

**BEFORE THE KHYBER PAKTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1874/2023

Hamayoon S/O Muhammad Yousaf Khan R/O Village Runyal Tehsil Matta,

District Swat.

.....Appellant

**Versus**

Government of Khyber Pakhtunkhwa through Secretary Elementary and  
Secondary Education Peshawar. ....

Respondents

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DISTRICT EDUCATION OFFICER (M)  
SWAT AT GULKADA

**BEFORE THE KHYBER PAKTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1874/2023  
Hamayoon S/O Muhammad Yousaf Khan R/O Village Runyal Tehsil Matta,  
District Swat. .... Appellant

**Versus**

Government of Khyber Pakhtunkhwa through Secretary Elementary and  
Secondary Education Peshawar. ....  
Respondents

**Khyber Pakhtunkhwa  
Service Tribunal**

**Parawise Joint Comments on Behalf of the Respondents 1-3:**

Diary No. 8612

**Respectfully Shewith**

Dated 25-10-23

**Preliminary Objections**

1. That the Appellant is not an aggrieved person within the meaning of section 4 of the Service Tribunal Act, 1974.
2. That the Appellant has no cause of action / locus standi.
3. That the Appellant has not come to this Honorable Tribunal with clean hands.
4. That the Appellant has filed this instant Service Appeal just to pressurize the respondents.
5. The present Service Appeal is liable to be dismissed for non-joinder/mis-joinder of necessary parties.
6. That the instant Service Appeal is against the prevailing law and rules.
7. That the Appellant has filed this instant Service Appeal on malafide motives.
8. That the instant Appeal of the Appellant is **badly time barred**.
9. That the instant Service Appeal is not maintainable in the present form, and above in the present circumstances of the issue.
10. **That the departmental appeal annexed with instant Service Appeal is without any diary number and date. And even without any sign of the Appellant.**
11. That the Appellant has estopped by his own conduct by remaining absent from his duty for a long period.
12. That the Appellant has concealed the material facts from this honorable Tribunal.

**FACTS**

- i. That this para pertains to record.
- ii. That this para pertains to record.
- iii. That this Para is correct to the extent of grant of leave, the rest of the para is incorrect and denied. In fact, the Appellant concealed the material facts from this Honorable Tribunal. The Appellant availed leave in the following periods:
  1. 07-11-1998 to 07-05-2001 (881 days) L.W.P
  2. 01-06-2021 to 30-04-2002 (334 days) L.W.P
  3. 01-05-2005 to 31-07-2005 (92 days) full pay
  4. 01-08-2007 to 13-07-2009 (730 days) L.W.P

Meaning there by that the Appellant availed 2037 days of leave (5 years 7 months and 2 days)and still remained absent until 21-09-2010. **(Absence from duty memo annexed as annexure A)**

- iv. That this para is irrelevant to the present issue. However, it is clear from the stance of the Appellant in this para that he remained absent after getting so many leaves. It clearly means that since 1998, the Appellant did not perform duty and often remained absent or on leave.
- v. That this Para is incorrect and denied. On one hand the Appellant states that he has been removed from service after his superannuation date and on the other hand he states that he reported to his duty station and he was handed over removal order 22.06.2011. It clearly means that the Appellant has not attended his duty station before 22.06.2011 or his superannuation date/retirement date. The Appellant submitted affidavits on legal stamp papers along with applications that he will remain in Pakistan and will not leave the country time and again. Accordingly leave was accorded to the Appellant. And affidavit was submitted by the Appellant to the effect that he will attend the education department every 3 months but he failed to do so. After expiry of his leave, the Appellant submitted another application through his son Waseem Abbas Khan for another one year leave w.e.f 14-07-2009 to 13-07-2010 but his application was not allowed and he was directed to resume his duty. The Headmaster of GHS Nazar Abad Swat was directed to ask the Appellant to resume his duty immediately otherwise disciplinary action would be initiated against him vide letters dated 07-12-2009 & 22-07-2010. The Headmaster concerned issued written instructions through special messenger on the home address of the Appellant but the Appellant was not present at home and his brother received the letters on 16-12-2009. The Appellant failed to resume his duty. An enquiry committee was constituted and statement of allegations was issued which was received by his brother Mr. Mumtaz Ali. The enquiry committee conducted a detail enquiry and it was found that the teacher concerned is out of the country and as per the statement of the other teachers of the school that the Appellant is in Canada. Notices were issued and finally notice was published in daily Mashriq dated 15-01-2010 but the Appellant failed to resume his duty. Enquiry committee recommended removal from Service under special power ordinance 2000. Show Cause Notice was issued dated 21-01-2011 and finally removal order was issued vide order dated 22-06-2011 after observing all codal formalities.**(Affidavits, Applications, Notices, Teachers Statements, Daily Mashriq Publication Notice, Statement of Allegations, Enquiry, Show Cause Notice annexed as annexures B, C, D, E, F, G, H & I )**
- vi. That the departmental appeal of the Appellant has not been found in official record as it is without any diary number and date and even the Appellant has also not signed it. It is also worth to note that the Appellant states that he filed departmental appeal which is undated and unsigned but the removal order was issued in the year 2011 while the Appellant approach this Honorable Tribunal in the year 2021 after a lapse of 10 years.


- vii. Correct to the extent of judgment dated 02.05.2023. However, the rest of the para is incorrect and denied. The departmental appeal though badly time barred and without any merit, has been decided by the Appellate authority on the directions of this Honorable Tribunal and rejected his appeal being meritless.
- viii. Incorrect and denied. The respondent department rejected the departmental appeal of the Appellant after considering all available record on file under the relevant rules and law. As for as the retirement date/superannuation date is concerned, it is worth to mention here that proceedings were already in pipe line and show cause notice was issued to him before his superannuation date. Therefore, he cannot take any benefit of such technicalities.
- ix. The instant Service Appeal of the Appellant is bereft of any merit, hence, liable to be dismissed inter-alia following grounds.

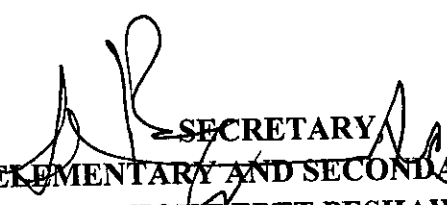
**GROUND**

- a. Incorrect and denied. The Appellant is not entitled for any Service benefits/pensionary benefits as per available record and nature of the case.
- b. Incorrect and denied. The respondent department rejected the departmental appeal of the Appellant after considering all available record of on file under the relevant rules and law.
- c. Incorrect and denied. The respondent department has acted in accordance with law, rules and policy.
- d. That this Para is the repetition of above paras, hence, no comments.
- e. That this Para is the repetition of above paras, hence, no comments.

It is therefore very humbly prayed that the instant Service Appeal of the Appellant may be dismissed with cost in favor of the respondents.

  
DISTRICT EDUCATION OFFICER (M)  
SWAT AT GULKADA

  
DIRECTOR,  
ELEMENTARY AND SECONDARY  
EDUCATION KHYBER PAKHTUNKHWA

  
SECRETARY  
ELEMENTARY AND SECONDARY  
EDUCATION DEPTT PESHAWAR

**BEFORE THE KHYBER PAKTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1874/2023

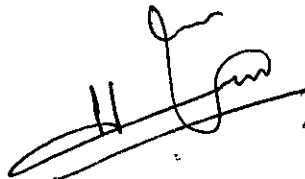
Hamayoon S/O Muhammad Yousaf Khan R/O Village Runyal Tehsil Matta,  
District Swat. ....Appellant

**Versus**

Government of Khyber Pakhtunkhwa through Secretary Elementary and  
Secondary Education Peshawar. ....  
Respondents

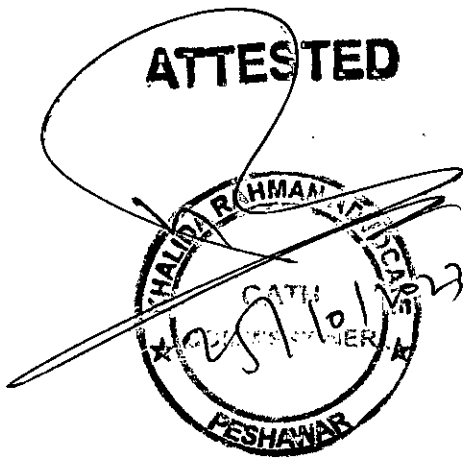
**AFFIDAVIT**

I, Hussain Ali Legal Representative, do hereby solemnly affirm and declare on oath on the directions and on the behalf of the Respondents that the contents of the comments are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honorable Tribunal. It is further stated on oath that in this appeal the answering respondents have neither been placed ex-parte nor their defense has been struck off.



**HUSSAIN ALI LEGAL REPRESENTATIVE  
O/O DEO (M) SWAT**

**ATTESTED**





GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

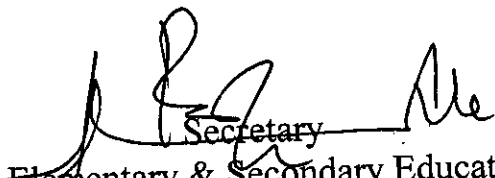
Block "A" Civil Secretariat, Peshawar

Phone No. 091-9211128

(5)

**AUTHORITY LETTER**

It is certified that Hussain Ali, Legal Representative Office of District Education Officer (Male) Swat, Elementary & Secondary Education Department is hereby authorized to submit para-wise comments and attend the Service Tribunal, Camp Court Swat on behalf of Respondent NO. 01-03 in Service Appeal No. 1874/2023 Title Hamayoon Vs Government of Khyber Pakhtunkhwa & Others on the eve of each hearing till the disposal of the instant case.

  
Secretary  
Elementary & Secondary Education,  
Department.

OFFICE OF THE EXECUTIVE DISTRICT OFFICER  
ELEMENTARY AND SECONDARY

EDUCATION SWAT

No. 18657 /

F. No. 289/Hamayoon/CT

Dated: 21/9/2010

Annexure 'A'

(06)

To

The District Coordination Officer,  
Swat at Gulkada.

Subject: ABSENCE FROM DUTY

Memo:

It is submitted that one Mr. Hamayoon CT GHS: Nazar Abad CT proceeded on leave without pay for the period from 01.08.2007 to 13.07.2009 (730 days). He then applied for extension in his leave for further period up to 13.07.2010 in absentia. His application for extension in leave was rejected vide this office No. 5630 dated 19.10.2009 and he was directed through the Headmaster to resume duty.

He was then directed through the Headmaster vide this office letter No. 10909 dated 07.12.2009 to join duty immediately but in vain.

The teacher concerned was once again directed through the Headmaster GHS: Nazar Abad vide this office memo No. 22.07.2010 to report for duty but he failed to do so.

A preliminary enquiry was constituted against him and Mr. Muhammad Ibrahim Headmaster GHS: Shawar was appointed as enquiry officer vide this office No. 16652-53 dated 04.08.2010.

The enquiry officer has submitted his report vide No. Nil dated 23.08.2010. The enquiry officer has proposed a compulsory retirement of the accused.

In this connection it is added for your kind information that: -

a. 1<sup>st</sup> appointment of the teacher is: 13.10.1982.

b. During the entire service he availed

Leave for the following periods:

With effect from: 07.11.1998 to 07.05.2001=881days (L.W.P)

With effect from: 01.06.2001 to 30.04.2002=334days (L.W.P)

With effect from: 01.05.2005 to 31.07.2005=092days (Full Pay)

With effect from: 01.08.2007 to 13.07.2009=730days (L.W.P)

Total leave availed in days: =2037 days

The leave availed by the teacher concerned is more than five years and he is still absent from duty since 14.07.2009.

It is therefore submitted that action under the Removal from service Ordinance 2000 may be taken against the teacher concerned please.

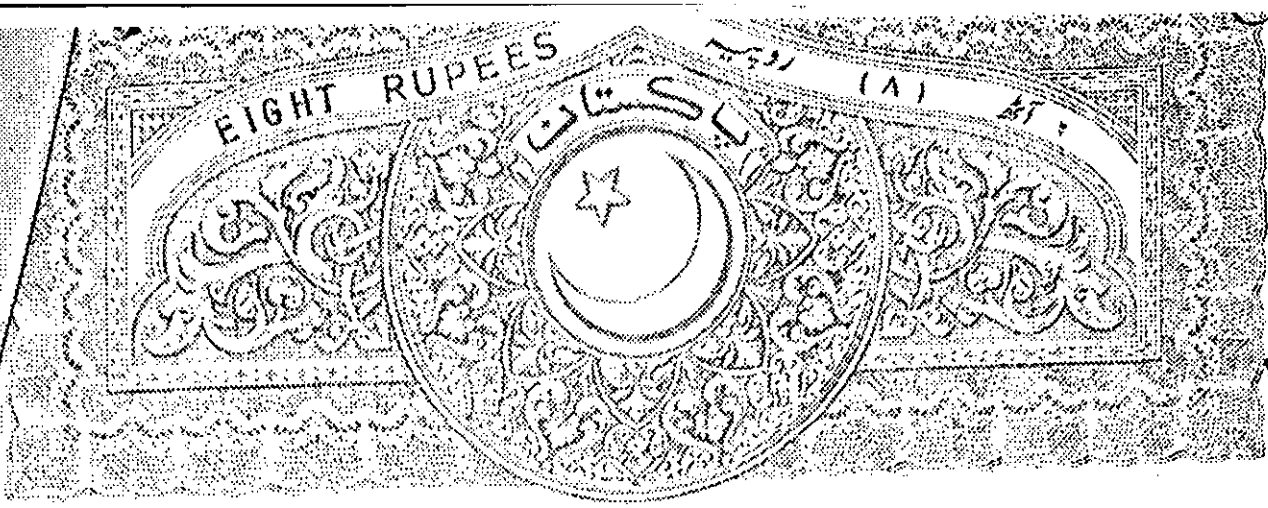
EXECUTIVE DISTRICT OFFICER  
ELEMENTARY AND SECONDARY  
EDUCATION SWAT

attached for appropriate  
consideration pl.

Head Master  
Govt. High School  
Shawar, Distt. Swat  
18/10

C-T-C  
H

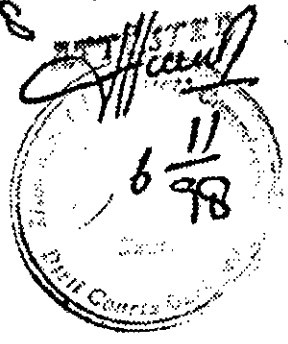
Annexure B



ر بیان صلح حد کے چھٹی تہی

زندہ تھی ہالوں والا حد جو لیسنے والا سائل اور نیال شہدائی مہ سہلات  
 کا یہاں اندر سے وقف یعنی خوشا و خوشہ جس حد تک بیان کرنا ہوں  
 کہ میں کلف ہی کا دوست ہے۔ یہ کہہ کر میں نے کہا اب چھٹی تہی لیا گیا  
 ہے۔ یہ کہہ کر میں نے کہا کہ میں نے کہا کہ یہ چھٹی تہی ہے کہ  
 کلف کا بیان ہے اور دوست ہے۔ اور دوسری تہی ہے  
 نہ ہے۔ لیکن بیان کلف سے دوسری تہی ہے۔

Hanoveria

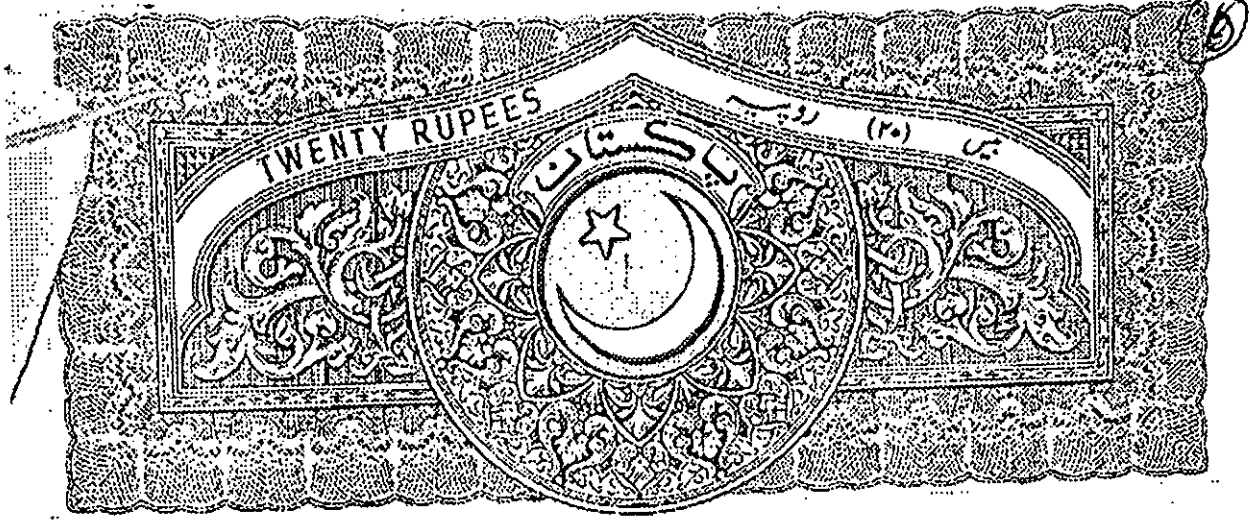
المقررہ 11/6/98  


ہالوں والا حد جو لیسنے والا سائل  
 اور نیال شہدائی مہ سہلات  
 شہدائی تہی کا ذکر 116-51-056472

C-T-L  




58



بیان حلفی

من کہ حافظ ہمایون ولد محمد یوسف خان ساکن روہڑی، شہانگوانی  
 تحصیل مٹھ صاحب سوات انڈیا میں وقت حلفاً اقرار کرتے ہیں کہ وہ  
 کہ من حافظ حکمہ تعلیم میں سی۔ ٹی لوسٹ پر متعین ہوں۔ من حافظ  
 کو اپنے ضرورت کے لئے ایک مہر صدہ کیلئے انی فرالضی سے کنارہ  
 کئی کرنے کی وجہ سے چھٹی لینی ہے۔ من حافظ اس غرض  
 کے اپنے حکمہ میں درخواست دریا ہوں۔ کہ مجھے دو سال  
 کی رخصت دلا دی جائے۔ اگر چھٹی مذکورہ مہر صدہ کیلئے منظور  
 ہوئی تو من حافظ حلفاً کہتا ہوں کہ یہ چھٹی میں پاکستان  
 میں تیار دلفا۔ بیرون ملک نہیں جاؤں گا  
 لیکر بیان حلفی یزاسندہ تحریر ہے

26/5/2001 - ۱۷  
 Search by  
 Is verified  
 Tahiruddin Baksh  
 MC 26/5/2001

حکمت  
 ہمایون ولد محمد یوسف خان  
 6472-05-51-64



C-A-L

Handwritten signature or mark.





To: *Esth*  
*6/11/98*

Anneure

*11*  
*(11)*

The Distt: Education Officer(M)  
Secondary Swat at Gul Kada.

Sub:- Two and half years (  $2\frac{1}{2}$  ) leave Without Pay  
w.e.f ~~7-11-1998~~ <sup>2</sup> to ~~7-5-2001~~ *total 881 days.*  
=====  
*Seventh November 1998 to Seventh May 2001*

Sir,

With due respect it is stated that I am a C.T teacher at Govt:high School Nazar Abad,swat. I have been serving in the education depptt: since ~~13-10-1982~~.

I want to construct a house for my family due to which I will be unable to perform my duty regularly.

Kindly grant me two and half years leave without pay. I shall be very thank full to you.

*Humayoon*  
Your,s Obediently,

Humayoon S/O Mohammad Yousaf (C.T )  
GHS:Nazar Abad distt: swat.

Dated; 1 / 1 /1998 .

*No 1324 -2 DJ G.H.S. Nazar Abad Swat, in 6-11-98.*

*Forwarded & recommended to the D.E.O (M)  
Secondary edu, swat for favourable consideration  
and m/pa please.*

*Mohammad Ali*  
Head teacher,  
Govt: High School  
Nazarabad, Distt: Swat.

*C.F.L*  
*11*

حکومت جناب ڈسٹرکٹ ایجوکیشن آفیسر (ایمرانہ) ضلع سوات منام گلارہ  
عنوان :-

جناب عالی!

مؤربانہ گزارش ہے کہ بنزہ اپنی ذاتی رہائش گاہ ایک مکان  
تعمیر کروانا چاہتا ہے جس کے تعمیر گاہ بنزہ کی موجودگی ضروری ہے۔  
لہذا آپ سے درخواست کی جاتی ہے کہ اگر آپ صاحبان  
مہربان فرما کر بنزہ کو از 2001-6-1 تا 2003-5-31 (دو سال) (دوسال)  
تعمیر متناہ بھی دے گا حکم صادر فرماوین تو بنزہ تا صیاح دعا کرتی ہے  
نقطہ

عزیز

آپ کا تابع فرمان  
عزیز

بھائیوں سے سی۔ سی ڈی ٹرنٹ ہائی سکول سوات

Forwarded to the D.E.O. (M) Secondary Education  
Sent for a/p. please. M. Abdulhadi  
Head master,  
Govt. High School,  
Shawar Distt: Swat.

2282  
28/1/01

C-T-C  
H

Estab. No.

35/03

حکومت خواتین ایڈجوکیشن ضلع سوات  
رسالت: خاب پٹر نامہ صوبہ گورنمنٹ ہائی سکول (نظربار سوات)

MR. Khairan Patti  
(تین ماہہ سابقہ)

عنوان: درخواستہ آئی آر ایڈمیشن از 1/5/2005 تا 31/7/2005

خاب عالی!

موصوفہ (آئی آر) ہے۔ کہیں سکول خراب کیفیت ہے اس میں ایچ ڈی اے کے  
اعضام کے رپورٹوں میں یہ ذمہ داریوں کی بنا پر کرایہ خرابیوں کی وجہ سے سکول  
میں جوئے 1/5/2005 سے 31/7/2005 تک تین ماہہ خواتین ایچ ڈی اے کے قیام پر  
لکھنا اور جوئے کے خلاف کارروائی کی درخواست ہے۔ (مطابق ایڈمیشن)

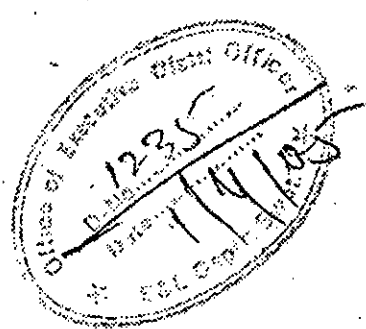
منظور ہونے کے لئے شکور گزارا۔ دیاؤ برکت

میں نے  
C.T. سوات  
گورنمنٹ ہائی سکول (نظربار سوات)

No 2003 D. G. H. S. Nazar Abud  
Sawat, the 30th March 2005.

Dec. 30. 3. 2005

forwarded to the E.D.O.  
(J.F.E)



Suad  
for favourable  
consideration of the matter please  
Mr. Khairan Patti  
Head master,  
Govt. High School,  
Nazar Abud Distt: Swat.

C-T-L  
لا

جناب ایگزیکٹو ڈسٹرکٹ آفیسر جی۔ (سٹولز و خواندگی) ضلع سوات  
عنوان: دو سال کی چھٹی کی منظوری (with out pay)  
جناب عالی!

تواش ہے کہ پی کورنٹ ہائر سکول نظر آباد سوات میں  
C.T. پوسٹ پر 13-10-1982 سے اپنے فرائض منصبی انجام دے رہے ہیں

میرا ذاتی رہائشی مکان بوسیدہ ہو چکا ہے اور گرنے کا  
خطرہ ہے۔ اسی وجہ سے میں نے مکان کی تعمیر کرنا چاہتا ہوں  
جناب عالی! یہ میرے رہتلیاں مشکل ہے۔ کہ اپنی ڈیوٹی  
کے ساتھ ساتھ مکان کی تعمیر جاری رکھ سکوں۔

لہذا بوجہ بلا آراء سے میرا بیٹا فرما کر مجھے  
01-08-2007 تا 13-07-2009 تک دو سال کی چھٹی کی  
(with out pay) منظوری کیلئے فرمائیں۔ (تو زیادہ بہرہائی ہوگی)

المعارضی :-

C.T. مہالون

کورنٹ ہائر سکول نظر آباد ضلع سوات  
No 2154 dt: 29/05/2007

Forwarded to the E.D.O (S/L) Swat  
for favourable consideration please.

3604  
19/7/07

Head master,  
Govt High School,  
Nazar Abad Distt: Swat

C.T.L  
H





محکمیت خراب - E. D. O ضلع سوات

ایف ڈی او ریٹرنڈ سیکرٹری ایجوکیشن

Handwritten signature and stamp

(16)

استوری لیو لیٹر تنخواہ

دو سال از 14-7-09 سے 13-7-2010

جناب عالی! عرض ہے کہ سائل گورنمنٹ ہائی سکول نظر بازار تحصیل سوات میں جگت C.T مورس میں اینٹ سے بننے والی موجودہ کتب خانہ حالات ضلع سوات سائل اپنے اہل و عیال سمیت بہت بڑی عساکر کے اور کراچی میں اپنے ذاتی رہائش گاہ کے مکان کے تعمیر شروع کی ہے جس کے لئے سائل کو کراچی ایک سال لیو لیٹر تنخواہ کی اشد ضرورت ہے۔ اور حالات کیوجہ سے سائل نے ضلع سوات میں کتب خانہ کی تعمیر کے لئے سائل کو مشکلات کا سامنا کرنا پڑا ہے اور اس کے تعلیم میں بھی سائل کو مشکلات کا سامنا کرنا پڑا ہے۔ اس لیے ادارے زیادہ تر دھماکوں کی وجہ سے تعلیمیت ہو رہی ہے۔

For forward to EDO (S&D) Swat. Original for further action pl. Head master Govt. High School, Nazim Abad Bhatta Swat. 19/3/09

یہاں اشد علیہ کہ استوری دفتر استاذ اور وجوہات  
سائل کو ایک سال کی تعلیم از 14-7-09 سے 13-7-2010  
تک منظور کی جاوے۔

Handwritten signature

17-9-09

یہاں خان ولد محمد لاہوری  
C.T مورس گورنمنٹ ہائی سکول نظر بازار  
تحویل شدہ ضلع سوات  
بذریعہ ایف ڈی او ریٹرنڈ سیکرٹری

2010

Handwritten signature and initials

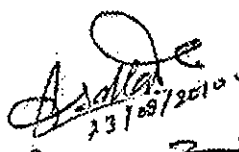
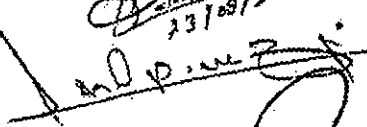


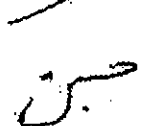
تقدیر کی جاتی ہے کہ سکول فڈ آ لوہا یون خان سے ٹی کے ٹھکانے میں توسیع کر کے متعلق

909/F.N-289 Hamayoon dated 7/12/09

درمحلہ سراجی کے فیکٹوری سٹیٹ کالنی حصہ اپنے ہدایات کے دستر سیا یون خان کو خصوصی قاصر  
ذریعے بھیجا گیا۔ جو کہ سیا یون خان حاضر نہ تھے اس لیے وہ خطوط اسکے لیگلی دستار علی خان نے  
صرف 16/12/09 کو وصول کیا۔ جسکی وصولی کی تحریر سکول فڈ اسکے لیگلی ڈپر ریورس  
سین سیا یون خان تا حال سکول میں حاضر نہ ہونے سے قاصر رہا ہے۔ اور نہ ہی کوئی تحریریں  
اطلاع یا خطوط مت سکول فڈ اسکے ساتھ کی گئی ہے۔

نیٹ  
سے  
کی ہے کہ سکول فڈ میں سیا یون خان غیاب سے ہیں۔ اور یہ کہ وہ سکول سے باہر ہے  
Without pay extension in leave سے اسکے میں درخواست پر ابھی واضح تحریر

Attested  
Signature  
Govt High School  
Shawa Dist Swat  
23/12/2010

- |   |    |               |
|---|----|---------------|
|  | CT | عبدالکریم خان |
|  | CT | محمد رفیق     |
|  | CT | محمد زین      |
|  | CT | شیر احمد      |
|  | CT | حسن           |

23  
Head Master  
Govt High School  
Shawa Dist Swat  
23/12/2010

C.O.L  
اللہ

علم شاف و فنٹ جاکی سکول نذر ابار سوات

حصہ 23.12.2010

ہم علم شاف قدرتی رتے لکھ رہے ہیں۔ اور سوال جواب۔  
جوڑے ہمارے علم کے مطابق باکمل صحیح ہے اور ہم نے کوئی  
ایسی بات حقیقی نہیں جوڑی جس سے حکم کی پہنچ ہو۔ استاد  
دوسرے طبقے کے باہر ہے اور شاید یہ اسکی تجربہ ہے چونکہ  
اس نے کافی محنت کی ہے۔ اسلئے اثر کے ساتھ نثر کی

آئی کے قریبی خاندان سے آئی

شاہزیادہ

Shahid Ali

SET شہزادہ شاہزیادہ

بشیر احمد CT

شاہزیادہ

شاہزیادہ

شاہزیادہ

Ali

101 - شاہزیادہ - 4.9.2010

(11) شاہزیادہ - شاہزیادہ

(12) شاہزیادہ - شاہزیادہ

(13) شاہزیادہ

(14)

آئی کے

درخواست گزار کے نام پر عمل میں لائی جانے کی اور کوئی عذر قابل قبول نہ ہوگا۔

سرکار

کے باعث

ملاؤں کو

پیش نظر

رہے۔

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## ☆☆☆ ڈیوٹی سے غیر حاضری ☆☆☆

جناب چیف سیکرٹری حکومت شمال مغربی سرحدی صوبہ کی حکم کے مطابق بحوالہ چھٹی نمبر I-31/81 (E&AD) مورخہ 18 نومبر 2009ء اور چھٹی نمبر COO/E&3/1-15/2001 مورخہ 21 نومبر 2001ء عکثر تعلیم کے ان تمام ملازمین جو کہ عرصہ دراز سے بغیر کسی اطلاع کے اپنی ڈیوٹی سے غیر حاضر ہیں یا وہ ملازمین جنہوں نے ایسی چھٹی لے کر اور چھٹی کے اختتام پر اپنی ڈیوٹی سے ابھی تک غیر حاضر ہیں آپ کو بذریعہ اشتہار ہذا مطلع کیا جاتا ہے کہ وہ اس اشتہار کی اشاعت کے پندرہ دن کے اندر اندر اپنی ڈیوٹی پر حاضر ہو جائیں بصورت دیگر ان ملازمین کے خلاف عکثر یکطرفہ کارروائی کر کے ان کی ملازمت (سپیشل آرڈیننس 2000) کی تحت برخواستگی کی جائے گی اور بعد میں کوئی بھی عذر قابل قبول نہیں ہوگا۔

بسم اللہ شاہ

ایگزیکٹو ڈسٹرکٹ آفیسر ایلمینٹری و  
سکندری ایجوکیشن ضلع سوات

INF(SW) 9

C.T.C  
للہ

اللہ تعالیٰ ہمیں مشرق و مغرب (قرآن عظیم)

Daily MASHRIQ

پشاور  
عہدہ کے بانی  
سید تاج میر شاہ

# مشرق

مسیلسل اشاعت کے 43 سال

پشاور اسلام آباد سیکرٹریٹ شائع ہونے والا سب سے بڑا اخبار اشاعت قومی اخبار

شمارہ 148 | 28 محرم الحرام 1431ھ | 15 جنوری 2010ء قیمت 9 روپے پوسٹالی دودھیم

## پشاور

علاقہ شکتوئی میں امریکی جاسوس طیارے نے یعقوب خان مانی  
ضلع کے بعد تحریک طالبان کے سربراہ حکیم اللہ محسود کے مارے جانے کی بجلی

پشاور کی سول سوسائٹی کی مشاورتی کمیٹی کے سربراہ  
اسلام آباد (این این آئی) سٹیٹ نے پاکستانی سوانی ایلوں کے امریکیوں کے  
استعمال ہونے اور ان ایلوں کا معاملہ برٹس ایئر لائنز کی کئی کڑی دیکھ کر  
دو روزہ قراچے پوری اہمیت کے ساتھ کہہ کر چلا (بقیہ 4 صفحہ 10)

## داؤد زئی پولیس نے میوزہ گاؤں میں بدنام زمانہ باسٹ کے ٹھکانہ کا گھیراؤ کرتے ہوئے اسے ہتھیار ڈالنے کو کہا باسٹ نے دہشت گردوں

ایس ایچ او مقصود کا مشیل افخار کا مشیل فرزند مونیچ پر دم توڑ گئے جو ابلی فارنگ میں باسٹ 3 ساتھیوں سمیت



پشاور (جزل رپورٹر) پشاور کے نواحی علاقے داؤد زئی میں 4 اشتہاری بھی ایسے اہم کھنچ گئے، داؤد زئی اور وہاں موجود باسٹ اور اس کے ساتھیوں کو ہتھیار  
ختم ہونے کے بعد پشاور میں 5 بے میوزہ گاؤں میں ڈالنے کیلئے کہا جا رہا ہے اشتہاریوں نے ہتھیار ڈالنے کی داؤد زئی کے ایس ایچ او مقصود

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DISCIPLINARY ACTION.

I, Kamran Rehman-Khan, District Coordination Officer Swat, as Competent Authority am of the opinion that Mr. Hamayoun Khan C.T. Government High School Nazar Abad, Swat has rendered himself liable to be proceeded against as he committed the following acts/ Omissions within the meaning of Section-3 of the North West Frontier Province Removal from service (Special Powers) Ordinance, 2000:-

(21)

Annexure G

STATEMENT OF ALLEGATIONS.

As reported by the Executive District Officer, Elementary and Secondary Education Swat that you remained absent from duties with effect from 14-07-2009 till-date without prior permission/approval of the competent authority.

2- For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an enquiry committee consisting of the following is constituted under Section-5 of the Ordinance:-

- 1) Mr. Kameen Khan District Officer Elem: and Secondary Education Swat.
- 2) Mr. Taj Muhammad Khan Superintendent Office of the EDO Elementary and Secondary Education Swat.

3- The enquiry committee shall in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused record its findings and make within 15 days of the receipt of this order, recommendations to punishment or other appropriate action against the accused.

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

*Kamran*

(KAMRAN REHMAN KHAN)  
DISTRICT COORDINATION OFFICER SWAT.

No. 22691-04 /24/DCO/Estt.

Dated the 16/11 /2010.

Copy forwarded to:-

- 1-2) Mr. Kameen Khan District Officer Elementary and Secondary Education Swat and Mr. Taj Muhammad Khan, Superintendent Officer of the EDO, Elementary and Secondary Education Swat, for initiating proceedings against the accused Teacher under the provision of NWFPP Removal from service (Special Power) Ordinance, 2000.
- 3) Mr. Hamayoun Khan CT GHS Nazar Abad, Swat C/O EDO Elem: and Secy: Edu: Swat with the Direction to appear before the inquiry committee, on the date, time and place fixed by the Committee for the purpose of enquiry proceedings.
- 4) Executive District Officer Elementary and Secondary Education Swat with the request to detail a Departmental Representative well conversant with the facts of the case alongwith relevant record to assist the inquiry committee during the inquiry proceedings.

*Kamran*

DISTRICT COORDINATION OFFICER SWAT.

*C.T.C.*

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY AND SECONDARY  
EDUCATION SWAT

22  
Amekure "H"<sup>TM</sup>

**TITLE:** ENQUIRY AGAINST MR. Hamayun CT GHS; Nazar Abad SWAT.  
**Date of Enquiry:** 23 December 2010.  
**Place:** GHS; Nazar Abad Swat.  
**Time:** 11 AM  
**Name of Enquiry Officer:** Kameen Khan D.O (M) Elementary & Secondary Education Swat.  
**Coordinator:** Hajj Muhammad Rasool Khan Assistant o/o EDO (E & SE) Swat.

In compliance with the orders of the District Coordination Officer Swat vide his office letter No. 22601-04/24/DCO/Estt: dated 16.11.2010, I the undersigned accompanied with Haji Muhammad Rasool Khan Assistant local office visited GHS; Nazar Abad Swat 23.12. 2010 to enquiry into the case against the above named accused.

The school staff was present. The accused teacher was found absent on the day of enquiry and as such he is absent from duty without sanction since 14.07.2009. The in charge told to the enquiry officer that the teacher concerned was directed time and again to join duty but as he was out of country therefore he was not able to report for duty.

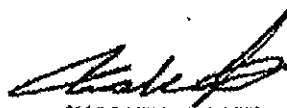
As per statement of the staff of the school, the accused is not in the country since then and according to the questioner filled by the in charge of the school the accused is in Canada.

CONCLUSION/ RECOMMENDATION.

It is obvious from the statement of the staff and in charge of the school that the accused is not interesting in service as he remained out of station for about **SEVEN YEARS**. According to the record the accused availed total **2037 days (5 years, 7 months and 2 days)** leave in his **16 years and 01 month** service. And now he is absent since 14.07.2009 to date. Three call notices were also issued to the accused to join his duty within a stipulated period but he could not join his duty (Copy of notices attached). The accused was also directed through a general press notice regarding absence from duty "The Daily Mashriq" dated 15 January 2010 to resume duty within fifteen days of the publication of the notice but in vain (Copy of paper attached).

In the light of above facts the accused is nemesis for a major penalty i.e. Removal from service (Special Power) Ordinance 2000 as there is not any type of leave at his credit and he remained willfully absent from duty. In view of his continuous willful absence he may either be terminated or compulsory retired from service.

  
MUHAMMAD RASOOL KHAN  
ASSISTANT  
O/O EDO (E & SE) SWAT

  
(KAMIN KHAN)  
DISTRICT OFFICER,  
ELEMENTARY & SECONDARY EDUCATION SWAT  
(ENQUIRY OFFICER)

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SHOW CAUSE NOTICE.

I, Kamran Rehman Khan District Coordination Officer Swat as Competent Authority under the North West Frontier Province Removal from Service (Special Powers) Ordinance, 2000 (hereinafter referred to as the said Ordinance), do hereby charge you Mr. Hamayoon CT GIS Nazar Abad, Swat as follows:-

Handwritten note: "23" in a circle and "Annexure 'I'" written vertically.

- (a) That consequent upon the completion of inquiry conducted against you by the Inquiry Committee for which you were given opportunity of hearing.
- (b) On going through the findings and recommendations of the Enquiry Committee, the material on record and other connected papers including your defence before the said committee.

I am satisfied that you have committed the following acts/omission specified in section-3 of the said ordinance:-

As reported by Executive District Officer Elementary and Secondary Education Swat, that you remained absent from duties with effect from 14/7/2009 till date, without prior Permission/approval of the Competent Authority.

2- As result thereof, I, as Competent Authority, have tentatively decided to impose upon you the penalty of "REMOVAL FROM SERVICE" under Section-3 of the said ordinance.

3- You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you.

4- If no reply to this notice is received within fifteen days of its delivery, in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case an exparte action shall be taken against you.

5- You are also advised to appear in person on 28/1/2011 for hearing before major penalty of removal/dismissal from service is imposed.

6- The copy of the findings of the Inquiry Committee is enclosed.

Handwritten stamp: "387" over "26/11/2011".

Handwritten signature of Kamran Rehman Khan.

DISTRICT COORDINATION OFFICER SWAT/  
(COMPETENT AUTHORITY).

To, Mr. Hamayoon CT,  
GIS Nazar Abad Swat,  
CO EDO Elem. and Secy,  
Education Swat.

Handwritten initials "C.T.C." and a signature.