

| Sr. No | Date of order/proceedings | Order or other proceedings with signature of Judge or Magistrate |
|--------|---------------------------|--|
| 1 | 2 | 3 |
| | 18.11.2019 | <p style="text-align: center;"><u>BEFORE THE YBER PAKHTUNKHWA SERVICE TRIBUNAL</u> <u>At Camp Court, Abbottabad.</u> Service Appeal No. 1005/2016</p> <p style="text-align: right;">Date of Original Institution 26.09.2016 Date of Decision 18.11.2019</p> <p>Mohammad Saleh son of Abdul Qaddos, Ex-Theology Teacher Village Umar Khan, P.O. Kundi, Tehsil Ghazi & District Haripur. Appellant</p> <p style="text-align: center;">Versus</p> <p>1. Director of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar. 2. District Education Officer (Male), Haripur. Respondents</p> <p>Mr. Muhammad Hamid Mughal-----Member(J) Mr. Ahmad Hassan-----Member(E)</p> <p style="text-align: center;"><u>JUDGMENT</u> <u>MUHAMMAD HAMID MUGHAL, MEMBER:</u> Appellant</p> <p>with counsel present. Mr. Usman Ghani learned District Attorney present.</p> <p>2. The appellant (Ex-Theology Teacher) has filed the present service appeal against the order dated 17.03.2016 whereby services of the appellant were terminated on the charge of absence from duty w.e.f 06.02.2016 and against the order dated 28.10.2016 through which the departmental appeal of the appellant was rejected.</p> <p>3. Learned counsel for the appellant argued that the appellant was appointed as Theology Teacher in the year 2004; that old age</p> |

18.11.2019

father of the appellant got seriously ill and confined to bed, moreover the appellant was also blessed with two (02) children one whom was totally disable by birth while the other suffering from serious kidney problem and due to that reason the appellant had to obtain leave without pay from 03.08.2015 to 11.11.2015; that on 08.02.2016, the appellant fell seriously ill and therefore submitted applications for leave on medical grounds; that the appellant was never informed that he was refused medical leave; that the respondent department without observing any codal formalities/legal requirements, terminated the services of the appellant vide order dated 17.03.2016. The departmental appeal filed by the appellant against the impugned order dated 17.03.2016 was also rejected. Further argued that the impugned orders have been issued without resorting to legal procedure, hence not tenable.

4. As against that learned District Attorney argued that the appellant was habitual absentee; that previously on account of absence from duty the appellant was issued Show Cause Notice, to which he submitted his reply and the appellant was also heard personally; that the appellant also submitted affidavit on judicial stamp paper that he shall remain careful in future and consequently vide order dated 23.11.2015, the appellant was awarded minor penalty of censure and his absence period w.e.f 03.08.2015 to 11.11.2015 was treated as leave without pay. Further argued that the appellant did not mend his ways and again absented himself from his duty w.e.f 06.02.2016. Consequently his services were rightly

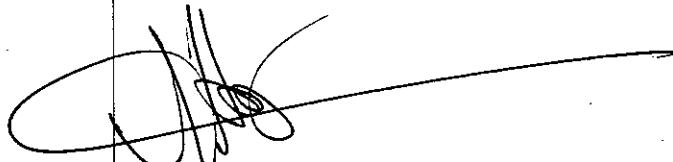
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terminated vide impugned order dated 17.03.2016.

5. Arguments heard. File perused.

6. The services of the appellant were terminated on account of absence from duty w.e.f 06.02.2016 but without providing him any opportunity of defense under the law. Even no Show Cause Notice was issued to the appellant prior to the issuance of impugned order dated 17.03.2016.

7. In view of above the impugned orders are set aside and the appellant is reinstated in service, leaving the respondent department at liberty to conduct proper inquiry under the law against the appellant on the charge/allegation as mentioned in the order dated 17.03.2016. Absence period and intervening period shall be treated as leave without pay. Parties are left to bear their own costs. File be consigned to the record room.



(Ahmad Hassan)
Member

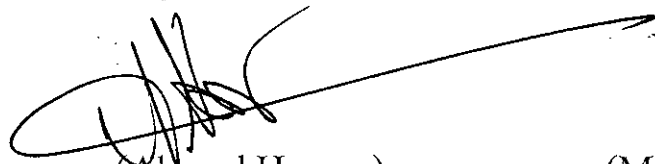


(Muhammad Hamid Mughal)
Member
Camp Court, A/Abad

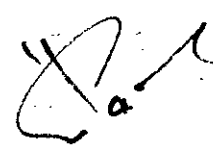
ANNOUNCED
18.11.2019

18.11.2019

Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney present. Vide our separate judgment of today of this Tribunal, placed on file, the impugned orders are set aside and the appellant is reinstated in service, leaving the respondent department at liberty to conduct proper inquiry under the law against the appellant on the charge/allegation as mentioned in the order dated 17.03.2016. Absence period and intervening period shall be treated as leave without pay. Parties are left to bear their own costs. File be consigned to the record room.



(Ahmad Hassan)
Member



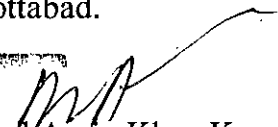
(Muhammad Hamid Mughal)
Member
Camp Court, A/Abad

ANNOUNCED.
18.11.2019

Service Appeal No. 1005/2016


11.07.2019


Counsel for the appellant and Mr. Sardar Wali-ur-Rehman, Assistant alongwith Mr. Muhammad Bilal Khan, Deputy District Attorney for the respondents present. Representative of the department submitted written reply on behalf of respondents No. 1 & 2. Case to come up for rejoinder and arguments on 17.09.2019 before D.B at Camp Court Abbottabad.


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

17.09.2019

Junior counsel for the appellant and Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith Mr. Said Badshah, ADO for the respondents present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Case to come up for rejoinder and arguments on 24.10.2019 before D.B at Camp Court Abbottabad.


(Hussain Shah)
Member
Camp Court Abbottabad


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

24.10.2019

Miss. Shehla Riaz present on behalf of learned counsel for the appellant ~~present~~ and seeks adjournment on the ground that learned counsel for the appellant is not available. Mr. Usman Ghani, District Attorney for respondents present. Adjourned but as last chance. To come up for arguments on 18.11.2019 before D.B at Camp Court, Abbottabad. Appellant be put on notice for appearance for the date fixed.


Member


Member
Camp Court Abbottabad

16.01.2019

Junior to counsel for the appellant present and seeks adjournment to file amended appeal. Granted. To come up for amended appeal/further proceedings on 21.03.2019 before S.B at Camp Court Abbottabad.


Member

Camp Court Abbottabad

21.03.2019

Clerk of counsel for the appellant present. Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith Sardar Wali-ur-Rehman, Assistant for the respondents present. Amended appeal not submitted. Clerk to counsel for the appellant requested further time to furnish amended appeal. Adjourned. To come up for amended appeal/further proceedings on 23.05.2019 before S.B at Camp Court Abbottabad.



(Muhammad Amin Khan Kundi)

Member

Camp Court Abbottabad

23.05.2019

Clerk of counsel for the appellant and Mr. Said Badshah, ADO alongwith Mr. Muhammad Bilal, Deputy District Attorney for the respondents present. Clerk of counsel for the appellant submitted amended appeal. Copy of the same is handed over to representative of the department. Adjourned. To come up for written reply/comments on amended appeal on 11.07.2019 before S.B at Camp Court Abbottabad.



(Muhammad Amin Khan Kundi)

Member

Camp Court Abbottabad

19.09.2018

Mr. Abdul Aziz Khan Tanoli Advocate counsel for appellant and Mr. Umar Khan DEO in person alongwith Mr. Usman Ghani learned District Attorney for respondents present and produced the copy of application/order passed by appellate authority on the departmental appeal of the appellant copy of which is given to the learned counsel for appellant.

At this stage learned counsel for appellant requested this Tribunal to allow the appellant to amend his appeal to the extent of impugned appellate order passed by the appellate authority on 28.10.2016. Since the request is genuine and legal as well, thus allowed. Case to come up for amended appeal to above extent on 13.11.2018 before S.B


Member


Chairman
Camp Court A/Abad

13.11.2018

None for the appellant and Said Badshah ADEO for the respondents present. Due to retirement of the Hon'ble Chairman the Service Tribunal is incomplete. Tour to Camp Court Abbottabad has been cancelled. To come up for the same on 16.01.2019 at camp court Abbottabad.



Reader

A. NO. 1005/2018
M. Saleh vs Govt

20.07.2018

Appellant Muhammad Muhammad Saleh in person alongwith his counsel Mr. Abdul Aziz Khan Tanoli Advocate present. Mr. Usman Ghani District Attorney for the respondents present. On previous date, DEO (M) Haripur was directed to personally attend the Tribunal and produce the copy of order of the appellate authority as claimed by them in their comments. However, neither the DEO (M) is present today nor copy of order of appellate authority produced. In the circumstances, due to upcoming general election this time a chance is given and he is directed to attend the Tribunal personally and produce the copy of the order of the appellate authority on 19.09.2018 before the D.B at camp court, Abbottabad.


Member

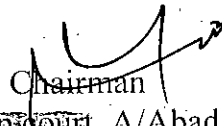

Chairman
Camp court, A/Abad

18.04.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Muhammad Tauseef, ADO for the respondents present. Counsel for the appellant seeks adjournment. To come up for arguments on 18.07.2018 before the D.B at camp court, Abbottabad.



Member



Chairman
Camp Court, A/Abad

18.07.2018

Appellant Muhammad Saleh is not in attendance, however, his counsel Mr. Abdul Aziz Tanoli, Advocate present. Mr. Usman Ghani, District Attorney on behalf of the respondents present.

In the comments, the respondents have claimed that the departmental appeal of the appellant was rejected on 28.10.2016, but on one hand the appellant claimed that the same has not been conveyed to him so far and on the other hand, copy of the said order has not been annexed with the comments.

District Education Officer (Male) Haripur is directed to personally attend the Tribunal and produce copy of order of the appellate authority on 20.07.2018 before the D.B at camp court, Abbottabad.



Member




Chairman
Camp Court, A/Abad

1005/2016

17.10.2017


Appellant in person and Mr. Muhammad Bilal, Deputy District Attorney for the respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come 19.12.2017 before S.B at camp court, Abbottabad.


Chairman

Camp court, A/Abad.

19.12.2017

Appellant in person present. Mr. Muhammad Bilal, Deputy District Attorney alongwith Mr. Mumtaz, SST for the respondents also present. Written reply on behalf of respondents submitted. Copy of the same also handed over to learned Deputy District Attorney. Adjourned. To come up for rejoinder and arguments on 17.01.2018 before D.B at Camp Court Abbottabad.


(Muhammad Amin Khan Kundi)


Member (Judicial)

Camp Court Abbottabad

17.01.2018

Clerk of counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mumtaz, SST for the respondents present. The learned counsel for the appellant is not in attendance. Seeks adjournment to file rejoinder. To come up for rejoinder and arguments on 18.04.2018 before the D.B at camp court, Abbottabad.


Member


Chairman

Camp Court, A/Abad


19.1.2017

Learned counsel for the appellant argued that the appellant was serving as T.T when his services were terminated vide impugned order dated 17.03.2016 on the allegations of wilful absence where-against his departmental appeal dated 09.06.2016 was not responded and hence the instant service appeal on 26.09.2016.

That the appellant was not wilful as he was suffering from typhoid. That neither any enquiry was conducted nor opportunity of hearing was afforded to the appellant and as such the impugned orders are against facts and law and liable to be set aside.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days notices be issued to the respondents. To come up for written reply/comments on 20.04.2017 before S.B at camp court, Abbottabad.

Appellant-Deposited
Security & Process Fee


Chairman
Camp court, A/Abad

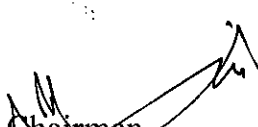
20.04.2017

Appellant in person and Mr. Muhammad Siddique, Sr.GP for the respondents present. Requested for adjournment. To come up for written reply/comments on 25.08.2017 at camp court, Abbottabad.


Chairman
Camp Court, Abbottabad.

25.08.2017




Appellant in person and Mr. Muhammad Bilal, Deputy District Attorney alongwith Said Badshah, ADO for the respondents present. Requested for further adjournment. Adjourned. To come up for written reply/comments on 17.10.2017 before S.B at camp court, Abbottabad.


Chairman
Camp Court, A/Abad

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1002/2016

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge or Magistrate |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1 | 26/09/2016 | <p>The appeal of Mr. Muhammad Saleh presented today by Mr. Khaled Abdullah Advocate may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 26/9/2016</p> |
| 2- | 27-9-16 | <p>This case is entrusted to Touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>24-11-16</u></p> <p style="text-align: right;"> CHAIRMAN</p> |
| | 24.11.2016 | <p>Appellant seeks adjournment as his counsel is busy in the Hon'ble High Court. Adjourned for preliminary hearing to 19.01.2017 before S.B. at camp court, A/Abad</p> <p style="text-align: right;"> Chairman Camp Court, A/Abad</p> |

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUN KHAWA PESHAWAR

Appeal No. 1005 /2016

Mohammad Saleh

..APPELLANT

VERSUS

Director Elementary etc.


....RESPONDENTS

AMENDED SERVICE APPEAL

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|------|---|----------|--------|
| 1 | Amended service appeal along with Affidavit | | 1-10 |
| 2 | Copy of notification dated 28-10-2016 | "G"-1 | // |
| 3 | Wakalatnama already placed on file | | |

Dated. 15-10-2018


Appellant
Through


(Abdul Aziz Khan Tanoli)
Advocate High Court
Abbottabad

-1-

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN
KHAWA PESHAWAR

Appeal No. 1005 /2016

Mohammad Saleh S/o Abdul Qaddos, Ex-Theology Teacher, R/o
Village Umar Khan, P.O. Kundi, Tehsil Ghazi & District Haripur.

..APPELLANT

VERSUS

1. Director Elementary and Secondary Education K.P.K.
Peshawar
2. District Education officer (Male), Haripur.

....RESPONDENTS

AMENDED SERVICE APPEAL

SERVICE APPEAL; UNDER SECTION-4 OF KPK
SERVICE ACT 1974 AGAINST THE ORDERS
DATED 17-03-2016 PASSED BY THE DISTRICT
EDUCATION OFFICER (MALE) HARIPUR
WHEREBY THE APPELLANT HAS BEEN
AWARDED WITH THE PENALTY OF
TERMINATION FROM SERVICE" AND AGAINST
THE IMPUGNED ORDER DATED 28-10-2016 OF
RESPONDENT NO 1 WHEREBY THE
DEPARTMENTAL APPEAL OF THE APPELLANT
WAS REJECTED.

PRAYER:- ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL IMPUGNED ORDER DATED 17-03-2016 OF RESPONDENT NO 2 AND ORDER DATED 28-10-2016 OF RESPONDENT NO 1 IN APPEAL MAY GRACIOUSLY BE SET ASIDE AND THE APPELLANT BE RE-INSTATED IN SERVICE WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respectfully,

- i. That background of facts giving rise to the instant appeal is that appellant was appointed in the Education Department in the capacity of TT (Theology Teacher) on 01-09-2004. Appellant always discharged his assigned duties with zeal, zest, devotion, dedication and honesty to the entire satisfaction of his officers and never provided them with a chance of reprimand.
- ii. That total service of the appellant stretches over 11 years and five months. During this period the appellant remained posted in different Schools of District Haripur. Appellant always earned good/ very good ACRs and has excellent service at his credit.
- iii. That on 30-04-2015, the appellant was transferred from Government High School Salamk-hand to Government High School Jabri, Haripur, where appellant took his charge and performed his duties efficiently and effectively without any interruption. His

old age father was seriously ill and is confined to bed and wholly dependent upon him. In July 2015 appellant was blessed with 02 children by Almighty Allah. However, unfortunately, one of them was totally disabled by birth while the other suffering with serious kidney problems. Due to the reason the appellant was put under mental agonies and physical stress for seeking their medical treatment at different Hospitals and he had to obtain leave without pay from 03-08-2015 to 11-11-2015 for the purpose. ***(Copy of leave order No.7922 dated 23-11-2015 is already attached as is...Annexure "A"***

iv. That thereafter ON 08-02-2016 the appellant himself fell seriously ill and remained confined to bed. The appellant consulted his Doctor, who examined the appellant and taking seriousness of the appellant advised him complete bed rest with medical treatment from time to time. The appellant even reminded indoor patient during the illness. Appellant continuously/regularly submitted applications along with medical grounds but he was never informed in case that his medical leave was not granted. ***Copies applications and medical certificates from 08-02-2016 to 14-05-2016 are already attached as is.....Annexure "B-1" to B & C.***

- v. That the competent authority/ District Education Officer (Male) Haripur instead of extending leniency and co-operation to the appellant for his critical and pitiable position adopted a harsh and stern attitude by terminating him from service vide his order dated 17-03-2016 without any reason and rhyme rather in serious violation of law Departmental rules & regulation and even principle of natural justice. **Copy of impugned order dated 17-03-2016 is already attached as Annexure "D"**
- vi. That during his posting as Theology Teacher at Government High School Jabri Haripur the appellant was kept in darkness with regard to his termination from service on 17-03-2016. The District Education Officer (Male) Haripur did not submit impugned order on his given postal address and the same was never delivered to him till the appellant himself came to his school on 05-05-2016 where the same delivered to him by the Headmaster.
- vii. That the District Education Officer, Haripur had some personal grudge and dissention against the appellant and was bent upon to dismiss him from service without

any fault or reason. Otherwise, appellant's private immediate boss, the worthy Head Master of Govt. High School, Jabri Haripur was well aware of the appellant's private problems. When during the month of February 2016, the appellant applied for grant of leave, his Head Master wrote him a letter under his signature and official stamp through registered covered explaining all minutes details of the District Education Officer's personal grudge having towards appellant for his termination from service. ***(Copies of letter dated 09-02-2016 and registered envelope are already attached as Annexure "E&F".***

viii. That neither any proper departmental inquiry, as envisaged under the law, was ever conducted nor was the appellant provided with the opportunity of personal hearing hence the law, departmental rules & regulations and principle of natural justice were seriously violated by the respondent department while awarding appellant with major punishment of termination from service.

ix. That even if the impugned order of the worthy District Education Officer (Male) Haripur were perused, the same does not disclose any reason or cause of the

appellant's termination from service. The impugned orders, in the words of legal language, is not a speaking order thus is illegal in the eyes of law hence liable to be set aside.

- x. That the impugned order dated 17-03-2016 passed by the District Education Officer (Male) Haripur was appealed against through departmental appeal dated 09-06-2016 and respondent no 1 decided the same on 28.10.2016 the same was kept in secret And the same was not communicated or delivered to appellant, appellant filed service appeal before this honorable court. Thereafter on direction of this honorable tribunal the respondent department produce the copy of decision of departmental appeal of appellant in this honorable tribunal and copy of same was given to appellant in open court, the appellant made a requested to this honorable tribunal to challenge the decision of departmental appeal through amended service appeal and the same request of appellant was allowed hence the instant amended appeal. *(Copy of departmental appeal is attached as Annexure "G")*
Copy of service Book is attached as Annexure "H". however the copy of notification dated 28.10.2016 is annexed herewith as annexure G1

GROUNDS:-

- a. That impugned orders dated 17-03-2016 and 20.10.2016 are illegal, unlawful passed as slipshod, whimsical, superficially, cursory and clandestine in manner and contrary to facts and record thus is liable to be set aside.
- b. That, impugned orders being a void orders has no sanctity in the eyes of law, departmental rules/regulations and principle of natural justice hence liable to be turned down.
- c. That impugned orders has been passed by the authority without adhering to the inquiry procedure set forth by law for the dispensation of justice at preliminary stages during the course of departmental inquires and in utter violation of mandatory statutory provisions of law.
- d. That, appellate authority while deciding the appeal of appellant has not considered the law and ignored the illegality committed by respondent no 2 while passing the impugned order hence the same is not warranted by law being void liable to be set aside

- e. That no witness was ever called for or produced before the inquiry officer nor was appellant ever allowed with the opportunity of cross-examining him.
- f. That neither any Charge sheet, Show Cause Notice or inquiry finding, if any, were issued to the appellant. Even opportunity of personal hearing was not provided to the appellant before awarding the instant major penalty of termination from service.
- g. That appellant was not provided with the opportunity of personal hearing before awarding major penalty of termination from service of which provision is mandatory under the law, hence the impugned orders needs to be turned down.
- h. That while dispensing with the inquiry respondent department did not complied with section 7 of govt servant (E&D) rules 2011 hence the impugned orders of respondent departments is not sustainable in the eye of law, being void liable to be set aside.

PRAYER:

**ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL
IMPUGNED ORDER DATED 17-03-2016 OF
RESPONDENT NO 2 AND ORDER DATED 28-10-2016 OF**

RESPONDENT NO 1 IN APPEAL MAY GRACIOUSLY BE SET ASIDE AND THE APPELLANT BE RE-INSTATED IN SERVICE WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS. ANY OTHER RELIEF WHICH THIS HONORABLE TRIBUNAL DEEMS FIT IN THE CIRCUMSTANCE OF THE CASE MAY ALSO GRACIOUSLY BE AWARDED.

Date .


Appellant
Through


(Abdul Aziz Khan Tanoli)
Advocate High Court
Abbottabad.

VERIFICATION.

It is verified the content of instant amended appeal are true and correct and to best of my knowledge and nothing has been concealed from this honorable tribunal .

Dated. 15/10/2018


Appellant

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN
KHAWA PESHAWAR

Appeal No. 1005 /2016

Mohammad Saleh S/o Abdul Qaddos, Ex-Theology Teacher, R/o
Village Umar Khan, P.O. Kundi, Tehsil Ghazi & District Haripur.

..APPELLANT

VERSUS

3. Director Elementary and Secondary Education K.P.K.
Peshawar
4. District Education officer (Male), Haripur.

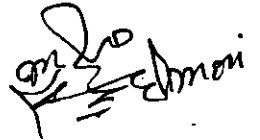
....RESPONDENTS

AMENDED SERVICE APPEAL

AFFIDAVIT

I Mohammad Saleh S/o Abdul Qaddos, Ex-Theology Teacher, R/o Village Umar Khan, P.O. Kundi, Tehsil Ghazi & District Haripur. deponent do hereby solemnly affirm and declares as under that all the contents above mentioned petition are true and correct to the best of my knowledge and belief.

Dated. 15/10/2018



Deponent

CNIC NO. 13303-1328349-1

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No. 1005/2016

Mohammad Saleh S/O Abdul Qaddos, Ex-Theology Teacher, R/O
Village Umar Khan, P.O. Kundi, Tehsil Ghazi & District Haripur.

Appellant

VERSUS

1. Director of Elementary & Secondary Education KPK Peshawar.
2. District Education Officer (Male), Haripur.

Respondents

SERVICE APPEAL


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9/2/16

APPELLANT

THROUGH


(KHALID ABDULLAH)
ADVOCATE HIGH COURT
AT HARIPUR

Dated: *26-09-2016*

0300-5636882

- 1 -

BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Appeal No. 1005/2016

Diary No. 1017

Dated 26-9-16

Mohammad Saleh S/O Abdul Qaddos, Ex-Theology Teacher, R/O Village Umar Khan, P.O. Kundi, Tehsil Ghazi & District Haripur.

Appellant

VERSUS

1. Director of Elementary & Secondary Education KPK Peshawar.
2. District Education Officer (Male), Haripur.

Respondents

SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 17-03-2016 PASSED BY THE DISTRICT EDUCATION OFFICER (MALE) HARIPUR WHEREBY THE APPELLANT HAS BEEN AWARDED WITH THE PENALTY OF TERMINATION FROM SERVICE".

PRAYER: ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL IMPUGNED ORDER DATED 17-03-2016 OF THE DISTRICT EDUCATION OFFICER (MALE) HARIPUR MAY GRACIOUSLY BE SET ASIDE AND THE APPELLANT BE RE-INSTATED IN SERVICE WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respectfully sheweth;

1. That background of facts giving rise to the instant appeal is that appellant was appointed in the Education Department in the capacity of TT (Theology Teacher) on 01-09-2004. Appellant always discharged his assigned duties with zeal, zest, devotion, dedication and honesty to the entire satisfaction of his officers and never provided them with a chance of reprimand.
2. That total service of the appellant stretches over 11 years and five months. During this period the appellant remained posted in different Schools of District Haripur. Appellant always earned good/very good ACRs and has excellent service at his credit.

Filed to-day

Registrar

26/9/16

3. That on 30-04-2015, the appellant was transferred from Government High School Salamk-hand to Government High School Jabri, Haripur, where appellant took his charge and performed his duties efficiently and effectively without any interruption. His old age father is seriously ill and is confined to bed and wholly dependent upon him. In July 2015 appellant was blessed with 02 children by Almighty Allah. However, unfortunately, one of them was totally disabled by birth while the other suffering with serious kidney problems. Due to the reason the appellant was put under mental agonies and physical stress for seeking their medical treatment at different Hospitals and he had to obtain leave without pay from 03-08-2015 to ~~11~~¹¹-11-2015 for the purpose. **(Copy of leave order No.7922 dated 23-11-2015 is attached as Annexure-"A")**.

4. That thereafter ON 08-02-2016 the appellant himself fell seriously ill and remained confined to bed. The appellant consulted his Doctor, who examined the appellant and taking seriousness of the appellant advised him complete bed rest with medical treatment from time to time. The appellant even remained indoor patient during the illness. Appellant continuously/regularly submitted applications alongwith medical certificates to his officers for grant of leave on medical grounds but he was never informed in case that his medical leave was not granted. **(Copies applications and medical certificates from 08-02-2016 to ~~14~~¹³-05-2016 are attached as Annexure-"B-1 to B- and C-")**

5. That the competent authority/District Education Officer (Male) Haripur instead of extending leniency and co-

Operation to the appellant for his critical and pitiable position adopted a harsh and stern attitude by terminating him from service vide his order dated 17-03-2016 without any reason and rhyme rather in serious violation of law, Departmental rules & regulation and even principle of natural justice. **(Copy of impugned order dated 17-03-2016 is attached herewith as Annexure-D)**).

6. That during his posting as Theology Teacher at Government High School Jabri Haripur the appellant was kept in darkness with regard to his termination from service on 17.03.2016. The District Education Officer (Male) Haripur did not submit impugned order on his given postal address and the same was never delivered to him till the appellant himself came to his school on 05.05.2016 where the same delivered to him by the Headmaster.
7. That the District Education Officer, Haripur had some personal grudge and dissention against the appellant and was bent upon to dismiss him from service without any fault or reason. Otherwise, appellant's immediate boss, the worthy Head Master of Govt. High School, Jabri Haripur was well aware of the appellant's private problems. When during the month of February 2016, the appellant applied for grant of leave, his Head Master wrote him a letter under his signature and official stamp through registered covered explaining all minutest details of the District Education Officer's personal grudge having towards appellant for his termination from service. **(Copies of letter dated 09.02.016 and registered envelope are attached as Annexure-"E&F"**

8. That on 05-05-2016 on receipt of termination order, appellant approached his officers for redress of his grievance and grant of leave on medical grounds. The appellant was assured that he would be granted leave thus kept him waiting till last week of May, 2016 when they flatly denied settling of his leave case which caused some delay in filing departmental appeal.
9. That neither any proper departmental inquiry, as envisaged under the law, was ever conducted nor was the appellant provided with the opportunity of personal hearing hence the law, departmental rules & regulations and principle of natural justice were seriously violated by the worthy District Education Officer Haripur while awarding appellant with major punishment of termination from service.
10. That even if the impugned order of the worthy District Education Officer (Male) Haripur were perused, the same does not disclose any reason or cause of the appellant's termination from service. The impugned order, in the words of legal language, is not a speaking order thus is illegal in the eyes of law hence liable to be set aside.
11. That the impugned order dated 17-03-2016 passed by the District Education Officer (Male) Haripur was appealed against through departmental appeal dated 09-06-2016 which was never responded till today. **(Copy of departmental appeal is attached as Annexure-"G").**
copy of Service Book is attached as Annex H.
Hence instant service appeal, inter alia, on the following grounds: *AD card & Receipt are also attached.*

GROUND:

- a) That impugned order dated 17-03-2016 is illegal, unlawful passed as slipshod, whimsical, superficially, cursory and clandestine in manner and contrary to facts and record thus is liable to be set aside.
- b) That impugned order being a non-speaking order has no sanctity in the eyes of law, departmental rules/regulations and principle of natural justice hence liable to be turned down.
- c) That impugned order has been passed by the authority without adhering to the inquiry procedure set forth by law for the dispensation of justice at preliminary stages during the course of departmental inquiries and in utter violation of mandatory statutory provisions of law.
- d) That no proper departmental inquiry was ever conducted in the case of appellant to prove his guilt or innocence which was mandatory under the law before awarding major penalty of termination from service.
- e) That no witness was ever called for or produced before the inquiry officer nor was appellant ever allowed with the opportunity of cross-examining him.
- f) That neither any Charge Sheet, Show Cause Notice or inquiry findings, if any, were issued to the appellant. Even opportunity of personal hearing was not provided to the appellant before awarding the instant major penalty of termination from service.

- g) That appellant was not provided with the opportunity of personal hearing before awarding major penalty of termination from service of which provision is mandatory under the law, hence the impugned order needs to be turned down.
- h) That the appellant has been awarded major penalty of removal from service without any reason & proof rather on the basis of malafide which is against the law.

PRAYER:

It is therefore, humbly prayed that on acceptance of instant service appeal the impugned order dated 17-03-2016 passed by District Education Officer (Male) Haripur may graciously be set aside and appellant be reinstated from the date of his termination from service with all consequential service back benefits.

Any other relief which this Honourable Tribunal deems fit in the circumstance of the case may also graciously be awarded.


APPELLANT


THROUGH


(KHALID ABDULLAH)
ADVOCATE HIGH COURT
HARIPUR

Dated: 26-09-2016

Verification

It is verified that the contents of instant appeal are true and correct to the best of my knowledge and nothing has been concealed therefrom.



Deponent/Appellant

Dated: 26-09-2016

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Mohammad Saleh S/O Abdul Qaddos, Ex-Theology Teacher, R/O
Village Umar Khan, P.O. Kundi, Tehsil Ghazi & District Haripur.

Appellant

VERSUS

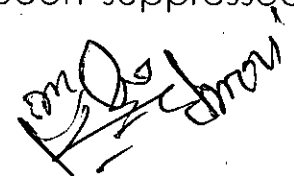
1. Director of Elementary & Secondary Education KPK Peshawar.
2. District Education Officer (Male), Haripur.

Respondents

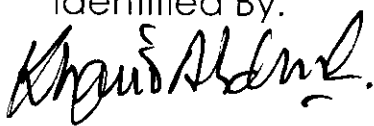
SERVICE APPEAL

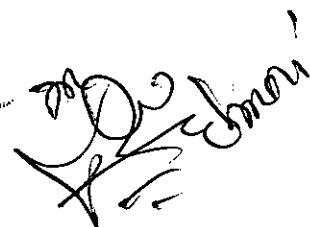
AFFIDAVIT:

I, Mohammad Saleh S/O Abdul Qaddos, do hereby solemnly
declare and affirm on oath that the contents of the instant
Service Appeal are true and correct to the best of my
knowledge and belief and nothing has been suppressed from
this Honourable Service Tribunal.


Deponent/Appellant

Dated: 26/09-2016

Identified By:

(KHALID ABDULLAH)
Advocate High Court
At District Bar Haripur


Appellant

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Mohammad Saleh S/O Abdul Qaddos, Ex-Theology Teacher, R/O
Village Umar Khan, P.O. Kundi, Tehsil Ghazi & District Haripur.

Appellant

VERSUS

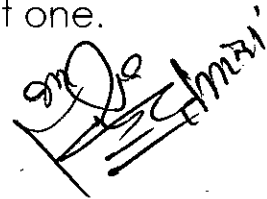
1. Director of Elementary & Secondary Education KPK Peshawar.
2. District Education Officer (Male), Haripur.

Respondents

SERVICE APPEAL

CERTIFICATE

It is certified that no such Appeal on the subject has ever been
filed in this or any other court prior to the instant one.



APPELLANT

Dated: 26-09-2016

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Mohammad Saleh S/O Abdul Qaddos, Ex-Theology Teacher, R/O Village Umar Khan, P.O. Kundi, Tehsil Ghazi & District Haripur.

Appellant

VERSUS

1. Director of Elementary & Secondary Education KPK Peshawar.
2. District Education Officer (Male), Haripur.

Respondents

SERVICE APPEAL

**APPLICATION FOR CONDONATION OF DELAY IN FILING THE APPEAL
BEFORE THIS HONOUR SERVICE TRIBUNAL.**

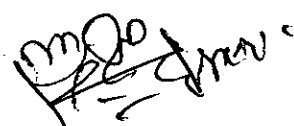
Respectfully Sheweth:


1. That the Applicant/Appellant has today filed the Service Appeal, which may be considered as part and parcel of this application, against the order dated 17-03-2016 whereby the appellant has been awarded with the penalty of termination from service.
2. That as the above said orders are ab-initio illegal, null & void, having no existence in the service laws thus imposing of penalty is without jurisdiction, lawful authority, imposed in sheer violation of mandatory statutory provisions of penal law thus being void ab-initio is ineffective against the rights of Applicant/Appellant.
3. That keeping Applicant/appellant in darkness the District Education Officer (Male) Haripur (Competent Authority) passed the impugned order 17-03-2016 and never delivered to him till 05-05-2016 when appellant himself approached his officers and even thereafter the appellant was kept assured that his grievance would be settled and he will be reinstated in service till he was flatly refused in the last week of May, 2016 due to the reason the appellant could not filed departmental appeal in time.
4. That the delay, if any, in filing departmental appeal was not due to fault of applicant/appellant rather due to the act of department in delivering the impugned order with delay.

5. That the instant application is being filed as an abundant caution for the condonation of delay, if any.
6. That the impugned order dated 17-03-2016 is illegal, void ab-initio, a nullity in the eyes of law thus liable to be set aside in the interest of justice.

It is therefore respectfully prayed that on acceptance of the instant application the delay, if any, in the filing of the departmental appeal may graciously be condoned.

Through:


Applicant/Appellant


(KHALID ABDULLAH)
Advocate High Court
At District Bar Haripur

Dated: 26-09-2016

AFFIDAVIT:

It is solemnly declare and affirm on oath that the contents of the instant application/appeal are true and correct to the best of my knowledge and belief.

Dated: 26-09-2016


Applicant/Appellant

11

10A22

Office of the District Education Officer (male) Haripur

Phone No. 0995-610178-610268.



No. 7922

Dated Haripur the 23/11/2015.

TO,

The Headmaster
Govt: High School, Jabri.

Subject:- ABSENT FROM DUTY.

Memo

Consequent upon the issuance of Show Cause Notice dated 26-8-2015 Mr. Mohammad Saleh TT was directed to show the cause of his willful absence from duty w.e.f. 3-8-2015 to 11-11-15 on or before 11-11-2015. The teacher concerned attended the office of the undersigned on 11-11-2015 and was heard personally, he also submitted written reply of show cause notice along with an affidavit on the judicial stamp paper that he shall remain careful in future. After going through the contents available in his file and hearing him personally. I am satisfied to issue him **CENSURE** and the absence period w.e.f. 3-8-2015 to 11-11-2015 shall be treated as leave without pay.

(Signature)

District Education Officer
(M) Haripur.

(Signature)

12

B-1

MEDICAL CERTIFICATE

Certified that I examined Mr M. SACHIN

S/O ADAR BIRDA dated 19/2/16

Vide R H C Ghazi OPD No Emergency Surgery, etc.

He / She is suffering from Acute Myocardial (not respiratory) changes

He / She is advised complete rest for (08) days.

w.e.f. 19/2/16 to 25/2/16

Specimen Signature
of the Patient

[Signature]
DR. G. S. ...
M.B.B.S.
M.D. ...
MEDICAL OFFICER
RURAL HEALTH CENTRE
GHAZI
DISTT HARIPUR

13

B-2

MEDICAL CERTIFICATE

Certified that I examined Mr M. S. UZZI
S/O ABDUL QUDUS dated 8/02/16


Vide R H C Ghazi OPD No 121

He / She is suffering from Acute Typhoid Fever (Enteric Fever)

He / She is advised complete rest for 10 days.

w.e.f. 8/02/16 to 17/02/16

Specimen Signature
of the Patient


M.O.H.O.
MEDICAL OFFICER
RURAL HEALTH CENTRE
GHAZI
DISTT. HARIPUR

نوٹ: - ڈسٹرکٹ ایجوکیشن آفیسر (سرڈائن) کے ذریعہ 14/05/16

لغویان - برائے رصیف بلائی 01/03/16 (withd pay)

دفعہ 10

ضابطہ

موجودہ رولز کے تحت 14/05/16 سے پہلے کے سہ ماہی کے بارے میں

ایک ماہ سے سٹاپنگ بنائے۔ - صلے میں بدلے سے لائسنس 14/05/16 کو دوسرے

سے ریٹائرمنٹ پر پہنچانے سے (جو کہ سیرے والے دن کے پورے اجراء)

13/05/16 سے لہذا اس کے باوجود مسلسل ملنے والے

کیا سہ ماہی ہوگا (مقامہ نہ بنے) - لہذا 14/05/16 سے جوڈینال الیکشن سے

سہ ماہی کو 14/05/16 سے 1/03/16 تک

ہے جبکہ لوفٹ سٹیشن (withd pay) میں بڑا اضافہ ہو گیا ہے۔



تقریباً 7-7

GHS جبری

3/03/16

Handwritten signature and date 3/03/16

Handwritten signature

15

Office of the District Education Officer (male) Haripur

Phone No.0995-610178-610268.



Dy

Notification.

Whereas, Mr. Muhammad Saleh TT Govt. High School, Jabri (Haripur) was proceeded under the Khyber Pakhtunkhwa civil servant (Efficiency and Discipline) Rules-2011, on the charges of willful absence from his duty.

2- And whereas, show cause notice was served upon Mr. Muhammad Saleh, TT Govt. High School, Jabri, through the Headmaster GHS, Jabri vide this office dated 06-10-2015.

3- And whereas the authority having considered the charges and giving the opportunity of personal hearing and statement of the accused teacher directed him to provide undertaking on judicial stamp paper that he shall remain careful in future and abide all rules and regulations, on 11-11-2015 on the basis of which he was issued CENSURE vide this office letter No.7922 dated 23-11-2015.

4- And whereas, the Headmaster GHS, Jabri again submitted his complaint regarding again willful absence from duty in R/O Mr. Mohammed Saleh Theology Teacher (TT)w.e.f. 6-2-2016 till date vide his No.3869 dated 17-2-16. And now in the light of above mentioned facts and on the basis of remaining habitually absent from duty, there is no need for conducting further enquiry as per rules, (Rule 5-b (ii) F & D Rules-2011 (Provided that the competent authority may dispense with the inquiry where it is in possession of sufficient documentary evidence against the accused or, for reasons to be recorded in writing it is satisfied that there is no need to hold an inquiry and Now therefore, in exercise of the powers conferred by the Khyber Pakhtunkhwa civil servants (Efficiency and disciplinary) Rules-2011, rules-4(b) (iv) J, being the competent authority and satisfied to impose the Major penalty of Termination from Service upon Mr. Mohammad Saleh theology teacher (TT) GHS, Jabri (Haripur) with immediate effect.

Sd/-
District Education Officer
(Male) Haripur.

Dated 11, Pur the 17/3 2016.

Encl: No 4/16-13 T.E. CIV

Copy of the above is to the :

- 1- Director of Elementary & Secondary Education KPK Peshawar-
- 2- District Accounts Officer Haripur.
- 3- Headmaster Govt. High School, Jabri (Haripur) with the direction deliver to him on his postal address.
- 4- Mr. Mohammad Saleh.
- 5- O.O. File.

District Education Officer

محترم جناب صالح صاحب
7.7

اسلام علیکم

امید ہے کہ مزاج گرامی اچھے ہوں گے۔ آپ میرے بھائی ہیں۔
 لیکن EDO صاحب آپ کو نکالنے کے فیصلے پر بیوقوف چکے ہیں۔ ہم آپ
 کا کیا مدد کر سکتے ہیں۔ میں ایچارج اور ۷/۷ آج مجبور ہیں ورنہ ہمیں آپ
 کے تمام حالات سے باخبر ہیں۔
 مجھے آپ کے والدین بچوں کی نسبت فکر ہے۔ لیکن صالح لگتا ہے کہ EDO کو
 آپ کے خلاف کھڑا کیا گیا ہے۔ اور نڈر کرنا آپ کے لئے مشکل ہے۔
 اس لئے آپ کو تیار کرنا پڑے گا اور اس سے۔ مجھے EDO سے یہ ہے کہ تم
 رپورٹ بھر میں اس کو نذر انکو اٹھانے کے خارج کروں گا۔ تمام حالات
 افسران اور آپ کے ساتھ پیدائشی کام سے ہیں۔ ہم کیا کر سکتے ہیں۔
 یہ ہے اور بابو سے جو ممکن تھا ہم نے کیا لیکن EDO اور دفتر والے آپ کے
 نسبت خلاف ہیں مہر اسٹور ہے کہ آپ ریٹرائس کر دیں تو بہتر ہوگا۔
 نین فون پر بھی آپ سے بات کروں گا اب ذرا حذر رکھیں۔ ہر ادارہ اتر چو
 سے کوئی غلطی ہوئی تو صاف کرنا۔ والسلام

شکر یہ

آپ کا خاصہ بیوقوف محمود (ایچارج)
GHS - جبری پورہ

HEAD MASTER
 Govt. High School
 JABRI Dist. Jhelum
 9/02/2016

Handwritten signature

بخدمت جناب ڈائریکٹر صاحب محکمہ تعلیم صوبہ خیبر پختونخوا ایشاور

محکمہ اپیل

عنوان

جناب عالی! سائل حسب ذیل عرض رساں ہے:-

- ۱- یہ کہ سائل محکمہ تعلیم میں مورخہ 1.9.2004 بطور TT (Theology Teacher) بھرتی ہوا تھا۔
- ۲- یہ کہ دوران ملازمت سائل کے تبادلے مختلف سکولز ہوتے رہے سائل کوہاں بھی بھیجا گیا سائل نے انتہائی محنت لگن اور جانفشانی سے کام کیا کبھی بھی حکام بالا کو شکایت کا موقع نہیں دیا اس لئے دوران ملازمت جو تقریباً 11 سال 5 ماہ پر مشتمل ہے سائل کو نہ تو کبھی شوکانہ نوٹس دیا اور نہ ہی کوئی وارننگ دی گئی، سروس ریکارڈ سائل کے بے داغ ملازمت کا منہ بولتا ثبوت ہے۔ نقل سروس بک لف ہے۔
- ۳- یہ کہ سائل کو مورخہ 30.04.2015 گورنمنٹ ہائی سکول سلم کھنڈ سے گورنمنٹ ہائی سکول جبری تبدیل کیا گیا جہاں سائل باقاعدگی سے خدمات سرانجام دیتا رہا۔ اسی دوران سائل کے ہاں جنرل پبلیوں کی ولادت ہوئی جن میں سے ایک بچہ پیدائشی طور پر معذور ہے اور دوسرے کا گردہ خراب ہے۔ جس کی وجہ سے بچے کو آئے دن مختلف ہسپتالوں میں بغرض علاج معالجہ لے جاتا رہا۔ سائل کی اس پریشانی کے پیش نظر 3.8.2015 تا 03.11.2015 بغیر تنخواہ چھٹی لینا پڑی۔ نقل چھٹی نمبر 7922 مورخہ 23.11.2015 لف ہے۔
- ۴- یہ کہ سائل اسی آمد پریشانی کی وجہ سے ذہنی و کرب و اذیت میں مبتلا ہے بجائے انسانی ہمدردی کے DEO مردانہ ہری پور نے سائل کے خلاف انتقامی کارروائی شروع کر دی سائل کا عرصہ حیات تنگ کیا گیا۔ سائل کی تذلیل و تضحیک شروع کی گئی جو بالآخر DEO صاحب ہری پور نے من سائل کو غیر قانونی، غیر اخلاقی، غیر انسانی سلوک کا مظاہرہ کرتے ہوئے بغیر پٹریٹال کے شوکانہ نوٹس دیا اور مابعد صفائی کا موقع نہ دیتے ہوئے ملازمت سے برخاست کیا گیا جو حکم برخواستگی از اس DEO من سائل کو مورخہ 5.5.2016 کو موصول ہوا۔ نقل لف ہے۔
- ۵- یہ کہ حکم نامہ مذکور موصول ہونے پر من سائل ذہنی دباؤ کی وجہ سے بیمار پڑ گیا بسلسلہ علاج معالجہ سائل (THQ) تحصیل ہیڈ کوارٹر ہسپتال غازی سے زیر علاج رہا۔ بیماری کی احاسیت کی پیش نظر ڈاکٹر صاحب نے سائل کو 8.2.2016 تا 17.2.2016، 19.2.2016 تا 28.2.2016 تک آرام کرنے کی ہدایت کی۔ مابعد دوبارہ چیک کرنے کی ہدایت کی۔ DEO نے اس مستند میڈیکل سرٹیفکیٹ کو بھی ذاتی عناد کی بنیاد پر مسترد کر دیئے حالانکہ قانوناً وہ ایسا کرنے کا قطعاً مجاز نہ ہے۔ نقولات لف ہیں۔
- ۶- یہ کہ دوران تعیناتی GHS جبری ہیڈ ماسٹر نے۔ باایمانہ DEO صاحب ہری پور من سائل کو ذاتی پسند و ناپسند کا نشانہ بنایا اور من سائل سے کئی بار استعفیٰ کا مطالبہ کیا۔ انکار کرنے پر ماہ اگست 2015 کی تنخواہ غیر قانونی طور پر deduct کر دی گئی۔
- ۷- یہ کہ سائل کے خلاف جملہ کارروائی ملازمت سے برخاستگی سائل سے اخفاء میں کی گئی کسی قسم کی انکوائری یا تضحیق دفاع کا موقع نہیں دیا گیا۔ مہینہ حکم برخاستگی مورخہ 17.3.2016 خلاف قانون اور قابل منسوخی ہے۔ DEO صاحب ہری پور مردانہ کی کارروائی برخلاف سائل مہنی بردہ نیتی اور انتقامی ہے جو انصاف کے قدرتی اصولوں کے منافی ہے جو کہ قابل منسوخی و مستردگی ہے جبکہ سائل کو ملازمت پر بحال کیا جانا تقاضا قانون اور قرین انصاف ہے۔ سائل اور بچوں کے مستقبل کا سوال ہے۔
- ۸- یہ کہ سائل کو جب مورخہ 5.5.2016 کو حکم نامہ برخاستگی موصول ہوا اس کے بعد ضلع ہری پور کے محکمہ تعلیم کے ارباب اختیار سے رابطہ کیا گیا جو اولاً سائل کے مسئلہ کو حل کرنے کی یقین دہانی کروائی گئی مگر مئی کے آخری ہفتہ میں نیکسٹ انکار کر دیا گیا بدیں وجہ اپیل ہذا بروقت دائر نہیں کی جاسکی جو اس نسبت condonation کی بھی استدعا کی جاتی ہے۔

لہذا استدعا ہے کہ حکم نمبر 416-19/FC.IV مورخہ 17.03.2016 کو منسوخ فرما کر سائل کو back benefits ملازمت پر بحال کرنے کا حکم صادر فرمایا جائے۔

العارض

محکمہ TT ساکنہ عمر خانہ ڈاکخانہ کنڈی تحصیل غازی ضلع ہری پور

09/06/2016

2
(For use in Police Department only)

Heirs: ① Passed SSC examination (Supply) 1992 from BISE, Abbottabad under R. No, 4450 and secured 401 marks placed in D grade. /850

1. ② Passed Intermediate examination (Supply) 1996 from BISE, Abbottabad under R. No, 5262 and secured 431/ marks placed in E grade. /1100

3. ③ Passed Sanadi-e-Feraghi Course from Darul-Aloom Islamabad. Verification Roll No. ^{dated} ~~10/11/2008~~ ^{received back} ~~10/11/2008~~ under R. No, 276 and secured 435/ marks. Result declared on 25/8/1998. /600

④ Passed B.A Exam's from (A.1 & II) Islamabad under R. No: 54772911 Session Spring 2008. Marks obtained 100/525 and placed in Second Division. Result declared on 02 March 2009.

| Qualifications | Date | Govt. High School Salam Khan Tenski, Haripur | Date |
|-------------------|------|--|------|
| English | | First Arts | |
| Pushto | | B.L. or B.A. | |
| Urdu | | Pleadership Examination | |
| Plan-Drawing | | Training School Final Examination | |
| Finger Print | | Other Qualifications:— | |
| Drill Instructing | | | |
| Court Duties | | | |
| Reserve Duties | | | |

N.B.— Line to be drawn under the qualification possessed.

Note: - The entries in this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

1. Name: MUHAMMAD SALEH S/O: Abdul Qaddos
N.I.C. old No, 122-94-61X5837

2. Race: TINDAL
N.I.C. New No, 13301-1328349-1

3. Residence vill: Umar Khana Po, Kussdi Teh: Ghazi Dist: Haripur

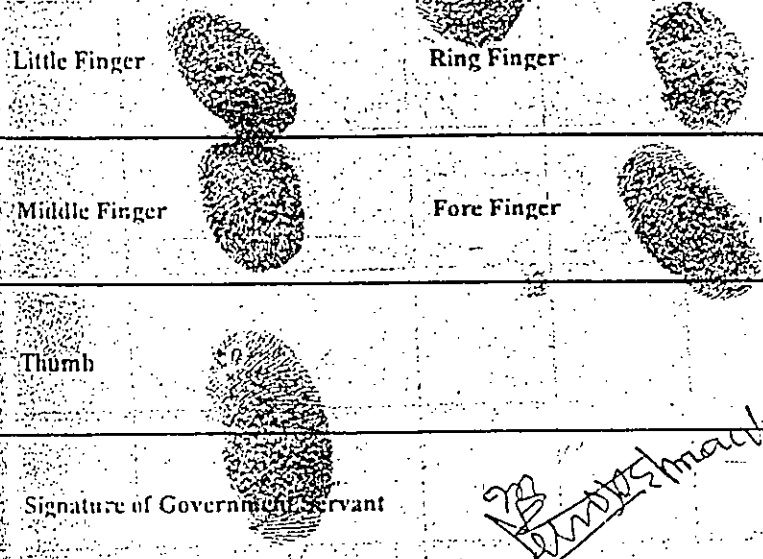
4. Father's name and residence Abdul Qaddos Umar Khana

5. Date of birth by Christian areas nearly as can be ascertained 03.1.1976 3rd: January N/A Seventy Six

6. Exact height by measurement. 5-5

7. Personal marks for Identification A wound mark on right hand

8. Left hand thumb and Finger Impressions of (non-Gazetted) Officer.



9. Signature of Government Servant

10. Signature and Designation of the Head of the Office, or other Attesting Officer.

Recollected
30-6-2013
Head Master
Govt. High School, Salam Khana
Tehsil Ghazi Dist: Haripur
District Officer (M)
Haripur

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|--|---|---|-------------------------|--------------------------------|--|---------------------|-------------------------|
| Name of post | Whether substantive or officiating and whether permanent or temporary | If Officiating, state (i) Substantive appointment, or (ii) whether service courts for pension under Art. 371 C.S.R. | Pay in substantive post | Additional Pay for Officiating | Other emolument falling under the term "Pay" | Date of Appointment | Signature of Government |
| T.T. | | Rs. (2220 - 120 - 5820) BPS 7 | | | | | |
| GMS Umashkani | | Rs. 2220/- | | | | 1/09/04 | |
| | | | Rs. 2220/- | | | 1/12/04 | |
| | | B-7 = 2555-140-6755 | | | | | |
| | | | Rs. 2555/- | | | 1/7/05 | |
| CP R/S Buddah | | | Rs. 2695/- | | | 1/12/05 | |
| G.H.S Ghuzi | | | Rs. 2835/- | | | 1/12/2006 | |
| GHS GHAZI T.T. | Per. | | 2695/- | | | 17/10/2006 | |
| do | | | 2835/- | | | 01/12/2006 | |
| Scale Revised w.e.f. 01-07-2007 BPS No. 7 (2900-160-7740) | | | | | | | |
| do | | | 3260/- | | | 01/07/2007 | |
| do | | Rs. | 3420/- PM | | | 1/12/2007 | |
| do | | Rs. | | | | 01/12/2007 | |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|--------------|---|---|-------------------------|--------------------------------|---|---------------------|-----------------------------|
| Name of post | Whether substantive or officiating and whether permanent or temporary | If Officiating, state (i) Substantive appointment, or (ii) whether service courts for pension under Art. 371 C.S.R. | Pay in substantive post | Additional Pay for Officiating | Other emolument falling under the term "Pay" | Date of Appointment | Signature of Government Sec |
| G.H.S Gilgit | | Revised Basic Pay Scale w.e.f 1-7-08 | | | | | |
| T.T | | RS B.P.S. No: 07 (3530-190-9230) | | | | | |
| - do - | | Rs: | | 4100/- PM | | 01/07/2008 | <i>[Signature]</i> |
| - do - | | Rs:- | | 4290/- PM | | 01/12/2008 | <i>[Signature]</i> |
| - do - | | Rs: | | 4480/- PM | | 12/10/2009 | <i>[Signature]</i> |
| G.H.S | | | | | | | |
| Salam Khand | | | | 4480/- PM | | 04/10/2010 | <i>[Signature]</i> |
| - do - | | Rs:- | | 4670/- P.M. | | 01/12/2010 | <i>[Signature]</i> |
| - do - | | Scale Revised w.e.f. 01-07-2011 B.P.S: 7 (5800-320-15400) | | 7720/- PM | | 01/07/2011 | <i>[Signature]</i> |
| - do - | | Rs:- | | 8040/- PM | | 01/12/2011 | <i>[Signature]</i> |
| | 2007 | | | | 2008 | | |
| | OFFICE OF THE ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA PESHAWAR PAY FIXED IN THE R.B.P.S 2007 | | | | OFFICE OF THE ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA PESHAWAR PAY FIXED IN THE ADJ. R.B.P.S 2008 | | |
| | OF RS. 2940-160-774.0 B. 7 AT RS. 3260/- P.M. W.E.F. 1-07-2007 With Next Increment on 1-12-2007 | | | | OF RS. 3530-190-9230 B. 7 AT RS. 4400/- P.M. W.E.F. 1-07-2008 With Next Increment on 1-12-2008 | | |
| | <i>[Signature]</i> Accounts Officer Pay Fixation Party K Pakhtunkhwa Peshawar | | | | <i>[Signature]</i> Accounts Officer Pay Fixation Party K Pakhtunkhwa Peshawar | | |
| | | Allowed Higher Grade B.P.S: 15. w.e.f: 01/2011 | | | | | |
| | | B.P.S. No. 15 (8500-700-29500) | | | | | |
| - do - | | Rs:- | | 8500/- PM | | 01/07/2012 | <i>[Signature]</i> |

Mr. Muhammad Saleh GPS/GHS Salamkhand is hereby given an undertaking to the effect if any over payment is made to me as a result of incorrect award of high scale/grade and detect later on, it will be made good by recovery from pay/pension/gratuity as may be fixed by the Govt. Department

Attested.....
 Head Master
 Govt. High School Salamkhand
 Tehsil Ghazi Distt. Haripur

Signature.....
 Head Master
 Govt. High School Salamkhand
 Tehsil Ghazi Distt. Haripur

| | | | | |
|--|------------|-------------------------------------|--|---|
| PRINCIPAL G.H.S. GHAZI (HARIPUR) | 30/11/2008 | Annual Incre | PRINCIPAL G.H.S. GHAZI (HARIPUR) | Service verified from 01-12-2005 to 16-10-06 from Acc 1 Roll & other record of this School. |
| PRINCIPAL G.H.S. GHAZI (HARIPUR) | 30/11/2009 | Annual Incre | PRINCIPAL G.H.S. GHAZI (HARIPUR) | District Officer (M) Schools & Literacy Haripur |
| PRINCIPAL G.H.S. GHAZI (HARIPUR) | 9/12/2010 | Transfer to G.H.S. Salamkhand | | 12-6-11/2006 |
| PRINCIPAL Govt. High School Salamkhand | 30/11/2010 | Annual Incre | PRINCIPAL Govt. High School Salamkhand | |
| PRINCIPAL Govt. High School Salamkhand | 30/11/2011 | Scale Revised | Head Master Govt. High School Salamkhand Tehsil Ghazi Distt. Haripur | 17/10/06 |
| PRINCIPAL Govt. High School Salamkhand | 30/11/2011 | Annual Incre | Head Master Govt. High School Salamkhand Tehsil Ghazi Distt. Haripur | 37/11/06 |
| PRINCIPAL Govt. High School Salamkhand | 30/06/2012 | Allowed Higher Grade | Head Master Govt. High School Salamkhand Tehsil Ghazi Distt. Haripur | 17-10-2006 |
| | | | | 30-11-2006 from the office record and acquittance roll |
| | | | | Head Master, G.H.S. Ghazi Drawing & Disbursing Office, Govt High School GHAZI |
| PRINCIPAL Govt. High School Salamkhand | 30/11/2012 | NO Grant | PRINCIPAL Govt. High School Salamkhand | 2835/B-4 12/6/12/05 12/6/12/06 |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|--|---|---|-------------------------|--------------------------------|--|---------------------|--|
| Name of post | Whether substantive or officiating and whether permanent or temporary | If Officiating, state (i) Substantive appointment, or (ii) whether service courts for pension under Art. 371 C.S.R. | Pay in substantive post | Additional Pay for Officiating | Other emolument falling under the term "Pay" | Date of Appointment | Signature of Government S |
| T.T. GHS Salamkhand (Ghazi) Haripur. | | | RS: - 8500/- | 8500/- | | 02/12/2012 | |
| — | | | RS: - 9200/- pm | | | 01/12/2013 | |
| | Entries Revised | due to | allowance | w.e.f. | 2.12.2012. | One Pre mature | |
| | Pay on | BPS-15 | (8500-700-2820) | 02-12-2012 | RS: 9200/- | Included | |
| | | | 01-12-2013 | RS: 9900/- | | | |
| — | | | | | | | Head Master Govt High School Salamkhand Distt. Haripur |
| — | | | RS: - 10600/- pm | | | 01/12/2014 | |
| | | | | | | | |
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| 9 | 10 | 11 | 12 | 13 | | 14 | 15 |
|--|------------------------------------|--|---|--|---|--|---|
| | | | | Nature and duration of leave taken | Allocation of period of leave on average pay upto four months for which leave salary is debitible to another Government | | |
| Signature and designation of the head of the office or other attesting officer in columns 1 to 8 | Date of termination of appointment | Reason of termination (such as promotion, transfer, dismissal, etc.) | Signature of the head of the office or other attesting officer | Period | Government to which debitible | Signature of the head of the office or other attesting officer | Reference to any recorded punishment or censure, or reward or praise of the Government Servant |
| <i>[Signature]</i> HEADMASTER Govt. High School Tehsil Ghazi | 30/11/2013 | Annual Incree | <i>[Signature]</i> Head Master Govt. High School Salam Khano Tehsil Ghazi Distt. Haripur | | | <i>[Signature]</i> HEADMASTER Govt. High School Salam Khano Tehsil Ghazi Distt. Haripur | 01-12-2006 ...from the office roll |
| <p>Allowed one premature increment Under Finance Department LPR Notification Endst. AD. FDS (SR-1) 2-123/2014. Dated: 30-05-2014.</p> | | | | <p>Service Verified w.e.f. 01-12-2007 to 30-11-2009 with Acquaintance Rolls and other office record.</p> | | | |
| <i>[Signature]</i> HEADMASTER Govt. High School | 30/11/2014 | Annual Incree | <i>[Signature]</i> Head Master Govt. High School Salam Khano Tehsil Ghazi Distt. Haripur | | | <i>[Signature]</i> Drawing & Disbursing Officer Govt. High School GHAZI | Service Verified w.e.f. 01-12-2008 to 30-11-2009 with Acquaintance Rolls and other office record. |
| <i>[Signature]</i> HEADMASTER Govt. High School | 08/05/2015 | Transfer To GHS Jabri. | <i>[Signature]</i> Head Master Tehsil Ghazi Distt. Haripur | | | <i>[Signature]</i> Drawing & Disbursing Officer Govt. High School GHAZI | Service Verified w.e.f. 01-12-2009 to 07-4-2010 with Acquaintance Rolls and other office record. |
| <p>5-229 8/5/15 Comission of Dismissal under 4/5/2015.</p> | | | | <p>Drawing & Disbursing Officer Govt. High School GHAZI</p> | | | |
| <p>District Accounts Officer HARIPUR</p> | | | | <p>Service from 12-4-2010 to 30-11-2010 verified from the eqq. rolls and other records of this office</p> | | | |
| <p>T.No. 468 Date 9/9/15 Allowed one premature increment on the basis of up gradation as per Notification Government of K.P. & Adjustment No. 2/4/15 199 District Accounts Officer Haripur</p> | | | | <p>Service from 01/12/2010 to 30/11/2011 verified from the eqq. rolls and other records of this office</p> | | | |
| <p><i>[Signature]</i> Head Master Govt. High School Salam Khano Tehsil Ghazi Distt. Haripur</p> | | | | <p><i>[Signature]</i> Head Master Govt. High School Salam Khano Tehsil Ghazi Distt. Haripur</p> | | | |

| Signature and designation of the head of the office or other attesting officer in columns 1 to 8 | Date of termination of appointment | Reason of termination (such as promotion, transfer, dismissal, etc.) | Signature of the head of the office or other attesting officer | 13 Leave | | 14 Signature of the head of the office or other attesting officer | 15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant |
|--|------------------------------------|--|--|------------------------------------|---|--|---|
| | | | | Nature and duration of leave taken | Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government | | |
| | | | | | Period | | |
| | | | | | Post up graded for the grant of higher pay scale from BS-07 to BS-15 wef: 01-07-2012 Vide Govt. of K.P.K (E&SE) Dept. Notification No: 50(B&A)/1-18/E&SE/2012, dt: 11-07-2012 Issued by the EDO (E&SE) Edu: Haripur, Endst. No: 904547. dt. 31-07-2012. | | |
| | | | | | | <p style="text-align: center;"><i>[Signature]</i> Head Master Govt. High School Salam Khano Tehsil Ghazi Distt. Haripur</p> <p>Service from 01/12/11 to 30/11/12. verified from the eq: rolls and other account of this office</p> <p style="text-align: center;"><i>[Signature]</i> Head Master Govt. High School Salam Khano Tehsil Ghazi Distt. Haripur</p> | |
| | | | | | Sanction of Medical Leave Vide DEO (M) Haripur, Endst. No: 14772, dt: 04/12/2014. Wef. ① 13-10-2014 to 17-10-2014. (5 days) ② 12-11-2014 to 13-11-2014. (02 days) ③ 15-11-2014 to 21-11-2014. (07 days) (Total leave = 14 days) | | |
| | | | | | | <p style="text-align: center;"><i>[Signature]</i> Head Master Govt. High School Salam Khano Tehsil Ghazi Distt. Haripur</p> <p>Service from 01/12/12 to 30/11/14. verified from the eq: rolls and other account of this office</p> <p style="text-align: center;"><i>[Signature]</i> Head Master Govt. High School Salam Khano Tehsil Ghazi Distt. Haripur</p> | |

THURSDAY, 24.11.2016

E HONGA

DBA No: 113
BC No: 10-1896
Name of Advocate: خالد عبداللہ

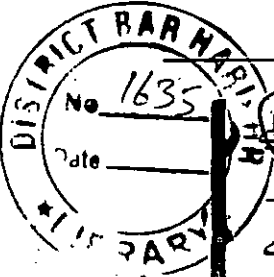
S.No: 1635



وکالت نامہ

بعدالت: خلیفہ بخش خواجہ سروس ٹرانسپورٹ کمپنی
عنوان: محمد صالح
منجانب: ایبلیٹت محمد صالح
نام: ڈاکٹر علی عرفان صاحب
نوعیت مقدم: سروس ٹرانسپورٹ کمپنی

باعث تحریر آنکہ



مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصدیق مقدمہ بمقام سروس ٹرانسپورٹ کمپنی کے
خالد عبداللہ ایبلیٹت محمد صالح

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رہ بروعدالت حاضر ہوتا رہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی جگہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ کچہری کے علاوہ کسی اور جگہ ساعت ہونے پر یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختانہ کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پرداختہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی و ہرقسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور اور کسی حکم یا ڈگری کرانے اور ہرقسم کاروبار و وصول کرنے اور رسید دینے اور داخل کرنے اور ہرقسم کے بیان دینے اور اس کے ثالثی و راضی نامہ و فیصلہ بر حلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیر و نجات از کچہری صدر اپیل و برآمدگی مقدمہ یا منسوخ ڈگری یا کطرفہ درخواست حکم امتناعی یا ترقی یا گرفتاری قبل از گرفتاری و اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا ہوگی علیحدہ مختانہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے کسی جزو کی کاروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور اپنے وکیل کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانب اختیار ہے وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا کر دیں گے تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔
مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔
26/3/16 مورخہ:
سال ماہ دن

الحیدر العبد العبد

Handwritten signature and date

(11)

Annexure 'G'

DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA.

NOTIFICATION.

1. WHEREAS, Muhammad Saleh TT GHS Jabri District Haripur was proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011 on charges of absent from duty w.e.f 03.08.2015 to 15.08.2015.
2. AND WHEREAS, the DEO(M)Haripur served Show Cause Notice in connection with absent from duty. The Head Master GHS Jabri submitted another complaint against the TT concerned absent w.e.f 01.09.2015 to 12.09.2015. The IMU also reported absent from duty. The DEO(M)concerned call upon for personal hearing and given written affidavit at the time of his hearing to careful in future. The Head Master conerned again sent absent report against the above named TT.
3. AND WHERE AS consequent upon finality of aforesaid disciplinary proceedings against the said Ex-TT, major penalty of Termination from service was imposed upon Muhammad Saleh Ex-TT GHS Jabri Haripur by the DEO (M) Haripur vide Notification No. 416-19 dated 17.03.2016.
4. AND WHEREAS, the aggrieved Teacher filed a departmental appeal dated 14.06.2016 to the Director E&SE Khyber Pakhtunkhwa (appellant authority) against the aforesaid major penalty imposed upon him by the DEO concerned. The DEO(M)Haripur submitted his comments vide letter No.2128 dated 14.06.2016.
5. AND WHEREAS, the competent authority Director Elementary and Secondary Education Khyber Pakhtunkhwa) after having considered the charges and evidence on record, is of the view that charges against accused teacher have been proved.

NOW THEREFORE, in exercise of powers conferred under Khyber Pakhtunkhwa Servants (Efficiency & Discipline) Rules-2011 the appellate authority has decided to reject the appeal of Muhammad Saleh TT GHS Jabri Haripur on the above mentioned grounds.

(DIRECTOR)

Endst: No. 3949-51 /F No.162/Vol:II/Removal from Service Dated Peshawar 28/10 /2016.

Copy forwarded for information and necessary action to the:-

- 1 District Education Officer (Male) Haripur.
- 2 Appellant/Teacher concerned.
- 3 P/A to Director E&SE, Khyber Pakhtunkhwa, Peshawar.
- 4 Master File.

27/10/16
Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR.

Appeal No. 1005/2016

Muhamaad Saleh Ex-TT District Haripur.....

(Appellant)

VERSUS

Director E&SE KP Peshawar & another.....

(Respondents)

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| 1. | Para wise Comments | | 1 to 4 |
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| 3. | Copies of absent reports dated 05-08-2015, 15-08-2015, 12-09-2015 & 17-09-2015 A, B,C, & C-1 | A, B,C, & C-1 | 6 to 9 |
| | Copy of attendance register, show cause notice, his reply and censure | D, E,F, & G | 10 to 19 |
| 4. | Copy of absent report dated 21-05-2015 | H | 20 |
| 5. | Copy of letter dated 15-03-2016 | I | 21 |
| 6. | Copies stamp Paper, Questionnaire of personal hearing, absent reports and termination orders | J,K, L, L-1 & M | 22 to 26 |
| 7. | Copy of postal receipt | N | 27 |
| 8. | Copy of certificate | O | 28 |
| 9. | Copy of statement of appellant | P | 29 |
| 10. | Copy of relevant page of rules | Q | 30 - 31 |

Respondent

**District Education Officer (M)
Haripur**

①

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BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR.

Appeal No. 1005/2016

Muhamaad Saleh Ex-TT District Haripur..... (Appellant)

VERSUS

Director E&SE KP Peshawar & another..... (Respondents)

Joint Para wise Comments on behalf of Respondents

Respectfully Sheweth:-

The respondents respectfully submit as under :-

PRELIMINARY OBJECTION:-

1. That the appellant has no cause of action to file the instant appeal.
2. That the appeal of the appellant is time barred hence liable to be dismissed.
3. That the instant appeal is not maintainable under the Law.
4. That the appellant has filed the present appeal just to pressurize the respondents.
5. That the appellant has not come to this Honorable tribunal with clean hands.
6. That the appellant is estopped to sue due to his own conduct.
7. That the instant appeal is not maintainable due to non-joinder and mis-joinder of necessary parties.
8. That the final order was passed by the competent authority by observing all codal formalities hence the appeal is liable to be dismissed without further proceedings.
9. That the appellant has suppressed the original facts hence not entitled for any relief and appeal is liable to be dismissed.

Factual objections:-

1. That Para-1 is correct only to the extent that the appellant was appointed as TT in Education department on 01-09-2004, while the remaining Para is incorrect which is evident from his habitual absenteeism, reported by his Headmaster time and again and in the light of which his salary was deducted w.e.f 03-05-2015 to 15-08-2015 and also from the absent report submitted by Assistant Commissioner on 17-09-2015 to Deputy Commissioner. His irresponsible attitude would disprove the contentions contain in this para. It is pertinent to mention here that the appellant was issued a show cause notice dated 06-05-2015 to which he submitted his reply and pardoned. Furthermore he was personally heard on 11-11-2015 and was issued minor penalty Censure dated 23-11-2015. (Copies of absent reports dated 05-08-2015, 15-08-2015, 12-09-2015 & 17-09-2015 are attached as Annexure- A, B,C, & C-1 and Copy of attendance register, show cause notice, his reply and censure are attached as Annexure-D, E,F, & G).

2. Correct to the extent that appellant remained posted in different schools during his service while the remaining Para is denied .
3. That the appellant was transferred from GHS Salam Khand to GHS Jabri on complaint from the concerned Principal, but after taking over charge on 09-05-2015, the concerned Headmaster reported his absenteeism w.e.f 16-05-2015 to 21-05-2015. Furthermore, the appellant again remained absent for the period w.e.f 03-08-2015 to 11-11-2015 but in the light of his reply to show cause notice and later on personal hearing, the competent authority granted sanction of leave without pay for the absent period. **(Copy of absent report dated 21-05-2015 is attached as Annexure-H.)**
4. Para-4 is misrepresented, the application regarding medical leave was received on belated stage dated 12-03-2016 to the concerned Headmaster which was returned on his home address through letter dated 15-03-2016 in which the reasons in writing were explained. It is pertinent to mention here that the Headmaster concerned reported his willful absent report dated 09-02-2016 and 17-02-2016. **(Copy of letter dated 15-03-2016 is attached as Annexure- I)**
5. Incorrect, the competent authority have already taken a lenient view of the matter by accepting his excuse in writing on stamp paper and heard him personally and granted him a chance to remain in service and sanctioned his absent period as leave without pay. But he remained willful absent again w.e.f 08-02-2016 till termination of his service. Furthermore his services were terminated on sound reasons. **(Copies stamp Paper, Questionnaire of personal hearing , absent repots and termination orders are attached as Annexure-J,K, L, L-1 & M).**
6. Incorrect, and baseless, the termination order was timely delivered to him on his postal address through registered post on 19-03-2016 which was not returned as undelivered. **(Copy of postal receipt attached as annexure- N)**
7. Incorrect, and against the facts his irresponsible attitude and willful absence from his duty caused his termination from service. The attendance register, absent reports and disciplinary proceedings are the evidence while the remaining Para is denied being incorrect. The letter dated 09-02-2016 is baseless in this regard when the Incharge Headmaster concerned was inquired he

sternly denied and submitted a certificate to this effect. **(Copy of certificate is attached as annexure- O).**

8. Incorrect, the appellant neither approached nor was assured by the competent authority for such redresses. The termination order was timely delivered to him on his postal address through registered post on 19-03-2016; therefore the departmental appeal and as well the instant appeal are both time barred.
9. Para- 9 is also incorrect, proper departmental proceedings were initiated against the appellant which is evident from his reply to show cause notice and as well from an affidavit on judicial stamp paper in which he assured that he shall remain careful in future and requested for pardon. Consequent upon his submissions, the competent authority issued minor penalty "censure" but soon after he again adopted the same attitude and remained willful absence from his duty w.e.f 08-02-2016 till his termination from service.. **(Copy statement of appellant is attached as Annexure- P)**
10. Incorrect, the wording of impugned order discloses the reason and cause of action against the appellant, which was correctly passed by the competent authority and is liable to be maintained.
11. Incorrect hence denied, his departmental appeal was rejected by the competent authority on 28-10-2016 which was acknowledged to the appellant inter alia on the following and some other grounds.

Grounds:

- a) Incorrect, the order dated 17-03-2016 is within legal sphere based on facts and record and is liable to be maintained.
- b) Incorrect, the impugned order was passed in accordance with the law, rules and policy on the subject and is liable to be maintained.
- c) Incorrect, the impugned order has been passed in accordance with the prescribed procedure on the subject provided under rule 8(b) of E&D rules. **(Copy of rules attached as annexure- Q)**
- d) Incorrect, proper departmental proceedings have already been conducted against the appellant, which is evident from his reply to show cause notice and as well from an affidavit on judicial stamp paper and also personal hearing dated 11-11-2015 and in the light of his submissions, the competent authority once issued minor penalty "censure" but soon after he again adopted the same attitude and

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remained willful absence from his duty w.e.f 08-02-206 till his termination from service.

- e) Incorrect, the detail reply is given in the above preceding Para's.
- f) Incorrect, a show cause notice has already been served upon the appellant on the issue in question and was provided an opportunity of personal hearing to which the appellant has already been submitted his reply and affidavit along with statement on 11-11-2016, but he has abnegated his own statement and commitment which became the cause of his termination from service.
- g) Incorrect. Hence denied the detail reply is given in the preceding Para's above.
- h) Incorrect, the appellant has been awarded major penalty of Termination from service on sound grounds in accordance with law, and rules on the subject.

Prayer

In the light of above made submission it is most humbly prayed that the appeal of the appellant devoid of legal footing and narrate, may be graciously be regretted throughout cost and order dated: 17-03-2016 may be maintained please.

Any other relief this honorable tribunal deems fit in the circumstances of the case may also kindly be awarded.

Respondents

Director, Elementary & Secondary Education Department
Khyber Pakhtunkhwa Peshawar

District Education Officer (M)
Haripur.

19/6/2017

[Signature]

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

Appeal No. 1005/2016

Muhamaad Saleh Ex-TT District Haripur.....

(Appellant)

VERSUS

Director E&SE KP Peshawar & another.....

(Respondents)

COUNTER AFFIDAVIT

I, Mr. Muhammad Nawaz Abbasi , Dy: District Education Officer (Male) Haripur, do hereby affirm and declare that contents of forgoing comments are correct and true according to the best of my knowledge and belief and nothing has been suppressed from this Honorable Court.

DEPONENT

Ⓐ Annexure - 'A'
P-6

Ⓔ
42

OFFICE OF THE HEAD MASTER GOVERNMENT HIGH SCHOOL JABRI DISTRICT HARIPUR

No. 05/08/2015 3780

Dated 05/08/2015
~~3/8/15~~/2015

ADRI ESTB

DROM
7/8/15

To:-

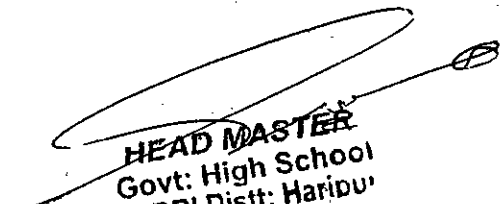
The District Education Officer

(Male) Haripur

Subject:- ABSENT REPORT OF MR. MUHAMMAD SALEH. TT. GHS JABRI HARIPUR.

Memo:-

According to the Schedule, Summer Camp has started form 3 August 2015 . Mr. Muhammad Saleh TT of this School is regular Absent w.e.f. 03/08/2015 to uptill now. Order Book about Summer Camp has written already so the absent Report is forwarded to the District Education Officer Male Haripur for N/A please.


HEAD MASTER
Govt: High School
JABRI Distt: Haripur

4526

7/8

Annex "B" p-7

(10)

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Office of the Headmaster Govt. High School Jabbri Haripur

No. 3783

Dated: 15/08/2015

To
The District Education Officer (Male)
Haripur.

ADEOE

Subject:- ABSENT REPORT OF MR. MUHAMMAD SALEH TT GHS JABBRI HARIPUR

DEEM 21/8/15

Memo:-

According to the schedule summer camp as started from 03-08-2015, Mr. Muhammad Saleh TT of this School is a regular absent w.e.f 03.08.2015 to 15.08.2015. order book about summer camp has written already so the absent report is forwarded to the District Education Officer (Male) Haripur for further necessary action please.

~~Headmaster~~
HEADMASTER
Govt. High School Jabbri Haripur
Govt. High School Jabbri Haripur
JABRI Dist. Haripur

4760
21/8/15

Annex "C" P-8

1201

38

OFFICE OF THE HEAD MASTER GOVT : HIGH SCHOOL JABRI DISTRICT HARIPUR

NO 3792 DATED 12/9/2015

To:-

The District Education Officer
(M) Haripur.


ADEO B
DEOM

15/9/15

Subject:- ABSENT REPORT IN R/O MUHAMMAD SALEH.TT GHS JABRI

Memo:-

Mr. Muhammad Saleh TT of this School is a regular
Absent W.E.F. 01/09/2015 to 12/09/2015. Absent report has been
Submitted already Vide No. 3787 Dated 04/09/2015 . He was
GHS Jabri
also Regular absent in Samsar Camp 2015. So the absent report
is recommended and forwarded to the DEO (M) Haripur for n/Action
Please.


HEAD MASTER
Head of High School
GHS Jabri
District Haripur

534
15/9/15

Annex "C-1"
P-9

12-4-2015

Urgent

Put up w/o delay

38

OFFICE OF THE ASSISTANT COMMISSIONER, HARIPUR.

No. Education / 1511-12

/ AC (H) Dated: 17/09/2015.

AD EOE
DEOM
17/9/15

To

The Deputy Commissioner
Haripur.

SUBJECT: Surprise Visit to Govt. Schools.

On 15-09-2015, the undersigned conducted surprise visit to the following schools and observations are as under:-

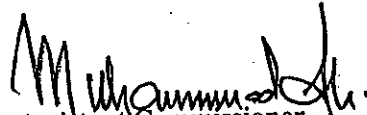
1. Govt. Primary School (Boys) Jabbi.

- Total number of teaching staff is 03.
- Number of students is 52.
- At the time of inspection one PST Mr. Abdul Aziz was on C/ leave and his sanctioned leave application was duly produced on demand.
- Boundary wall of the school was damaged and required immediate repair, keeping in view over all prevailing security concerns.
- Attendance register and stock register were found to be duly maintained.
- Students were interviewed at random and learning standard was found to be satisfactory with room for further improvement.

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17/9

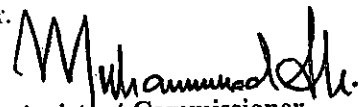
2. Govt. High School (Boys) Jabri.

- Total teaching staff strength of the school is 12.
- School was without a full time Headmaster and In-charge, Headmaster Mr. Liaqat SST Science was away at the time of inspection.
- Three teachers namely Javed Iqbal CT, Naseer Ahmed SCT and Mushtaq Ahemd SDM were on leave and their duly sanctioned leave applications were produced on demand.
- One Mr. Muhammad Saleh TT was reported to be continuously absent from his duty. It was further informed that his absent report has already been communicated to DEO(Male) Haripur.
- Attendance register was found to be duly maintained while the stock register could not be checked as it was under lock & key and keys were reported to be with In-charge Headmaster Mr. Liaqat.
- Students were interviewed at random and learning standard was found to be satisfactory.
- Furthermore, appointment of full time Headmaster of the school may also please be taken up with DEO(Male) Haripur.


Assistant Commissioner
Haripur

Cc:-

The District Education Officer (Male) Haripur.


Assistant Commissioner
Haripur

کونسل برائے سکول جہڑی
میری لور
بابت ماہ اگست 2015

پستہ حاضری برائے سٹاف

| نمبر | شہر حوالہ | | | | سبب الحاح | | | | عندہ عباس شاہ | | | | تاریخ |
|------|-----------|-------|-------|-------|-----------|-------|-------|-------|---------------|-------|-------|-------|-------|
| | آد | دستور | روائی | دستور | آد | دستور | روائی | دستور | آد | دستور | روائی | دستور | |
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| 4 | 8/15 | | | | 8-00 | | | | 12/- | | | | 4 |
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جھٹیوں کی تفصیل

| قرضت | بیماری | اتفاقہ | استقامت | میزان کن | بیماری | اتفاقہ | استقامت | میزان کن | بیماری | اتفاقہ | استقامت | میزان کن |
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| میزان | - | - | - | (02) | - | - | - | (08) | - | 08 | - | (11) |

جسٹر حاضری برائے سٹاف

گورنمنٹ ہائی سکول جہڑی، جہڑی

بابت ماہ ستمبر 2015ء

| نمبر | شعبہ صحیح | | | | سینئر سٹاف | | | | مدرسہ | | | | تاریخ | |
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| | آدم | کستھ | روائی | کستھ | آدم | کستھ | روائی | کستھ | آدم | کستھ | روائی | کستھ | | |
| 1 | Not present | | 1-30 | | 7:30 | | 1/35 | | 7/45 | AM | 11:30 | AM | 7/30 | 1 |
| 2 | Not present | | 1-30 | | 7:30 | | 1/35 | | 7/45 | AM | 11:30 | AM | 7/30 | 2 |
| 3 | do | | 1- | | 7:30 | | 1/35 | | 7/45 | AM | 11:30 | AM | 7/30 | 3 |
| 4 | do | | 11-30 | | 7:30 | | 1/35 | | 7/45 | AM | 11:30 | AM | 7/30 | 4 |
| 5 | do | | C/leave | | | | 1/35 | | 7/45 | AM | 11:30 | AM | 7/30 | 5 |
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| 7 | do | | 1-30 | | 7:30 | | 1/35 | | 7/45 | AM | 11:30 | AM | 7/30 | 7 |
| 8 | do | | 1-30 | | 7:30 | | 1/35 | | 7/45 | AM | 11:30 | AM | 7/30 | 8 |
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| 28 | do | | 1-30 | | 7:30 | | 1/35 | | 7/45 | | | | C/leave | 28 |
| 29 | do | | 1-30 | | 7:30 | | C/leave | | | | | | C/leave | 29 |
| 30 | do | | 1- | | 7:30 | | 1/35 | | 7/45 | | | | C/leave | 30 |
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چفتیوں کی تفصیل

| قرضت | بیہاری | اتفاقہ | استحقاق | میزان کن | بیہاری | اتفاقہ | استحقاق | میزان کن | بیہاری | اتفاقہ | استحقاق | میزان کن | بیہاری | اتفاقہ | استحقاق | میزان کن |
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| گذشتہ ماہ | | | | 08 | | 08 | | 11 | | 11 | | 10 | | 10 | | 10 |
| میزان | | | | (09) | | 09 | | (14) | | 14 | | (13) | | 13 | | 13 |

HEAD MASTER
Govt. High School
JABAL district, Muzaffargarh

گورنمنٹ ہائی اسکول جہلم
 بابت ماہ اکتوبر 2015

بجٹ حاضر کی برائے سٹاف

P-12

نمبر صحیح TT

| آدم | دستخط | روائی | دستخط | آدم | دستخط | روائی | دستخط | آدم | دستخط | روائی | دستخط | آدم | دستخط | روائی | دستخط |
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چھٹیوں کی تفصیل

| میزان کی | استثنائی | اتفاقہ | بیماری | میزان کی | استثنائی | اتفاقہ | بیماری | میزان کی | استثنائی | اتفاقہ | بیماری | میزان کی | استثنائی | اتفاقہ | بیماری |
|----------|----------|--------|--------|----------|----------|--------|--------|----------|----------|--------|--------|----------|----------|--------|--------|
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HEADMASTER
 Govt. High School
 JABRI Distt: Narayan
 دستخط

گورنمنٹ ہائی سکول جہڑی

رجسٹر حاضرین برائے سٹاف

2015

بابت ماہ نومبر

| نمبر | نمبر صحاح | | | نمبر اوقات | | | سبب التعمیر | | | نمبر علامات بحال ستاہ | | | نمبر |
|------|-----------|-------|-------|------------|-------|-------|-------------|-------|-------|-----------------------|-------|-------|------|
| | آدم | دستخط | روائی | آدم | دستخط | روائی | آدم | دستخط | روائی | آدم | دستخط | روائی | |
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حقیقوں کی تفصیل

| قرضت | بیاری | اتفاقہ | استحقاق | میزان کل | بیاری | اتفاقہ | استحقاق | میزان کل | بیاری | اتفاقہ | استحقاق | میزان کل |
|-----------|-------|--------|---------|----------|-------|--------|---------|----------|-------|--------|---------|----------|
| حالیہ ماہ | | | | 03 | | | 03 | 04 | | | | 03 |
| گذشتہ ماہ | | | | 04 | | | 04 | 12 | | | | 17 |
| میزان | | | | 07 | | | 07 | 16 | | | | 20 |

HEAD MASTER
Govt. High School
JABHI District

Annex "E"
P-15

39

FINAL SHOW CAUSE NOTICE

I Mr. Zafar Arbab Abbasi District Education Officer (Male) Haripur as competent authority under the Khyber Pakhtunkhwa Government Servants (E&D) Rules-2011, do hereby serve you.

45

Muhammad Saleh TT GHS Jabri

1. (i) That consequent upon the report the Headmaster against you by your duties you were found absent for 16-days.

I am satisfied that you have committed the following acts/ omissions specified upon in section 3 of the said rules.

" As per report of Headmaster GHS Jabri you remained absent from duty during summer camp started from 03- Aug -2015 till 12 Sep: 2015. which were reported by i.c/ HM Vide No 3792 dated 12/09/2015 . You are directed to explain the reason within 07 days.

2. As a result thereof, I, as competent authority, have decided to proceed against under E & D Rules.
3. You are thereof, directed to also intimate whether you desire to be heard in person.
4. If no reply to the notice is received within 07 days or not more than 15 days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-party action shall be taken against you.

[Signature]

COMPETENT AUTHORITY

Mr. Muhammad Saleh TT

GHS Jabri Haripur

note.
(Principal) / HM is directed to hand over / deliver the show cause to concerned on his postal address.

06/10/15

T.T
محمد صالح صاف

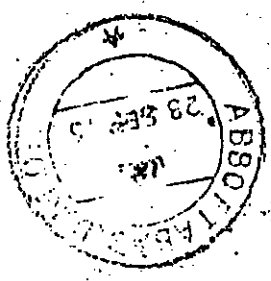
اپنے مطلع سے جانتا ہوں کہ ایک نام کے دوستوں کا نوٹس
GHS صبر آچے میں سے نوٹس کی کال آنکی مرنے اور
دوسرے نوٹس کی کال آپ نے خود Attend کی ہے
دوستوں کا نوٹس ایک ایڈریس پر بھیج رہے ہیں، دفتر
میں حاضر ہو کر ان کو جواب دیں۔

شکریہ

بہت محبت محمد

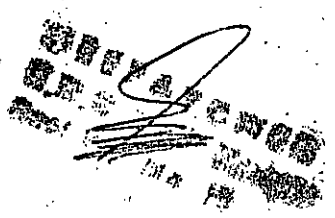
10
6/7/2015 GHS صبر H.M

6/10/2015



23/09/15

OPSS



Muhammad Saleh T.T
C/o Headmaster
Tabri Hypo

حضرت جناب دسر کٹ ایجوکیشن آفیسر صاحب (مردانہ) کی پوری خبر بخواتین خواہ
 عنوان - عرض سائل بدمعاشوں لیسر المہار و جومہ: بوجوم ڈ غیر حاضری

ADU
 11/11/15
 11/11/15

13/11/15

Annex - "F"
 p-16

جناب عالی،
 خدمت عالی میں عرض ہے کہ خدائے سلطنت آپ عمارت بڑے ہیں اور ہم آپ کی رعیت
 آپ کو تمام جملہ فریاد اور حالات سے آگاہ کرنا لہذا ہے کہ آپ ہمارے لیے بہتر فیصلہ
 فرمائیں اور جو حالات اور واقعات ہیں وہ تمام آپ کی ذہنی نظر میں، جناب عالی
 سائل کی بارگاہ فراد کے خاندان کی کفیل ہیں ہے تاہم سائل نے اللہ کی عدالت میں کہیں بھی
 قوم کے بچوں کا ٹائم ضائع نہیں کیا اب جناب قدر حالات ایسے ہیں۔

(1) میرے والد صاحب عمر میں چار ماہ سے نیابت ہی لہذا اور معذور سے ہونگے ہیں ہر دس
 بندوں میں میں اپنی (Blood) لگنا فرود ہے اب ساتھ میں پیشاب کی بوتل نکلی ہی
 نشان بڑھتا ہے جو تو گناہگار کی سعادت ہے

(2) جناب عالی جے اللہ تعالیٰ نے Twins بچوں کی دولت سے نوازا ہے ان میں سے نارمان علی
 ایک گرس کا ماک ہے اور جناب وہ کبھی کبھی سوچ کر اپنی اذیت میں ہوتا ہے کہ کچھ سہو
 ہیں آئی اگر عالی مشکل نہ ہوتی تو 10 اگست کو اس پر آپریشن ہوتا۔ لیکن جو اللہ
 کو منظور

(3) جناب عالی جس گھر میں ہم رہتے ہیں وہاں اس کا ایک کمرہ بارشوں میں گر
 گیا ہے ایک کمان باقی ہے جس کا کوئی اعتبار یا گارنٹی نہیں ہے اور وہ علیہ جو
 کاتوں بڑا ہے والد صاحب کا علاج اور پورے اہم ہے کمان فرودت ہے اللہ
 حکم

(4) جناب قدر سر یہاں میرا کوئی خونی رشتہ کہاں ساتھ ہیں صرف ایک عمارت
 گورے رہا والد صاحب 15 سال سے در بند سے ادھر آج سے اور تمام مستعدت
 1127
 17/10
 میرے سر ہیں جو کرنا ہے جے آئیے کو کرنا ہے جناب آپ ذی فکر شخصیت
 میں ایک بندہ کیا چیز ہے اور ان حالات میں سائل جبری میں کیا کرے گا
 حالانکہ ان حالات سے جے ہی بیمار کر دیا۔ (دوسرا حصہ)

جناب ذی قدر جناب عالی : میں مسلسل قبضوں کے بعد غیر حاضر ہوں

میں سکول (جبری) گیا ہم لیکن ۱۷۷۷ والا نمبر سے آگے نہیں چلے تھے
 گئے۔ جناب عالی روزانہ میں جاہلی نہیں سکتا ان حالات میں تریباری لکھ
 روپیہ قرض ہو گیا ہے۔

جناب عالی : اگر میں کہہ کر نزدیک ہوتا تو ایسے نہ ہوتا میں حالات کہ
 بہتر کر لیتا اور سکول سے نام نہ ہی نہ ہوتا لیکن جناب عالی جبری جیسے
 دور جگہ سے میں کیا کر سکتا ہوں؟ جناب عالی آپ خود انصاف فرمائیے
 جناب عالی میں نے ہمیشہ اس سے متعلق کوشش کی ہے کہ میں کوئی ایسی جگہ نہ لوں
 کہ کورس یا نچے متاثر ہوں جناب عالی سائل نے کہا امتحانی ڈیوٹی میں کی
 اور نہ ملک کے علاوہ اس حال میں میرے ساتھ ہرادرانہ اور

مستفانہ سکول ہونا چاہیے تھا۔ لیکن جناب عالی اب میرا
 اللہ کے سوا کوئی ہے نہیں تو میں لب بادم باپ روتی ماں بیمار بچہ
 آپ اگر میرا سالو نہ دیں گے تو کیا یہ انصاف ہوگا؟ سروریک

بہتر اتنا مجبور کہ میں خود ذہین اور جسمانی طور پر مشک
 گیا ہوں مجھے امید کہ اللہ نے ہمیں آپ کے سپرد کیا ہے تو
 آپ اپنے اس ناچیز مانت کو ان حالات سے نکلنے میں
 مدد۔ تعاون۔ اور سب کچھ کریں گے آپ کا لکھ جناب
 اس کے جبر اللہ کے پاس ہے۔ میں بس ہوں۔

جناب عالی . میں نے کبھی فریقین کے سلسلے میں اپنی طرف سے کوئی کام نہیں کیا ہے
کروں گا یہ سب میرا قوم اور خاندان کے بچے ہیں .

جناب عالی . آپ ہمارے دستہ دار ہیں اور مجھے امید ہے کہ میں آپ سے
میں نے کبھی بچوں کا نام نہ صنائع کیسے نہ کروں گا . اور اپنی حق دہری سے
بڑھ کر کوشش ہے . میرا اوپر وقت آیا تو آپ کو باہر کرنا فرود
گیا . جناب عالی مجھے امید ہے کہ آپ سائل کے حالات پر نظر فرمائی فرما کر
مجھے کہیں کہ میں اپنی کسی گریڈ کی وجہ سے بچوں کا بیرونی نہ ہونے دوں گا
آپ میرے لئے جو حکم فرمائیں گے وہ میں انصاف سے اور آکھ بندہ
بموردیہ سحر ہو گا ولسدم .
جزا اللہ

الصبر

در صالح تنزی و لہ عبد القدوس

نفع مرابورہ - کتب خانہ غازی

P/ہ کنڈی گاؤں مرخانہ

12/10/2015

Annexure - "G"

P. 19

52

28

Office of the District Education Officer (male) Haripur

Phone No. 0995-610178-610268.



No. 7922

Dated Haripur the 23/11 /2015.

TO,

The Headmaster
Govt: High School, Jabri.

Subject:- ABSENT FROM DUTY.

Memo

Consequent upon the issuance of Show Cause Notice dated 26-8-2015 Mr. Mohammad Saleh TT was directed to show the cause of his willful absence from duty w.e.f. 3-8-2015 to 11-11-15 on or before 11-11-2015. The teacher concerned attended the office of the undersigned on 11-11-2015 and was heard personally, he also submitted written reply of show cause notice alongwith an affidavit on the judicial stamp paper that he shall remain careful in future. After going through the contents available in his file and hearing him personally. I am satisfied to issue him **CENSURE!** and the absence period w.e.f. 3-8-2015 to 11-11-2015 shall be treated as leave without pay.

o/c

District Education Officer
(M) Haripur.

Annexure - H/1
P-20

27/5

OFFICE OF THE HEAD MASTER GOVT: HIGH SCHOOL JABRI DISTRICT HARIPUR.

Synt G.B NO 3724 Date 21/05 /2015

To:-

DEOM
21/5

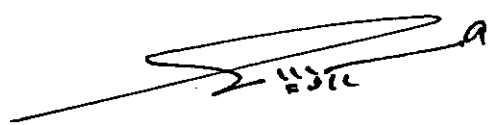
The District Education Officer,
(MALE) HARIPUR.

Subject:- ABSENT REPORT

Memo:-

According to the Order No: 3162 -65 Dated 28/04/2015

DEC (M) Haripur: Muhammad Saleh.TT who has taken his charge at GHS JABRI on 09/05/2015(FN). He has availed 046 Leaves, but from 16/05/2015 to uptill now. He is absent from the School. So the application is forwarded to the Compitant authority for n/a Please.



Head Master
GHS JABRI
District HARIPUR

D.No. 3375
21/5

Ans

06/08
21/5/15

TT
فہرست خدمات صحیح صاف

Ammeexure - 24

P-21

24

اسلام علیکم

امید ہے کہ مندرجہ ذیل فہرست صحیح ہے
(w.e.f 8.2.2016 To 28.2.2016)

ایف اے عبدالکفر 12⁰³ کو نذر لیا گیا ہے
2016

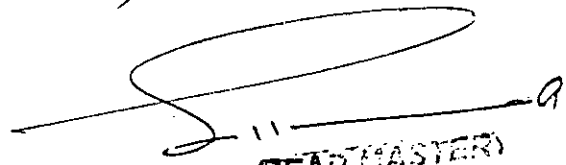
آج حورف 15⁰³ کو ایک انڈر ایس پرو ایس جمع کیا گیا
2016

آپ دفتر میں خود حاضر ہو کر DEO صاحب کو پیش کریں

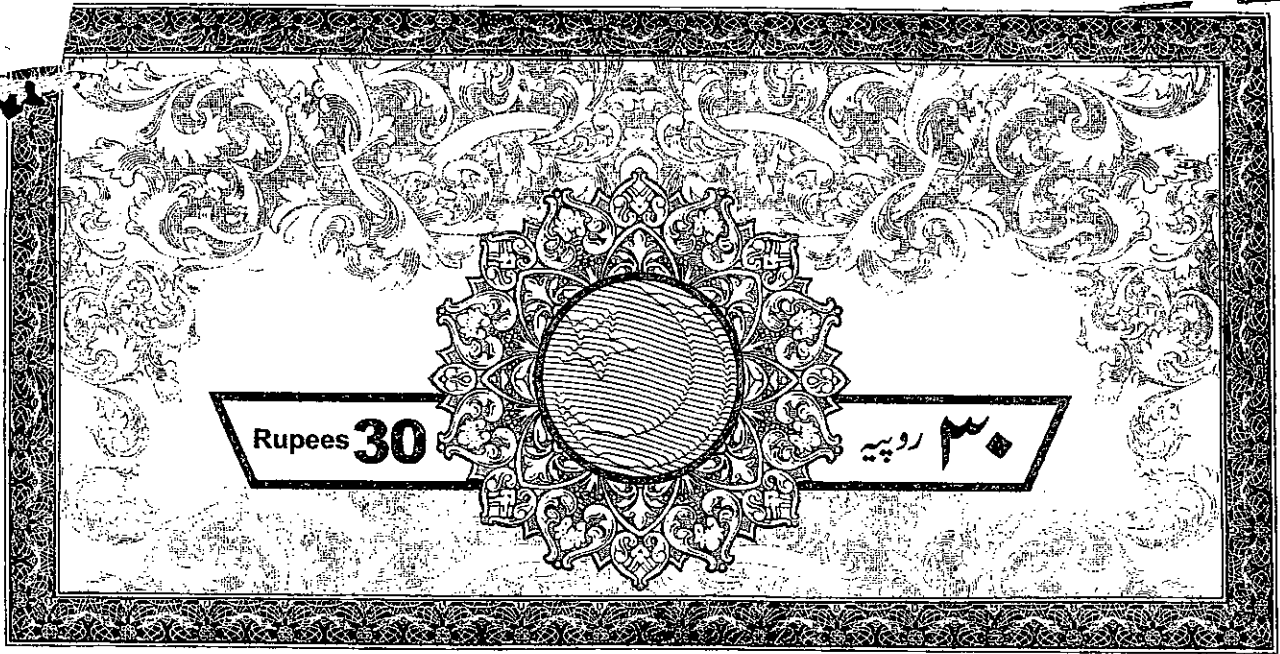
حورف 2⁰³ کو بحوالہ ایس ڈی 1925 شوکارا لیا گیا
2016

کسی ایک انڈر ایس پر جمع دیا گیا ہے

شکریہ



HEAD MASTER
Govt High School
JABRI Dist: Haripur



بیان حلفی: بند قاعدہ اسٹاپتے مابین 30 روپیہ



مند محمد صالح ولد عبد القدوس کنہ عمر خانہ کنڈلی تحصیل غازی ضلع ہری پور کا ہوں۔

B.P.S No: 15 T.T صلحاً بیان ہوں کہ مندرجہ حکم تعلیم سب بطور بھجیر میں ڈیوٹی سر انجام دے رہا ہوں، مندرجہ سے بجاواری کا وہ سے بغیر اطلاق چھٹن / بغیر حلالی کا یہ ہے، نیز اس مندرجہ ائمہ سے سیکھے بغیر اطلاق کے بغیر حلالی پسن کروں گا۔ مندرجہ کے صاف کیا جاوے۔

جملہ قواعد ضروریات کی پابندی کروں گا

صلحاً بیان ہوں کہ جملہ مرتب بالا صحیح درست ہے، کوئی اور حلفی پسن نہ کیا گیا ہے، نیز بیان حلفی سند "اعتراف" ہے، امر حرم: 2015-11-11-13301-1328349-1

مند محمد صالح ولد عبد القدوس کنہ عمر خانہ کنڈلی تحصیل غازی ضلع ہری پور

سوال نمبر بابت قرص صالح T.A. GHS اجیری

(49)

سوال نمبر 49 - آپ گزشتہ تین ماہ سے ڈیوٹی سے کنوں عہدہ صالغ میں ہیں؟

جواب - خانہ عالی سیر و الہ آباد میں رہ رہے ہیں۔

سوال نمبر 50 - آپ گزشتہ سال GHS اجیری کر رہے ہیں؟

اس کا جواب کیا ہے؟ = خانہ عالی سیر و الہ آباد میں رہ رہے ہیں۔

سوال نمبر 51 - اس سے پہلے آپ کون کون سے سکول میں رہے ہیں؟

جواب - خانہ عالی میں رہے ہیں۔ ان کے نام اور حوالہ نام لکھیں۔
GHS غیر صالغ یوم میں اسے بعد غازی کے سکول میں رہے ہیں۔
دوسرا T.A. خانہ عالی میں رہے ہیں اور GHS سکول میں رہے ہیں۔

سوال نمبر 52 - اگر آپ دوبارہ اجیری کرتے ہیں تو کیا آپ وہاں

نورگی کر لیں گے؟
جواب - سر السالغ میں نورگی کروں گا اور عبادت اور چنگا کے سکول میں نورگی کروں گا اور نورگی کے سکول میں نورگی کروں گا۔
نورگی کے سکول میں نورگی کروں گا۔

قرص صالح T.A. GHS اجیری

تعداد 11/11/2015

Annexure - "L" p. 24

(57)

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OFFICE OF THE HEAD MASTER GOVERNMENT HIGH SCHOOL JABRI DISTRICT HARIPUR.

No 3567 Dated 9/2 /2016

To:-

The District Education Officer
(Male) Haripur.

Subject:-

ABSENT REPORT IN R/O MUHAMMAD SALEH.TT
GHS JABRI HARIPUR

Memo:-

Mr. Muhammad :Saleh TT of this School is regular absent with out any information w.e.f. 06/02/2016 to up till now. So the absent report is recommended and forwarded to the District Education Officer (Male) Haripur for n/action pleas.

Suptdt (G)

Handwritten signature
HEAD MASTER
GHS Jabri Haripur
District Haripur
9/2/2016

Handwritten signature
DEO (M)
25/2/16

2281
25/2

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Handwritten signature
22/2/16

Annexure - "L-1"
p-25

(53)



OFFICE OF THE HEAD MASTER GOVERNMENT HIGH SCHOOL JABRI
DISTRICT HARIPUR

No. 3869 Dated 17/02/2016

To:-

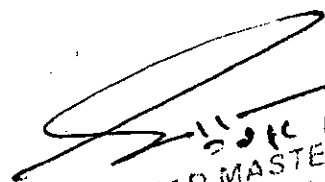
The District Education Officer
(Male) Haripur

Subject:

ABSENT REPORT I/R MUHAMMAD SALEH TT GHS JABRI

Memo:-

We are pleased to inform you that Mr. Muhammad Saleh TT of this school is regular absent without any information w.e.f 06/02/2016 to up till now. The absent report already submitted in the office Once again Absent Report is forwarded to the D.E.O. (M) Haripur for n/action please.


17/2/16
HEAD MASTER
Govt. High School
JABRI Distt. Haripur

Subdts (G)

Dr
DEO(M)
22/2

2171
22/2

iiiii
22/2/16



Office of the District Education Officer (male) Haripur

Phone No.0995-610178-610268.

Notification.

Whereas, Mr. Muhammad Saleh TT Govt: High School, Jabri (Haripur) was proceeded under the Khyber Pakhtunkhwa civil servant (Efficiency and Discipline) Rules-2011, on the charges of willful absence from his duty.

2- And whereas, show cause notice was served upon Mr. Muhammad Saleh, TT Govt: High School, Jabri, through the Headmaster GHS, Jabri vide this office dated 06-10-2015.

3- And whereas the authority having considered the charges and giving the opportunity of personal hearing and statement of the accused teacher directed him to provide undertaking on judicial stamp paper that he shall remain careful in future and abide all rules and regulations, on 11-11-2015 on the basis of which he was issued CENSURE vide this office letter No.7922 dated 23-11-2015.

4- And whereas, the Headmaster GHS, Jabri again submitted his complaint regarding again willful absence from duty in R/O Mr. Mohammad Saleh Theology Teacher (TT) w.e.f. 6-2-2016 till date vide his No.3869 dated 17-2-16. And now in the light of above mentioned facts and on the basis of remaining habitually absent from duty, there is no need for conducting further enquiry as per rules, (Rule 5-b-(ii) E & D Rules-2011 (Provided that the competent authority may dispense with the inquiry where it is in possession of sufficient documentary evidence against the accused or, for reasons to be recorded in writing, it is satisfied that there is no need to hold an inquiry and Now therefore, in exercise of the powers conferred by the Khyber Pakhtunkhwa civil servants (Efficiency and disciplinary) Rules-2011, rules-4(b) (iv) ,I, being the competent authority and satisfied to impose the Major penalty of Termination from Service upon Mr. Mohammad Saleh theology teacher (TT) GHS, Jabri (Haripur) with immediate effect.

Sd/-

District Education Officer
(Male) Haripur.

Endst: No. 416-19 / F. C/IV

Dated H. Pur. the 17/3 2016.

Copy of the above is to the :

- 1-Director of Elementary & Secondary Education KPK Peshawar-
- 2.District Accounts Officer Haripur.
- 3-Headmaster Govt: High School, Jabri (Haripur) with the direction deliver to him on his postal address.
- 4-Mr.Mohammad Saleh.
- 5-O.O.File.

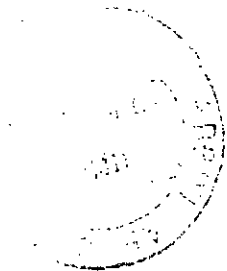
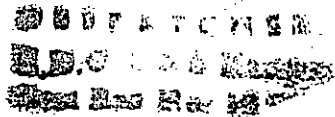
District Education Officer
(Male) Haripur.

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The Headmaster
Govt: High School, Jabe,

(جی اے) جی اے



No. 68

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 of on which no
acknowledgment is due.

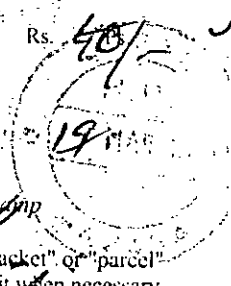
Rs. 40/-

Annex-N"

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R-27

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Received a registered
addressed to Handwritten Urdu address

Date Stamp
Handwritten date

Initials of Receiving Officer _____
Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in words) Handwritten Urdu text

Insured.

Insurance fee Rs. _____ Weight (in words) _____ Grams _____

Name and address of sender _____
Handwritten Urdu name and address

Annexure - "O"
P-28

31

18

**OFFICE OF THE HEAD MASTER GOVERNMENT HIGH SCHOOL JABRI DISTRICT
HARIPUR**

No. 23 Dated 30/3 /2017.

To:-

The District Education Officer

(Male) Haripur.

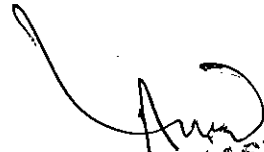
Subject: - **INFORMATION REGARDING THE APPEAL OF MUHAMMAD SALEH. EX: TT**

Respected Sir,

Memo:-

With due respect it is stated that a letter of termination in respect of Muhammad Saleh Ex: TT Government High School Jabri District Haripur was received on 18/03/2016. It was dispatched to Mr. Muhammad Saleh Ex: T T on his Postal address on 19/03/2016. (Copy of Receipt attached).

It is further stated that no letter was written or dispatched to Mr. Muhammad Saleh Ex: TT by In charge Head Master of this School. It is added that the letter Annexed E in the appeal have no concern to school as Seal inserted in this letter does not match to office Seal as well as signature to the real Signature of In Charge Head Master.


HEAD MASTER
Govt: High School
JABRI Distt: Haripur

خدمت صائب ریسٹورنٹ ڈرائیو ایجنسی (ایڈیشن) طرہ فریڈ، حیدرآباد، حیدرآباد

Annexure - "P" (50)

خدا علی - P-29 18

خودمانہ گزارش ہے کہ سائل اپنے تمام واقعات و حالات سے آئندہ کے لیے
آپ صاحبان کو کوئی شکایت نہ ہوگی۔ اور میں اپنے تین دن دھن سے ملک و قوم
کا عہدہ بنکر دکھاؤں گا جیسے اس پر صبر آئے۔ صاحبان سائل کے حالات اور واقعات
کے متعلق جیسے اپنی ذمہ داری کے موقع اور احکام صادر فرمائیں گے۔
عین گزارش ہوگی۔

العزیز

11/01/2015

نور صالح شہولی
گورنمنٹ ڈیپارٹمنٹ، حیدرآباد

¹¹³(2) In case two or more Government Servants are to be proceeded against jointly under these rules, the authority or, as the case may be, the authorised officer, designated or authorised, for the Government Servant senior most in rank shall be the authority or, as the case may be, the authorised officer in respect of all such accused.

¹¹⁴(3) The inquiry officer or Members of Enquiry Committee, as the case may be, shall be the officer (s) senior in rank to the accused officer.

3. **Grounds of Penalty:-** Where a Government servant, in the opinion of the authority;

- (a) is inefficient or has ceased to be efficient; or
- (b) is guilty of misconduct; or
- (c) is corrupt, or may reasonably be considered corrupt because:-
 - (i) he is, or any of his dependents or any other person through him or on his behalf is, in possession (for which he cannot reasonably account) of pecuniary resources or of property disproportionate to his known sources of income; or
 - (ii) he has assumed a style of living beyond his ostensible means; or
 - (iii) he has a persistent reputation of being corrupt; or
- (e) is engaged, or is reasonably suspected of being engaged in subversive activities, or is reasonably suspected of being associated with others engaged in subversive activities or is guilty of disclosures of official secrets to any un-authorized person, and his (retention) in service is, therefore, prejudicial to national security, the authority may impose on him one or more penalties.

4. **Penalties:-** (1) The following are the minor and major penalties, namely:-

(a) **Minor penalties:-**

- (i) Censure;
- (ii) withholding, for a specific period, promotion or increment, otherwise than for unfitness for promotion or financial advancement, in accordance with the rules or orders pertaining to the service or post;
- ¹¹⁵(iii) recovery from pay of the whole or any part of any pecuniary loss caused to Government by negligence or breach of order.

¹¹³ Sub-rule(2) of rule 2 inserted vide S&GAD Notification No.SOR.II(S&GAD) 3(4)/78 (Vol-II), dated 20.5.1980.

¹¹⁴ Sub-rule (3) of rule 2 substituted by Notification No. SOR II (S&GAD)2(29)/95 Vol-II, dated 14.09.1999.

¹¹⁵ Sub-Class (iii) of clause (a) of sub-rule (1) of rule 4 deleted and sub clause (iv) renumbered as (iii) by Notification No.SORII(S&GAD)5(29)/95 Vol-II, dated 14.9.99

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¹¹⁹7A. **Revision:**-The authority may, in the case of any order passed by the authorised officer, call for and examine the record of any case and may, after making such further inquiry or investigation, if necessary, either personally or through an officer, pass such order as he may deem appropriate;

Provided that in cases where the authorised officer has exonerated an accused and the authority decides to impose a penalty on him or where the penalty imposed by the authorised officer is decided to be increased, the authority shall not impose any penalty or increase the penalty, unless an opportunity is given to the person concerned to show cause as to why such a penalty should not be imposed or, as the case may be, be increased.

8. Rule 5 not to apply in certain cases:-Nothing in rule 5 shall apply to a case:-

- (a) where the accused is dismissed or removed from service or reduced in rank, on the grounds of conduct which has led to a sentence of fine or of imprisonment; or
- (b) where the authority competent to dismiss or remove a person from service, or to reduce a person in rank, is satisfied that, for reasons to be recorded in writing by that authority, it is not reasonably practicable to give the accused an opportunity of showing cause.

¹²⁰8.A A Procedure in case of willful absence:- Notwithstanding anything to the contrary contained in these rules, in case of willful absence from duty by a Government Servant, a notice shall be issued by the authorised officer through "registered acknowledgement" due cover on his home address directing him to resume duty forthwith. If the same is received back as undelivered or no response is received from the absentee within the stipulated time, a notice shall be published in at least two leading newspapers directing him to resume duty within fifteen days of the publication of that notice, failing which an ex-parte decision will be taken against him. On expiry of the stipulated period given in the notice, the authorised officer shall recommend his case to the authority for imposition of major penalty of removal from service.

9. Procedure of inquiry against officers lent to other Provincial Government or the Federation:-(1) Where the services of Government servants to whom these rules apply are lent to the Federation or to any other Provincial Government or to a local or other authority, in this rule referred to as the borrowing authority, the borrowing authority shall have the powers of the authority for the purpose of placing him under suspension or requiring him to proceed on leave and of initiating proceedings against him under these rules;

Provided that the borrowing authority shall forthwith inform the authority which has lent his services, hereinafter in this rule referred to as to lending authority, of the circumstances leading to the order of his suspension or the commencement of the proceedings, as the case may be.

¹¹⁹ Rule 7A inserted vide S&GAD Notification No.SOR.II(S&GAD)3-4/78, dated 4.5.1983.

¹²⁰ Rule 8A inserted by Notification No. SOR-II(S&GAD)5(29)/95 Vol.II, dated 14.09.99.

Provided fu
Minister]¹²¹ before
of the Province
(specify)¹²².

(2) If, in the li
in terms of rule 8
imposed on him,
thereupon the len

¹²³(3) No
in writing, author
exercise all or any
in respect of civil

¹²⁴10. **Appeal:**-
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¹²⁵10A. **Appears**
authority, the a
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¹²⁶10B. **Exceptio**
cases where Gov
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11. **Repeal:**
Rules, 1960, in
repealed, but th
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¹²¹ The word "Gov
(S&GAD)5(29

¹²² See Notificatio

¹²³ Sub rule 3 of n

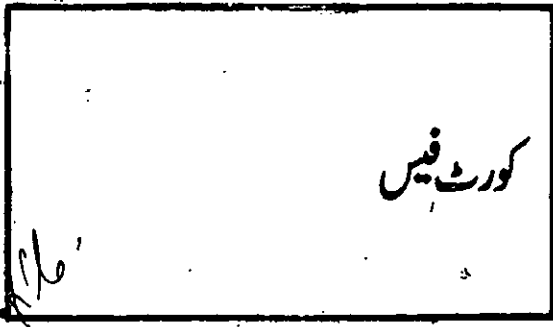
¹²⁴ Rule 10 substit

¹²⁵ Rule 10A adde

¹²⁶ Rule 10B adde

وکالت نامہ

کورٹ فیس



بعدالت
عنوان: محمد صالح بیام ڈائریڈ ایجوکیشن
منجانب: اسٹوڈنٹ

نوعیت مقدمہ: سسرٹس اسسٹنٹ
باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آن مقام

حسب العینہ خان بیٹی کی ایجوکیشن کے کارڈز کے بارے میں

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر فائنٹ و فیصلہ بر مطف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب کالونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پر داخستہ مجھ کو منظور قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بتایا تم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بتایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست برآمد استجارت ناشر بیحد مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المقوم: 18-7-2018

بمقام:

Accepted by
[Signature]

محمد صالح
[Signature]

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No 1480 /ST

Dated 24 /07/2018


To

The District Education Officer (Male),
Government of Khyber Pakhtunkhwa,
Haripur.

Subject: **ORDER IN APPEAL NO. 1005/2016, MR. MUHAMMAD SALEH.**

I am directed to forward herewith a certified copy of Order dated 20/07/2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

ok

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No 1476-79 /ST

Dated 24 /07/2018

To

1. The District Accounts Officer,
Govt: of Khyber Pakhtunkhwa,
Mansehra.
2. District Account Officer,
Govt: of Khyber Pakhtunkhwa,
Battagram.
3. District Education Officer (Male) E & SE,
Govt: of Khyber Pakhtunkhwa,
Mansehra.
4. District Education Officer (Male) E&SE,
Govt: of Khyber Pakhtunkhwa,
Battagram.

Subject: **ORDER/JUDGEMENT IN APPEAL NO. 673/2017, MR. HAMID YOUNAS.**
AND APPEAL NO.474/2017, MR. TARIQ MEHMOOD

I am directed to forward herewith a certified copy of Judgment/Order dated 18/07/2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

**REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.**

DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA.

NOTIFICATION.

1. WHEREAS, Muhammad Saleh TT GHS Jabri District Haripur was proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011 on charges of absent from duty w.e.f 03.08.2015 to 15.08.2015.
2. AND WHEREAS, the DEO(M)Haripur served Show Cause Notice in connection with absent from duty. The Head Master GHS Jabri submitted another complaint against the TT concerned absent w.e.f 01.09.2015 to 12.09.2015. The IMU also reported absent from duty. The DEO(M)concerned call upon for personal hearing and given written affidavit at the time of his hearing to careful in future. The Head Master concerned again sent absent report against the above named TT.
3. AND WHERE AS consequent upon finality of aforesaid disciplinary proceedings against the said Ex-TT, major penalty of Termination from service was imposed upon Muhammad Saleh Ex-TT GHS Jabri Haripur by the DEO (M) Haripur vide Notification No. 416-19 dated 17.03.2016.
4. AND WHEREAS, the aggrieved Teacher filed a departmental appeal dated 14.06.2016 to the Director E&SE Khyber Pakhtunkhwa (appellant authority) against the aforesaid major penalty imposed upon him by the DEO concerned. The DEO(M)Haripur submitted his comments vide letter No.2128 dated 14.06.2016.
5. AND WHEREAS, the competent authority Director Elementary and Secondary Education Khyber Pakhtunkhwa) after having considered the charges and evidence on record, is of the view that charges against accused teacher have been proved.

NOW THEREFORE, in exercise of powers conferred under Khyber Pakhtunkhwa Servants (Efficiency & Discipline) Rules-2011 the appellate authority has decided to reject the appeal of Muhammad Saleh TT GHS Jabri Haripur on the above mentioned grounds.

(DIRECTOR)

Endst: No. 3969-51 /F No.162/Vol:II/Removal from Service Dated Peshawar 28/10 /2016.

Copy forwarded for information and necessary action to the:-

- 1 District Education Officer (Male) Haripur.
- 2 Appellant/Teacher concerned.
- 3 P/A to Director E&SE, Khyber Pakhtunkhwa, Peshawar.
- 4 Master File.

Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa

163

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

Appeal No. 1005/2016

Muhamaad Saleh Ex-TT District Haripur..... (Appellant)
VERSUS
Director E&SE KP Peshawar & another..... (Respondents)

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| 3. | Copy of absent reports dated 05-08-2015, 15-08-2015, 12-09-2015 & 17-09-2015 | A, B,C, & C-1 | 6 to 9. |
| | Copy of attendance register, show cause notice, reply to show cause and censure | D, E,F, & G | 10 to 19 |
| 4. | Copy of absent report dated 21-05-2015 | H | 20 |
| 5. | Copy of letter dated 15-03-2016 | I | 21 |
| 6. | Copies of stamp Paper, Questionnaire of personal hearing , absent repots and termination order | J,K, L, L-1 & M | 22 to 26 |
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Respondent



**District Education Officer (M)
Haripur**

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Appeal No. 1005/2016

Muhamaad Saleh Ex-TT District Haripur..... (Appellant)
VERSUS
Director E&SE KP Peshawar & another..... (Respondents)

Joint Para wise Comments in the Amended Service Appeal for &on behalf of Respondents

Respectfully Sheweth:-

The respondents respectfully submit as under:-

PRELIMINARY OBJECTION:-

1. That the appellant has got no cause of action to file the instant appeal.
2. That the appeal of the appellant is time barred hence liable to be dismissed.
3. That the instant appeal is not maintainable under the Law.
4. That the appellant has filed the present appeal just to pressurize the respondents.
5. That the appellant has not come to this Honorable tribunal with clean hands.
6. That the appellant is estopped to sue due to his own conduct.
7. That the instant appeal is not maintainable due to mis-joinder and non-joinder of necessary parties.
8. That the final order was passed by the competent authority by observing all codal formalities hence the appeal is liable to be dismissed without further proceedings.
9. That the appellant has suppressed the original facts hence not entitled for any relief and appeal is liable to be dismissed.

Factual objections:-

i. That Para-1 is correct only to the extent that the appellant was appointed as TT in Education department on 01-09-2004, while the remaining Para is incorrect which is evident from his habitual absenteeism, reported by his Headmaster time and again and in the light of which his salary was deducted w.e.f 03-05-2015 to 15-08-2015 and also from the absent report submitted by Assistant Commissioner on 17-09-2015 addressed to Deputy Commissioner. Furthermore his irresponsible and unserious attitude would disprove the contentions contain in this Para. It is also pertinent to mention here that a show cause notice dated 06-05-2015 was served upon the appellant to which he submitted his reply with excuse. Furthermore he was personally heard on 11-11-2015 and was accorded minor penalty Censure dated 23-11-2015. (Copies of absent reports dated 05-08-2015, 15-08-2015 ,12-09-2015 &

17-09-2015 are attached as Annexure- A, B,C, & C-1 and Copy of attendance register, show cause notice, his reply and censure are attached as Annexure-D, E,F, & G)

- ii. Correct to the extent that appellant remained posted in different schools during his service while the remaining Para is incorrect hence denied.
- iii. That the appellant was transferred from GHS Salam Khand to GHS Jabri on the complaint from the concerned Principal, but after taking over charge on 09-05-2015 at his new place of posting, he remained willful absent w.e.f 16-05-2015 to 21-05-2015 as reported by his Headmaster. Furthermore, the appellant again remained absent w.e.f 03-08-2015 to 11-11-2015 but in the light of his reply to show cause notice and later on personal hearing, the competent authority granted sanction of leave without pay for the absent period after proceeding against him. **(Copy of absent report dated 21-05-2015 is attached as Annexure-H,)**
- iv. Para-4 is misrepresented; the application regarding medical leave was received on belated stage dated 12-03-2016 to the concerned Headmaster which was returned on his home address vide letter dated 15-03-2016 in which the reasons in writing were explained. It is pertinent to mention here that the Headmaster concerned reported his willful absence vide letter dated 09-02-2016 and 17-02-2016. **(Copy of letter dated 15-03-2016 is attached as Annexure- I)**
- v. Incorrect, the competent authority have already taken a lenient view of the matter by accepting his excuse in writing on stamp paper and heard him personally and granted him a chance to remain in service and sanctioned his absent period as leave without pay. But he remained willful absent again w.e.f 08-02-2016 till termination of his service. Furthermore his services were terminated on sound reasons. **(Copies stamp Paper, Questionnaire of personal hearing , absent repots and termination orders are attached as Annexure-J,K, L, L-1 & M).**
- vi. Incorrect, and baseless, the termination order was timely delivered to him on his postal address through registered post on 19-03-2016 which was not returned as undelivered. **(Copy of postal receipt attached as annexure- N).**
- vii. Incorrect, and against the facts, his irresponsible and unserious attitude and willful absence from his duty were the grounds of his termination from service. The attendance register, absent reports

and disciplinary proceedings are the evidence while the remaining Para is denied being incorrect. The letter dated 09-02-2016 is baseless in this regard when the concerned Incharge Headmaster was inquired he sternly denied and submitted a certificate to this effect. **(Copy of certificate is attached as annexure- O).**

- viii. Para- viii is also incorrect, proper departmental proceedings were initiated against the appellant which has already been explained in the above Paras and was terminated from service under the provision of rule 8 (b) of E&D Rules 2011. It is also evident from an affidavit on judicial stamp paper by the appellant in which he assured that he shall remain careful in future and requested for pardon. Consequent upon his submissions, the competent authority issued minor penalty "censure" but soon after he again adopted the same attitude and remained willful absent from his duty w.e.f 08-02-2016 till his termination from service. **(Copy of relevant rule and statement of appellant are attached as Annexure- P & Q)**
- ix. Incorrect, the wording of impugned order discloses the reason and cause of action against the appellant, which was correctly passed by the competent authority and is liable to be maintained.
- x. Incorrect hence denied, his departmental appeal was rejected by the competent authority on 28-10-2016 which was acknowledged to the appellant inter alia on the following and some other grounds.

Grounds:

- a) Incorrect, the orders dated 17-03-2016 and dated 28-10-2016 were within legal sphere, based on facts and record and is liable to be maintained.
- b) Incorrect, the impugned orders were passed in accordance with law, rules and policy on the subject and is liable to be maintained.
- c) Incorrect, the impugned order has been passed in accordance with the prescribed procedure on the subject provided under rule 8(b) of E&D rules. **(Copy of rules already attached at annexure- Q)**
- d) Incorrect, proper departmental proceedings have already been conducted against the appellant, which is evident from his reply to show cause notice and as well from an affidavit on judicial stamp paper and also personal hearing dated 11-11-2015 and in the light of his submissions, the competent authority once issued minor penalty "censure" but soon

after he again adopted the same attitude and remained willful absence from his duty w.e.f 08-02-206 till his termination from service.

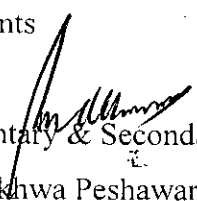
- e) Incorrect, the detail reply is given in the above preceding Para's.
- f) Incorrect, a show cause notice has already been served upon the appellant on the issue in question and was provided an opportunity of personal hearing to which the appellant has already been submitted his reply and affidavit along with statement on 11-11-2015, but he has abnegated his own statement and commitment which became the cause of his termination from service.
- g) Incorrect. Hence denied the detail reply is given in the preceding Para's above.
- h) Incorrect, the appellant has been awarded major penalty of Termination from service on sound grounds in accordance with law, and rules on the subject.

Prayer

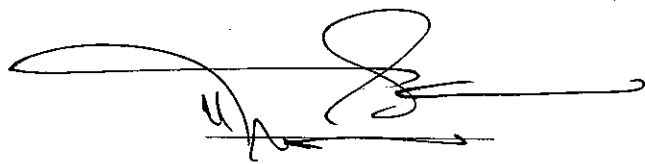
In the light of above made submission it is most humbly prayed that the appeal of the appellant being devoid of legal footing, may very graciously be regretted throughout cost and order dated: 17-03-2016 may be maintained please.

Any other relief this honorable tribunal deems fit in the circumstances of the case may also kindly be awarded.

Respondents


Director, Elementary & Secondary Education Department
Khyber Pakhtunkhwa Peshawar

District Education Officer (M)
Haripur.



5

188

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Appeal No. 1005/2016

Muhamaad Saleh Ex-TT District Haripur..... (Appellant)
VERSUS
Director E&SE KP Peshawar & another..... (Respondents)

COUNTER AFFIDAVIT

I, Mr.Said Badshah Assistant District Education Officer (Male) Haripur, do hereby affirm and declare that contents of forgoing comments are correct and true according to the best of my knowledge and belief and nothing has been suppressed from this Honorable tribunal.

DEPONENT



Assistant District Education Officer (Lit :)
O/O DEO (M) Haripur

Annex - A
P-6

42

157

OFFICE OF THE HEAD MASTER GOVERNMENT HIGH SCHOOL JABRI DISTRICT HARIPUR

No. 05/08/2015 3780

Dated 05/08/2015
3780/2015

ADPR ESTB

DF 2019
7/8/15

To:-

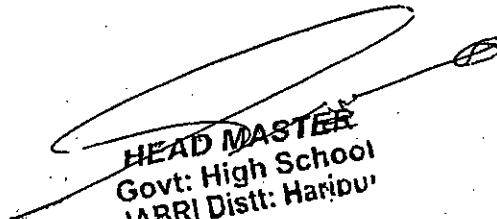
The District Education Officer

(Male) Haripur

Subject:- ABSENT REPORT OF MR. MUHAMMAD SALEH. TT. GHS JABRI HARIPUR.

Memo:-

According to the Schedule, Summer Camp has started form 3 August 2015 . Mr. Muhammad Saleh TT of this School is regular Absent w.e.f. 03/08/2015 to uptill now. Order Book about Summer Camp has written already so the absent Report is forwarded to the District Education Officer Male Haripur for N/A please.


HEAD MASTER
Govt: High School
JABRI Distt: Haripu

4526
7/8

Office of the Headmaster Govt. High School Jabbri Haripur

No. 3783

Dated: 15/08/2015

To
The District Education Officer (Male)
Haripur.

ADEO E
[Signature]
DEOM 21/8/15

Subject:- ABSENT REPORT OF MR. MUHAMMAD SALEH TT GHS JABBRI HARIPIR

Memo:-

According to the schedule summer camp as started from 03-08-2015, Mr. Muhammad Saleh TT of this School is a regular absent w.e.f 03.08.2015 to 15.08.2015. order book about summer camp has written already so the absent report is forwarded to the District Education Officer (Male) Haripur for further necessary action please.

[Signature]
Headmaster
HEAD MASTER
Govt. High School
Govt. High School
JABRI Dist. Haripur

4760
21/8/15

Annexure "C" p-8 155 38
OFFICE OF THE HEAD MASTER GOVT : HIGH SCHOOL JABRI DISTRICT HARIPUR

NO 3792 DATED 12/9/2015

To:-

The District Education Officer
(M) Haripur.

ADEO B
[Signature]
DEOM

15/9/15

Subject:- ABSENT REPORT IN R/O MUHAMMAD SALEH.TT GHS JABRI

Memo:-
Mr. Muhammad Saleh TT of this School IS a regular
Absent W.E.F. 01/09/2015 to 12/09/2015. Absent report has been
Submitted already Vide No. 3787 Dated 04/09/2015 . He was
GHS Jabri
also Regular absent in Summer Camp 2015. So the absent report
is recommended and forwarded to the DEO (M) Haripur for n/Action
Please.

[Signature]
HEAD MASTER
Head Master, High School
GHS Jabri Dist: Haripur
District Haripur

534
15/9/15

Ammer "C" 1
P-9

23

Urgent
put up w/o delay

38
184

OFFICE OF THE ASSISTANT COMMISSIONER, HARIPUR.

No. Education / 1511-12

/ AC (H) Dated: 17/09/2015.

AD EOE
DEOM
17/9/15

To
The Deputy Commissioner
Haripur.

SUBJECT: Surprise Visit to Govt. Schools.

On 15-09-2015, the undersigned conducted surprise visit to the following schools and observations are as under:-

622
17/9

1. Govt. Primary School (Boys) Jabbi.

- Total number of teaching staff is 03.
- Number of students is 52.
- At the time of inspection one PST Mr. Abdul Aziz was on C/ leave and his sanctioned leave application was duly produced on demand.
- Boundary wall of the school was damaged and required immediate repair, keeping in view over all prevailing security concerns.
- Attendance register and stock register were found to be duly maintained.
- Students were interviewed at random and learning standard was found to be satisfactory with room for further improvement.

2. Govt. High School (Boys) Jabri.

- Total teaching staff strength of the school is 12.
- School was without a full time Headmaster and In-charge, Headmaster Mr. Liaqat SST Science was away at the time of inspection.
- Three teachers namely Javed Iqbal CT, Naseer Ahmed SCT and Mushtaq Ahemd SDM were on leave and their duly sanctioned leave applications were produced on demand.
- One Mr. Muhammad Saleh TT was reported to be continuously absent from his duty. It was further informed that his absent report has already been communicated to DEO(Male) Haripur.
- Attendance register was found to be duly maintained while the stock register could not be checked as it was under lock & key and keys were reported to be with In-charge Headmaster Mr. Liaqat.
- Students were interviewed at random and learning standard was found to be satisfactory.
- Furthermore, appointment of full time Headmaster of the school may also please be taken up with DEO(Male) Haripur.

Muhammad Ali
Assistant Commissioner
Haripur

Cc:-
The District Education Officer (Male) Haripur.

Muhammad Ali
Assistant Commissioner
Haripur

بجٹر حاضری برائے سٹاف

گورنمنٹ ہائی سکول جہڑی

میری لورین

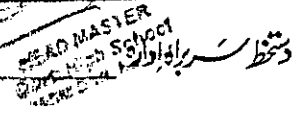
یابت ماہ اگست 2015

سہ جولائی

| شمارہ روزانہ | | شمارہ ہال | | | سبب التعمیر | | | عہدہ عباس شاہ | | | | تاریخ | |
|--------------|------|-----------|-------|-------|-------------|-------|-------|---------------|-----|-------|-------|-------|-----|
| کلاس | | T.T | | | DARI | | | DET | | | | | |
| روزانہ | آئی | دستخط | رواغب | دستخط | آئی | دستخط | رواغب | دستخط | آئی | دستخط | رواغب | دستخط | آئی |
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چھٹیوں کی تفصیل

| قررت | بیماری | اتفاقہ | استحقاق | بیماری | اتفاقہ | استحقاق | بیماری | اتفاقہ | استحقاق | بیماری | اتفاقہ | استحقاق | بیماری | اتفاقہ | استحقاق |
|-----------|--------|--------|---------|--------|--------|---------|--------|--------|---------|--------|--------|---------|--------|--------|---------|
| خالصہ ماہ | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| نوائے ماہ | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| بیماری | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |



37358912, 37310463

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| 02 | 01 | 08 | 09 | (14) | 14 | (13) | 10 | 03 | 03 |
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پہلوں کی فہرست

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
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| Present | Present | Present | Present | Present | Present | Present | Present | Present | Present | Present | Present | Present | Present | Present | Present | Present | Present | Present | Present | Present | Present | Present | Present | Present | Present | Present | Present | Present | Present | Present |
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S.A.T
P.E.T
S.A.T

2015
159
P-11

جسٹر حاضری میٹر کے مطابق ایسا گو ر مندرجہ ناموں کے متعلق جانچ کر
 اب تک ۱۲ ماہ کی ریکارڈ

مجموعاً ۱۲

| انٹرنیٹ | آمد | دستخط | روائی | دستخط | آمد | دستخط | روائی | دستخط | آمد | دستخط | روائی | دستخط | آمد | دستخط |
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چھٹیوں کی تفصیل

| ہفت روزہ | اتفاقہ | استحقاق | میزان | بیماری | اتفاقہ | استحقاق | میزان | بیماری | اتفاقہ | استحقاق | میزان | بیماری | اتفاقہ | استحقاق | میزان |
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HEADMASTER
 Govt. High School
 Jheri, Okara, Pakistan
 دستخط

گورنمنٹ ہائی سکول جہڑی

150

34

پستہ حاضری برائے سٹاف

2015

ایستہ ماہ

| نمبر | تعمیر صلاح | | | تعمیر رفاقت | | | سبب الزحمان | | | علامہ عباس ستہ | | | تاریخ |
|------|------------|-------|----|-------------|-------|----|-------------|-------|----|----------------|-------|----|-------|
| | دستخط | روائی | آد | دستخط | روائی | آد | دستخط | روائی | آد | دستخط | روائی | آد | |
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چھٹیوں کی تفصیل

| قرضت | بیاری | اتفاقہ | امتیازی | میزان کی | بیاری | اتفاقہ | امتیازی | میزان کی | بیاری | اتفاقہ | امتیازی | میزان کی |
|-----------|-------|--------|---------|----------|-------|--------|---------|----------|-------|--------|---------|----------|
| خالہ ماہ | - | 03 | - | 03 | - | 04 | - | 04 | - | 03 | - | 03 |
| گزشتہ ماہ | - | 04 | - | 04 | - | 12 | - | 12 | - | 17 | - | 17 |
| میزان | - | 07 | - | 07 | - | 16 | - | 16 | - | 20 | - | 20 |

HEAD MASTER
Govt. High School
Jheri

Hall: M1 New/dz
 Deputy District
 Educational Officer
 W.A.P.S.PUR

بیت نامہ 169
 2015
 پتہ: گورنمنٹ ہائی اسکول، کورنگی، کراچی۔

سر طہار علی برائے سٹاف

| قرائن و فرائض | | سیٹلنگ | | ڈیوٹی | | ت.ت | | P.E.T | |
|---------------|------|---------|------|-------|------|------|------|---------|------|
| آدم | روای | آدم | روای | آدم | روای | آدم | روای | آدم | روای |
| 2/20 | 8/15 | 2/20 | 8/15 | 2/20 | 8/15 | 2/20 | 8/15 | 2/20 | 8/15 |
| 2/20 | 8/15 | 2/20 | 8/15 | 2/20 | 8/15 | 2/20 | 8/15 | 2/20 | 8/15 |
| 2/20 | 8/15 | C/leave | | 2/20 | 8/15 | 2/20 | 8/15 | 2/20 | 8/15 |
| 2/20 | 8/15 | C/leave | | 2/20 | 8/15 | 2/20 | 8/15 | C/leave | |
| 2/20 | 8/15 | C/leave | | 2/20 | 8/15 | 2/20 | 8/15 | C/leave | |
| 2/20 | 8/15 | C/leave | | 2/20 | 8/15 | 2/20 | 8/15 | 2/20 | 8/15 |
| 2/20 | 8/15 | C/leave | | 2/20 | 8/15 | 2/20 | 8/15 | 2/20 | 8/15 |
| 2/20 | 8/15 | C/leave | | 2/20 | 8/15 | 2/20 | 8/15 | 2/20 | 8/15 |
| 2/20 | 8/15 | C/leave | | 2/20 | 8/15 | 2/20 | 8/15 | 2/20 | 8/15 |
| 2/20 | 8/15 | C/leave | | 2/20 | 8/15 | 2/20 | 8/15 | 2/20 | 8/15 |
| 2/20 | 8/15 | C/leave | | 2/20 | 8/15 | 2/20 | 8/15 | 2/20 | 8/15 |
| 2/20 | 8/15 | C/leave | | 2/20 | 8/15 | 2/20 | 8/15 | 2/20 | 8/15 |
| 2/20 | 8/15 | C/leave | | 2/20 | 8/15 | 2/20 | 8/15 | 2/20 | 8/15 |
| 2/20 | 8/15 | C/leave | | 2/20 | 8/15 | 2/20 | 8/15 | 2/20 | 8/15 |
| 2/20 | 8/15 | C/leave | | 2/20 | 8/15 | 2/20 | 8/15 | 2/20 | 8/15 |
| 2/20 | 8/15 | C/leave | | 2/20 | 8/15 | 2/20 | 8/15 | 2/20 | 8/15 |
| 2/20 | 8/15 | C/leave | | 2/20 | 8/15 | 2/20 | 8/15 | 2/20 | 8/15 |
| 2/20 | 8/15 | C/leave | | 2/20 | 8/15 | 2/20 | 8/15 | 2/20 | 8/15 |
| 2/20 | 8/15 | C/leave | | 2/20 | 8/15 | 2/20 | 8/15 | 2/20 | 8/15 |
| 2/20 | 8/15 | C/leave | | 2/20 | 8/15 | 2/20 | 8/15 | 2/20 | 8/15 |
| 2/20 | 8/15 | C/leave | | 2/20 | 8/15 | 2/20 | 8/15 | 2/20 | 8/15 |
| 2/20 | 8/15 | C/leave | | 2/20 | 8/15 | 2/20 | 8/15 | 2/20 | 8/15 |
| 2/20 | 8/15 | C/leave | | 2/20 | 8/15 | 2/20 | 8/15 | 2/20 | 8/15 |
| 2/20 | 8/15 | C/leave | | 2/20 | 8/15 | 2/20 | 8/15 | 2/20 | 8/15 |
| 2/20 | 8/15 | C/leave | | 2/20 | 8/15 | 2/20 | 8/15 | 2/20 | 8/15 |
| 2/20 | 8/15 | C/leave | | 2/20 | 8/15 | 2/20 | 8/15 | 2/20 | 8/15 |
| 2/20 | 8/15 | C/leave | | 2/20 | 8/15 | 2/20 | 8/15 | 2/20 | 8/15 |
| 2/20 | 8/15 | C/leave | | 2/20 | 8/15 | 2/20 | 8/15 | 2/20 | 8/15 |
| 2/20 | 8/15 | C/leave | | 2/20 | 8/15 | 2/20 | 8/15 | 2/20 | 8/15 |
| 2/20 | 8/15 | C/leave | | 2/20 | 8/15 | 2/20 | 8/15 | 2/20 | 8/15 |
| 2/20 | 8/15 | C/leave | | 2/20 | 8/15 | 2/20 | 8/15 | 2/20 | 8/15 |
| 2/20 | 8/15 | C/leave | | 2/20 | 8/15 | 2/20 | 8/15 | 2/20 | 8/15 |
| 2/20 | 8/15 | C/leave | | 2/20 | 8/15 | 2/20 | 8/15 | 2/20 | 8/15 |

چھٹیوں کی تفصیل

| تاری | اتفاق | بیماری | بیماری | استحقاق | میزان کل | بیماری | استحقاق | میزان کل | بیماری | استحقاق | میزان کل |
|------|-------|--------|--------|---------|----------|--------|---------|----------|--------|---------|----------|
| 03 | - | 03 | - | 03 | 03 | - | 03 | 03 | 02 | - | 02 |
| 07 | - | 07 | - | 16 | 16 | - | 16 | 20 | - | 20 | 20 |
| 07 | - | 07 | - | 19 | 19 | - | 19 | 03 | - | 03 | 22 |

سربراہ اسکول
 دستخط
 School

Annex "E"
P-15

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FINAL SHOW CAUSE NOTICE

I Mr. Zafar Arbab Abbasi District Education Officer (Male) Haripur as competent authority under the Khyber Pakhtunkhwa Government Servants (E&D) Rules-2011, do hereby serve you.

95

Muhammad Saleh TT GHS Jabri

1. (i) That consequent upon the report the Headmaster against you by your duties you were found absent for 16-days.

I am satisfied that you have committed the following acts/ omissions specified upon in section 3 of the said rules.

" As per report of Headmaster GHS Jabri you remained absent from duty during summer camp started from 03- Aug -2015 till 12 Sep: 2015. which were reported by i.c/ HM Vide No 3792 dated 12/09/2015 . Your are directed to explain the reason within 07 days.

2. As a result thereof, I, as competent authority, have decided to proceed against under E & D Rules.
3. You are thereof, directed to also intimate whether you desire to be heard in person.
4. If no reply to the notice is received within 07 days or not more than 15 days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-party action shall be taken against you.

[Signature]

COMPETENT AUTHORITY

Mr. Muhammad Saleh TT

GHS Jabri Haripur

note.
(Principal) / HM is directed to hand over / deliver the show cause to concerned on his postal address.

[Signature]
06/10/15

بیماری کا سبب دست راست جو جس انیسر صاحب (مردانہ) کو لپڑا جبر بختو خواہ
عنوان - عرض سائل بدمعاشوں لیسر امہار وجود: لوجوم ڈیپٹر حاضری

Annex F
p-16

13/11/15

جناب عالی: خدمت عالی میں عرض ہے کہ خدائے سلطنت آپ عمارت بڑے ہیں اور ہم آپ کی رعیت
آپ کو تمام تجملہ فریاد اور حالات سے آگاہ کرنا لازمی ہے کہ آپ ہمارے لیے بہتر فیصلہ
فرمائیں اور جو حالات اور واقعات ہیں وہ تمام آپ کی ذہنی نظر میں، جناب عالی
سائل کی یاد افراد کے خاندان کی تفصیل بھی ہے تاہم سائل نے اللہ کی عدالت میں کہی بھی
قوم کے بچوں کا ٹائم ضائع نہیں کیا اب جناب قدر حالات ایسے ہیں

(1) میرے والد صاحب عرصہ میں چار ماہ سے نیابت ہی لہ جا رہے اور معذرت سے ہوں گے میں ہر دس
پندرہ دن میں انہیں (Blood) لگتا فرود لگتا ہے اب ساتھ انہیں پیشاب کی بوتل نکلی بھی
نکالی پڑتی ہے جو تو گناہ گار کی سعادت ہے

(2) جناب عالی مجھے اللہ تعالیٰ نے Twins بچوں کی دولت سے نوازا ہے ان میں سے نارمان علی
ایک گروس کا مائیک ہے اور جناب وہ کہی کہی سوچ کر انہی اذیت میں پڑتا ہے کہ کچھ سبب
ہیں آئی اگر مالی مشکل نہ ہوتی تو 10 اگست کو اس پر آپریشن نہ ہوتا۔ لیکن جو اللہ
کو منظور

(3) جناب عالی جس گھر میں ہم رہتے ہیں وہ دور ان اس کا ایک کمر بارشوں میں گر
گیا ہے ایک مکان باقی ہے جس کا کوئی اعتبار یا گارنٹی نہیں ہے اور وہ علیہ جو
کاتوں بڑا ہے والد صاحب کا علاج اور پتہ اہم ہے مکان فرقت جیسے اللہ
حکم

(4) جناب قدر میرا بیان میرا کوئی خونی رشتہ کہاں ساتھ ہیں عرف ایک عمارت
گوجہ میرے والد صاحب 15 سال سے در بند سے ادھر آجے اور تمام مشکلات
1127 میرے سر ہیں جو کہنا ہے مجھے آئیے کو کہنا ہے جناب آپ ذی فکر شخصیت
17/10 میں ایک بندہ کیا پھرتے اور ان حالات میں سائل جبری میں کیا کرے گا
حالانکہ ان حالات سے مجھے ہی بیمار کر دیا۔ (دوسرا شخص)

جناب ذی قدر جناب عالی : میں سلسلہ قیصوں کے بعد غیر حاضر ہوں

میں سکول (جبری) گیا ہم لیکن ۱۹۷۷ء والا قید سے ڈسٹ چھلے تھے
گھر گیا۔ جناب عالی روزانہ میں جا ہی نہیں سکتا ان حالات میں شریبا ریٹا لگا
روپیہ قرض ہو گیا ہے۔

جناب عالی : اگر میں کدھر نزدیک ہوتا تو ایسے نہ ہوتا میں حالات کہ
بہتر کر لیتا اور سکول سے مانگ بھی نہ ہوتا لیکن جناب عالی جبری جیسے
دور جگہ سے میں کیا کر سکتا ہوں؟ جناب عالی آپ خود انصاف فرمائیے
جناب عالی میں ہمیشہ اس سے بدلہ کویشنس کی ہے کہ میں کوئی ایسی جیٹی نہ ہوں
کہ کورس یا نچے متاثر ہوں جناب عالی سائل نے کہا امتحانی ڈیوٹی میں کی
اور نہ ماہ کے علاوہ اس حال میں میرے ساتھ ہر ادارہ اور

مستفانہ سکول ہونا چاہیے تھا۔ لیکن جناب عالی اب میرا
اللہ کے سوا کوئی ہے نہیں تو میں لب بادم باپ روتی ماں بیمار بچہ
آپ اگر میرا سالو نہ دیں گے تو کیا وہ انصاف ہو گا؟ سروریک
بہتر آتا مجبور کہ میں خود ذہین اور جسمانی طور پر تندرست
گیا ہوں مجھے امید کہ اللہ شانے ہمیں آپ کے سپرد کیا ہے تو
آپ اپنے اس ناچیز ماحول کو ان حالات سے کھلنے میں
مدد۔ تعاون۔ اور سب کچھ کریں گے آپ کا لکھنے جناب
اس کا اجر اللہ کے پاس ہے۔ میں بس ہوں۔

جناب عالی۔ میں نے کبھی نزالفن کے سلسلے میں اپنی طرف سے کوئی بھی نہ کیا ہے
کروں گا یہ سب میرا فوم اور خاندان کے بچے ہیں۔

29
18-18
145

جناب عالی۔ آپ ہمارے ذمہ دار ہیں اور مجھے امید ہے کہ میں آپ سے
میں سے بہتر رہی کا طالب ہوں لیکن میں آپ کا وجہ فرود دلوں گا۔ جناب عالی
میں نے کبھی بچوں کا نام نہ صنائع کیسے نہ کروں گا۔ اور اپنی حقہ درستی
بڑھ کر روشن ہے۔ میرا اوپر وقت آیا تو آپ کو باعینہ کرنا فرود
گا۔ جناب عالی مجھے امید ہے کہ آپ سائل کے حالات پر نظر فرما کر فرما
مجھے کہیں، میں اپنی کسی گریہ کی وجہ بچوں کا مرنے نہ ہونے دوں گا
آپ میرا لینے جو حکم فرمائیں گے وہ میں اصرار سے اور آکھ بندہ
بمورد لایم سمجھتا ہوں گا ولسدم۔
جناب عالی

السلام

در صالح تنزی و لہ عبد القدوس

ضلع مرہا بورڈ۔ کھیل غازی

9/5 کنڈی گاؤں مرخانہ

12/10/2015

Annexure "G"

P-19

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Office of the District Education Officer (male) Haripur

Phone No. 0995-610178-610268.



No. 7922

Dated Haripur the 23/11 /2015.

TO,

The Headmaster
Govt: High School, Jabri.

Subject:- ABSENT FROM DUTY.

Memo

Consequent upon the issuance of Show Cause Notice dated 26-8-2015 Mr. Mohammad Saleh TT was directed to show the cause of his willful absence from duty w.e.f. 3-8-2015 to 11-11-15 on or before 11-11-2015. The teacher concerned attended the office of the undersigned on 11-11-2015 and was heard personally, he also submitted written reply of show cause notice alongwith an affidavit on the judicial stamp paper that he shall remain careful in future. After going through the contents available in his file and hearing him personally. I am satisfied to issue him CENSURE! and the absence period w.e.f. 3-8-2015 to 11-11-2015 shall be treated as leave without pay.

(Signature)

District Education Officer
(M) Haripur.

Supt G.B NO 3724 Date 21/05/2015 143

To:-

DEOM
21/5

Annex "H"

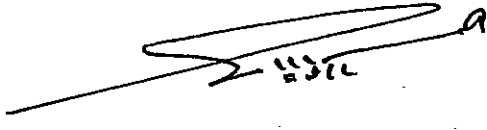
The District Education Officer,
(MALE) HARIPUR.

Subject:- ABSENT REPORT

Memo:-

According to the Order No: 3162-65 Dated 28/04/2015

DEC (M) Haripur: Muhammad Saleh. TP who has taken his charge at GHS JABRI on 09/05/2015(FN). He has availed 046/Leaves, but from 16/05/2015 to uptill now. He is absent from the School. So the application is forwarded to the Compitant authority for n/a Please.



Head Master
GHS JABRI
District HARIPUR

D.No. 3375
21/5

Ans

06/08
21/5/15

مختصر صاف صحافت

Amesbury

P-21

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اسلام علیکم

امید ہے کہ مزاج گرامی اچھے سونے
(w.e.f 8-2-2016 To 28-2-2016)

آگیا عبدالغنی 03 12 کو نذر اور کئی ملا ہے
2016

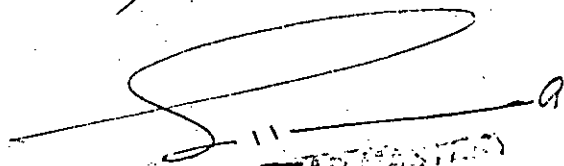
آج حورف 03 15 کو ایک انڈر ایس پرو ایس جمع رہا ہے
2016

آپ دفتر میں خود کار نوکری DEO صاحب کو پیش کر رہے

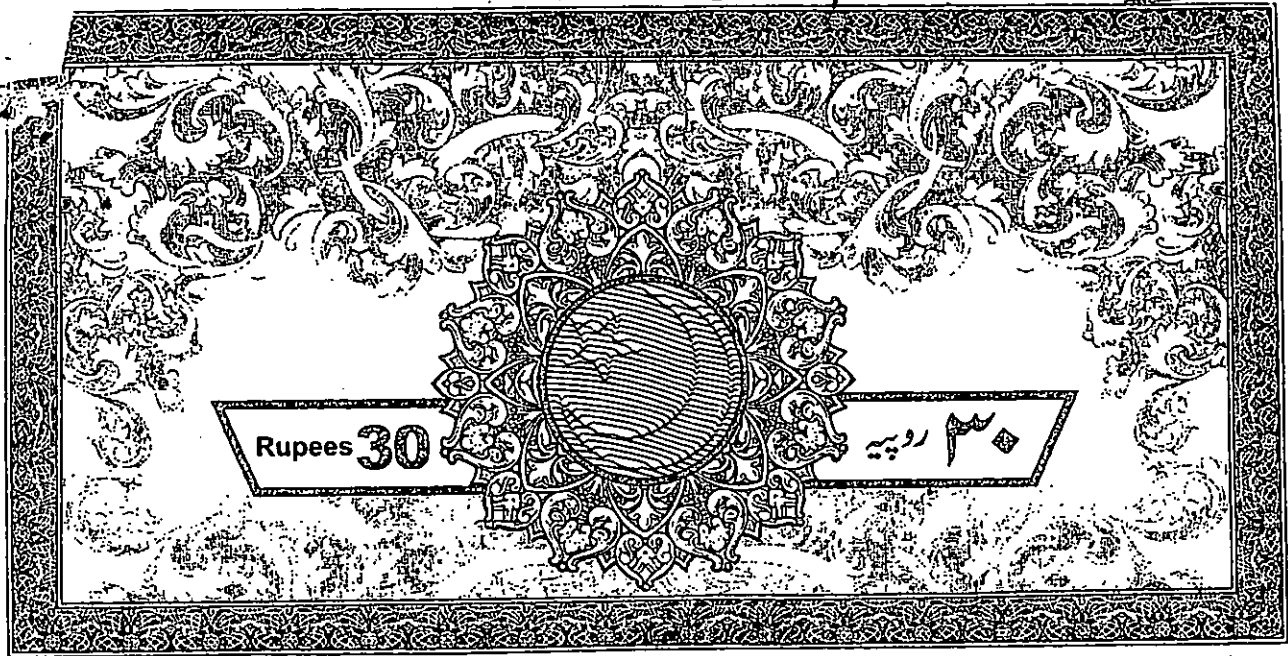
حورف 03 2 کو بحوالہ انڈر ایس 1925 شوکار نوکری
2016

کسی ایک انڈر ایس پر جمع دیا ہے

شکر ہے



HEAD MASTER
Govt High School
JABRI Distt: Haripur



بیان حلفی: بن قعدہ اسٹاپتے مابین 3 مارچ 1985



مذکورہ محمد صالح ولد عبد القدوس کنہ عمر خانہ کنڈلی تحصیل غازی ضلع ہری پور کا ہوں۔

صافاً بیان ہوں کہ مذکورہ حکم تعلیم میں بطور ٹیچر B.P.S No: 15 T.T میں ڈیوٹی سر انجام دے رہا ہوں، مذکورہ سے مجھ کو ای کامی سے بغیر اخراج چھٹی لے کر لیا گیا ہے، لہذا اس سے بغیر اٹھنے سے سیکھے بغیر اخراج کے پندرہ ماہ کی پنشن کروں گا۔ مذکورہ کی صافگی جاوے۔

جملہ قواعد و ضوابط کی پابندی کروں گا۔

صافاً بیان ہوں کہ جملہ مراتب بالا۔ صحیح درست ہے، کوئی اور حلفی نہیں دیکھا ہے۔
 13301-1328349-1
 11-11-2015

محمد صالح ولد عبد القدوس کنہ عمر خانہ کنڈلی تحصیل غازی ضلع ہری پور

11/11/15

Handwritten signature or initials in the top right corner.

08/11/2015

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Amma...
"L" p. 24

(57)

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**OFFICE OF THE HEAD MASTER GOVERNMENT HIGH SCHOOL JABRI
DISTRICT HARIPUR.**

No 3567 Dated 9/2 /2016

To:-

The District Education Officer
(Male) Haripur.

Subject:-

**ABSENT REPORT IN R/O MUHAMMAD SALEH .TT
GHS JABRI HARIPUR**

Memo:-

Mr. Muhammad :Saleh TT of this School is regular absent with out any information w.e.f. 06/02/2016 to up till now. So the absent report is recommended and forwarded to the District Education Officer (Male) Haripur for n/action pleas.

Suptdt (G)

[Signature] 9/2 2016
HEAD MASTER
Government High School
GHS Jabri, Haripur
District Haripur

[Signature]
D.E.O (M)
25/2/16

2281
25/2

60018

[Signature]
22/2/16

Annex - "L-1" P-25

(53) 29
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**OFFICE OF THE HEAD MASTER GOVERNMENT HIGH SCHOOL JABRI
DISTRICT HARIPUR**

No. 3869 Dated 17/02/2016

To:-

The District Education Officer
(Male) Haripur

Subject: **ABSENT REPORT I/R MUHAMMAD SALEH TT GHS JABRI**

Memo:-

We are pleased to inform you that Mr. Muhammad Saleh TT of this school is regular absent without any information w.e.f 06/02/2016 to up till now. The absent report already submitted in the office Once again Absent Report is forwarded to the D.E.O. (M) Haripur for n/action please.

[Signature]
17/2/16
HEAD MASTER
Govt. High School
JABRI Distt. Haripur

Sulthi (G)

[Signature]
DEO(M)
22/2

2171
22/2

22/2/16



Office of the District Education Officer (male) Haripur

Phone No. 0995-610178-610268.

Notification.

Whereas, Mr. Muhammad Saleh TT Govt: High School, Jabri (Haripur) was proceeded under the Khyber Pakhtunkhwa civil servant (Efficiency and Discipline) Rules-2011, on the charges of willful absence from his duty.

2- And whereas, show cause notice was served upon Mr. Muhammad Saleh, TT Govt: High School, Jabri, through the Headmaster GHS, Jabri vide this office dated 06-10-2015.

3- And whereas the authority having considered the charges and giving the opportunity of personal hearing and statement of the accused teacher directed him to provide undertaking on judicial stamp paper that he shall remain careful in future and abide all rules and regulations. on 11-11-2015 on the basis of which he was issued CENSURE vide this office letter No. 7922 dated 23-11-2015.

4- And whereas, the Headmaster GHS, Jabri again submitted his complaint regarding again willful absence from duty in R/O Mr. Mohammad Saleh Theology Teacher (TT) w.e.f. 6-2-2016 till date vide his No. 3869 dated 17-2-16. And now in the light of above mentioned facts and on the basis of remaining habitually absent from duty, there is no need for conducting further enquiry as per rules, (Rule 5-b(ii) E & D Rules-2011 (Provided that the competent authority may dispense with the inquiry where it is in possession of sufficient documentary evidence against the accused or, for reasons to be recorded in writing, it is satisfied that there is no need to hold an inquiry and Now therefore, in exercise of the powers conferred by the Khyber Pakhtunkhwa civil servants (Efficiency and disciplinary) Rules-2011, rules-4(b) (iv) .I, being the competent authority and satisfied to impose the Major penalty of Termination from Service upon Mr. Mohammad Saleh theology teacher (TT) GHS, Jabri (Haripur) with immediate effect.

Sd/-

District Education Officer
(Male) Haripur.

Dated H. Pur the 17/3 /2016.

Endst: No. 416-19 / F. C/IV

Copy of the above is to the :

- 1-Director of Elementary & Secondary Education KPK Peshawar-
2. District Accounts Officer Haripur.
- 3-Headmaster Govt: High School, Jabri (Haripur) with the direction deliver to him on his postal address.
- 4-Mr. Mohammad Saleh.
- 5-O.O. File.

District Education Officer
(Male) Haripur.

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 of on which no
such charge is due.

Ks. 90/-
19...

P. 27 135
Annex 20
"N"
P. 27

Received a registered letter addressed to _____ Date Stamp _____

Write here "letter", "postcard", "packet" or "parcel"

Initials of Receiving Office _____ with the word "insured" before it when necessary.

Insured for Rs. (in words) _____

Insurance fee Rs. _____ Weight _____ Ratio _____
(in words) Grams _____

Name and address of sender _____

4. 10/11/21

Annexure - "0"
P-28

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**OFFICE OF THE HEAD MASTER GOVERNMENT HIGH SCHOOL JABRI DISTRICT
HARIPUR**

No. 23 Dated 30/3 /2017.

To:-

The District Education Officer
(Male) Haripur.

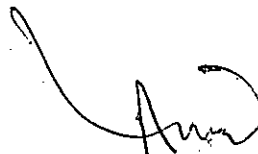
Subject: - **INFORMATION REGARDING THE APPEAL OF MUHAMMAD SALEH. EX: TT**

Respected Sir,

Memo:-

With due respect it is stated that a letter of termination in respect of Muhammad Saleh Ex: TT Government High School Jabri District Haripur was received on 18/03/2016. It was dispatched to Mr. Muhammad Saleh Ex: TT on his Postal address on 19/03/2016. (Copy of Receipt attached).

It is further stated that no letter was written or dispatched to Mr. Muhammad Saleh Ex: TT by In charge Head Master of this School. It is added that the letter Annexed E in the appeal have no concern to school as Seal inserted in this letter does not match to office Seal as well as signature to the real Signature of In Charge Head Master.


OFFICE OF THE HEAD MASTER
GOVERNMENT HIGH SCHOOL
JABRI DISTRICT HARIPUR

خودمانہ گزارش ہے کہ سائل اپنے تمام واقعات و حالات سے آئندہ کے لیے
آپ صاحبان کو کوئی شکایت نہ ہوگی۔ اور میں اپنے تین من دھن سے ملک و قوم
کا عمار بنکر دکاؤں گا جو اس پر صبر ہے آپ صاحبان سائل کے حالات اور واقعات
کے متذکر ہے یہی دلوں آرزو ہے جو حق اور احکام صادر فرمائیں گے۔
معین بوائزش ہوگا۔

السلامتہ

مدرسہ اسلامیہ
کمیونٹی سیکرٹری
گورنمنٹ ڈگری سکول جبری

11/01/2015

¹¹³(2) In case two or more Government Servants are to be proceeded against jointly under these rules, the authority or, as the case may be, the authorised officer, designated or authorised, for the Government Servant senior most in rank shall be the authority or, as the case may be, the authorised officer in respect of all such accused.

¹¹⁴(3) The inquiry officer or Members of Enquiry Committee, as the case may be, shall be the officer (s) senior in rank to the accused officer.

3. **Grounds of Penalty:-** Where a Government servant, in the opinion of the authority;

- (a) is inefficient or has ceased to be efficient; or
- (b) is guilty of misconduct; or
- (c) is corrupt, or may reasonably be considered corrupt because:-
 - (i) he is, or any of his dependents or any other person through him or on his behalf is, in possession (for which he cannot reasonably account) of pecuniary resources or of property disproportionate to his known sources of income; or
 - (ii) he has assumed a style of living beyond his ostensible means; or
 - (iii) he has a persistent reputation of being corrupt; or
- (e) is engaged, or is reasonably suspected of being engaged in subversive activities; or is reasonably suspected of being associated with others engaged in subversive activities or is guilty of disclosures of official secrets to any un-authorized person, and his (retention) in service is, therefore, prejudicial to national security, the authority may impose on him one or more penalties.

4. **Penalties:-** (1) The following are the minor and major penalties, namely:-

- (a) **Minor penalties:-**
 - (i) Censure;
 - (ii) withholding, for a specific period, promotion or increment, otherwise than for unfitness for promotion or financial advancement, in accordance with the rules or orders pertaining to the service or post;
 - ¹¹⁵(iii) recovery from pay of the whole or any part of any pecuniary loss caused to Government by negligence or breach of order.

¹¹³ Sub-rule(2) of rule 2 inserted vide S&GAD Notification No.SOR.II(S&GAD) 3(4)/78 (Vol-II) dated 20.5.1980.

¹¹⁴ Sub-rule (3) of rule 2 rule substituted by Notification No. SOR II (S&GAD)2(29)/95 Vol-II, dated 14.09.1999.

¹¹⁵ Sub-Class (iii) of clause (a) of sub-rule (1) of rule 4 deleted and sub clause (iv) renumbered as (iii) by Notification No.SORII(S&GAD)5(29)/95 Vol-II, dated 14.9.99

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KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 2205 /ST

Dated 16 / 12 / 2019

To


The District Education Officer Male,
Government of Khyber Pakhtunkhwa,
Haripur.

Subject: -

JUDGMENT IN APPEAL NO. 1005/2016, MR. MUHAMMAD SALEH.

I am directed to forward herewith a certified copy of Judgement dated 18.11.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.