otherwise.

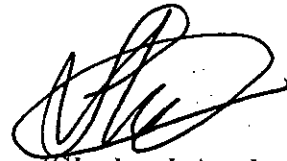
**2. Following attended the meeting:-**

1. Mr. M. Sohail  
Assistant Advocate General
2. Mr. Khurshid Ali  
Section Officer (Lit)  
E&SE Department
3. Mr. Raham Taj  
Legal representative of  
Directorate of E&SE Department
4. Mr. Shakeel Asghar  
Deputy Solicitor  
Law Department



3. At the very outset of the meeting, the Convener of the Committee apprised the members that honorable Services Tribunal passed the impugned order dated 27-01-2015 after seeking concurrence from the Additional Advocate General Services Tribunal regarding non-conducting of regular inquiry against the appellant and directed vide impugned order that competent authority may proceed against the appellant for conducting fresh inquiry after full-filling all the codal formalities in the prescribed manner within the period of three months.

4. Hence in view of above legal position it was decided that subject case was an **unfit case** for filing of appeal in the upper forum and advised to the Administrative Department to conduct the fresh inquiry (if seems fit and proper) within the limitation as mentioned by the honorable Service Tribunal as the honorable tribunal also directed the issue of back benefits shall be subject to the outcome of fresh inquiry.



(Shakeel Asghar)  
Deputy Solicitor



15

**REGISTERED**



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

**NOTIFICATION**

Dated Peshawar the November 30, 2015

**NO.SO(S/M)E&SED/4-17/2015/Jamil-ur-Rehman & others:** In pursuance of Khyber Pakhtunkhwa Service Tribunal Peshawar judgment dated 27-01-2015 in Appeal No.136/2013, the Competent Authority is pleased to set aside the penalty of "Reduction to lower grade/ lower post" imposed vide this department notification No.SO(S/M)E&SED/4-17/2012/Gohar Ali Ex-EDO E&SE Peshawar dated 11-10-2012 in r/o Mr. Iftikhar Ahmad, Ex-District Officer Male BS-18 Peshawar (now Subject Specialist Statistics BS-17 GHSS Nahaqi Peshawar) without back benefits w.e.f 27-01-2015. However, the grant of back benefits to the said officer will be subject to the outcome of fresh inquiry against him.

2. **No TA/DA is allowed.**

**SECRETARY**

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

Copy forwarded to the:

- i. Accountant General, Khyber Pakhtunkhwa, Peshawar.
- ii. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
- iii. Registrar, Khyber Pakhtunkhwa, Service Tribunal Peshawar.
- iv. District Education Officer Male, Peshawar.
- v. Mr. Iftikhar Ahmad, Subject Specialist Statistics BS-17 GHSS Nahaqi Peshawar.
- vi. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
- vii. Office order file.

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

POWER OF ATTORNEY

In the Court of Peshawar High Court Peshawar  
Servie Tolaid Rasul } For  
Iftikhar Ahmed. } Plaintiff  
} Appellant  
} Petitioner  
} Complainant

VERSUS

Govt of KPK and others. } Defendant  
} Respondent  
} Accused  
}

Appeal/Revision/Suit/Application/Petition/Case No. \_\_\_\_\_ of \_\_\_\_\_  
Fixed for \_\_\_\_\_

I/We, the undersigned, do hereby nominate and appoint

IJAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN

and Sajid Amin Adani my true and lawful attorney, for me in my same and on my behalf to appear at Peshawar to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at \_\_\_\_\_  
the \_\_\_\_\_ day to \_\_\_\_\_ the year \_\_\_\_\_  
Executant/Executants \_\_\_\_\_  
Accepted subject to the terms regarding fee \_\_\_\_\_

Sajid Amin Adani

Ijaz Anwar  
Advocate High Courts & Supreme Court of Pakistan

K.W.P. Peshawar  
Service Tribunal  
Diary No. 1431  
Dated 18-12-15

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

In the matter of  
Implementation No. \_\_\_\_/2015  
Appeal No. 136/2013

Iftikhar Ahmad.....Appellant

Versus

Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber  
Pakhtunkhwa Peshawar and others..... Respondents

**APPLICATION FOR EARLY HEARING**

Respectfully Submitted:


1. That the above noted appeal is pending adjudication before this Honorable tribunal in which date is fixed as 29.01.2016 for hearing.
2. That the next date given in the titled appeal is so far and deserves to be expedited, because the respondents have initiated departmental proceedings in violation of the judgment of this Tribunal.
3. That though the order of this Honourable Court has been conveyed to the respondents however they are bent upon finalizing the proceedings.
4. That there is no legal impediment in early fixation of the title appeal.

It is, therefore, humbly prayed that on acceptance of this *Early Hearing Application* the above noted appeal may please be expedited and be fixed at the earliest.

Dated: 17/12/2015

  
Appellant

Through

  
Ijaz Anwar  
Advocate Peshawar

In the matter of  
Implementation No. \_\_\_\_/2015  
Appeal No. 136/2013

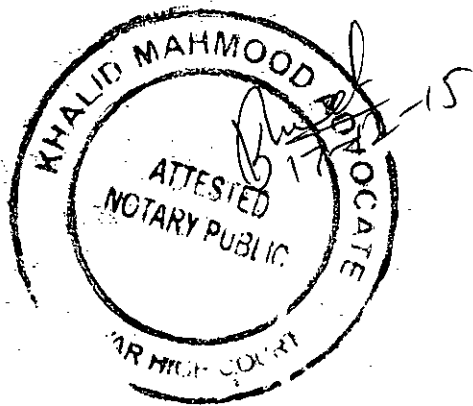
Iftikhar Ahmad.....Appellant

Versus

Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber  
Pakhtunkhwa Peshawar and others..... Respondents

**AFFIDAVIT**

I, do hereby solemnly affirm and declare on oath that the contents of the above *Early Hearing Application* are true and correct and that nothing has been kept back or concealed from this Honourable Court.



*[Handwritten Signature]*  
Deponent