

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

**SERVICE APPEAL NO. 713/2016**

Date of institution ... 12.07.2016

Date of judgment ... 03.03.2020

Mir Nawab son of Sair Khan

R/o Warana Metha Khel Tehsil & District Karak

(Ex-Chowkidar Govt. Girls Primary School Warana Metha Khel)

... (Appellant)

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Civil Secretariat, Peshawar.
2. Director of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female), Karak.

... (Respondents)

\_\_\_\_\_

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT NO. 1 OF 1974 AGAINST ORDER ENDST: NO. 2002-03 DATED KARAK THE 27.01.2016 VIDE WHICH THE SERVICES OF THE APPELLANT HAS BEEN TERMINATED AS WELL AS AGAINST ORDER NO. F.NO. 2551/A-20/C-VI/KARAK-III DATED 20.06.2016 VIDE WHICH RESPONDENT NO. 2 HAS REJECTED THE DEPARTMENTAL APPEAL OF THE APPELLANT.

\_\_\_\_\_

Mr. Gul Nawab Khan, Advocate ..

For appellant.

Mr. Muhammad Jan, Deputy District Attorney ..

For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI ..

MEMBER (JUDICIAL)

MR. MIAN MOHAMMAD ..

MEMBER (EXECUTIVE)

**JUDGMENT**

**MUHAMMAD AMIN KHAN KUNDI, MEMBER: -** Appellant

alongwith his counsel and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Arguments heard and record perused.

2. Brief facts of the case as per present appeal are that the appellant was appointed as Chowkidar vide order dated 09.06.1993 in Education Department. He was imposed major penalty of termination from service vide order dated 27.01.2016 on the allegation of his involvement in case FIR No. 14 dated 11.02.2006 under Zina Ordinance 11.16,19/109 PPC Latamber and his absence from duty due to involvement in the aforesaid case. The appellant filed departmental appeal on 19.02.2016 which was rejected vide order dated 20.06.2016 hence, the present service appeal on 12.07.2016.

3. Respondents were summoned who contested the appeal by filing written reply/comments.

4. Learned counsel for the appellant contended that the appellant was appointed as Chowkidar in Education Department vide order dated 09.06.1993. It was further contended that the appellant was performing his duty regularly. It was further contended that the appellant was falsely involved in the aforesaid case therefore, due to involvement in the aforesaid case, the appellant could not attend the duty. It was further contended that the appellant was acquitted by the Trial Court vide detailed judgment dated 22.05.2019. It was further contended that neither any charge sheet, statement of allegation was served upon the appellant nor proper inquiry was conducted nor any absence notice was issued to the appellant, therefore, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside. It was further contended that

*M. Amin*  
3.3.2020

the appellant was having 13 years service in his credit but the same was also not considered by the respondent-department, therefore, prayed that the appellant may be reinstated into service with back benefits or in alternative the termination may be converted into compulsory retirement.


5. On the other hand, Learned Deputy District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was serving in Education Department as Chowkidar. It was further contended that the appellant remained absent from duty being absconder in the aforesaid case for a period of nine years. It was further contended that since the absence is proved, therefore, there is no need for initiating inquiry proceeding and prayed for dismissal of appeal.

6. Perusal of the record reveals that the appellant was serving in Education Department as Chowkidar. The record further reveals that he was involved in the aforesaid criminal case and after facing trial he was acquitted by the Trial Court vide detailed judgment dated 22.05.2019. The record further reveals that neither charge sheet, statement of allegation was served nor any proper inquiry was conducted by the respondent-department. The record further reveals that the appellant was appointed as Chowkidar vide order dated 09.06.1993 and was imposed major penalty of removal from service on the allegation of his absence from duty with effect from 11.02.2006 meaning thereby, that the appellant has having 13 years service in his credit till 11.02.2006, therefore

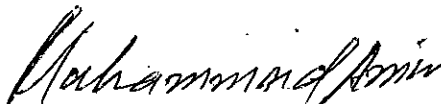
*M. Anwar*  
3.3.2020

the major penalty of termination from service appears to be harsh. As such, we partially accept the appeal, set-aside the impugned order and convert the major penalty of termination from service into another major penalty of compulsory retirement with effect from the date of his absence i.e 11.02.2006. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
03.03.2020



(MIAN MOHAMMAD)  
MEMBER



(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

16.01.2020

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Ziaullah, Deputy District Attorney for the respondents present. Adjourned to 03.03.2020 for record and arguments before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

03.03.2020

Appellant alongwith his counsel and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of four pages placed on file, we partially accept the appeal, set-aside the impugned order and convert the major penalty of termination from service into another major penalty of compulsory retirement with effect from the date of his absence i.e 11.02.2006. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
03.03.2020

  
(MIAN MOHAMMAD)  
MEMBER

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

18.09.2019

Appellant in person present. Mr. Ziaullah, DDA alongwith Mr. Umar Daraz, B &AO for respondents present. Appellant submitted an application for adjournment as his counsel is not available today. Adjourn. To come up for arguments on ~~15.10~~ 25.10.2019 before D.B.

  
Member

  
Member

25.10.2019

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General for the respondent present. Respondent are directed to direct the representative to attend the court and submitted furnish copy of service book and entire record of inquiry. Adjourned. To come up for record and arguments on ~~17.12~~ 17.12.2019 before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

09.12.2019

Appellant in person present. Addl: AG alongwith Mr. Umer Daraz, B&AO for respondents present. Appellant seeks adjournment due to general strike of the Bar. Adjourned. To come up for arguments on 16.01.2020 before D.B.

  
Member

  
Member

02.05.2019


Clerk to counsel for the appellant and Addl: AG for respondents present. Arguments could not be heard due to Learned Member (Executive) is on leave. Adjourned to 29.05.2019 before D.B.

  
(M. Amin Khan Kundi)  
Member

29.05.2019


Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 18.07.2019 before D.B.


  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

18.07.2019


Learned counsel for the appellant present. Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Learned counsel for the appellant submitted copy of acquittal judgment of appellant in criminal case which is placed on record, however, copy of the service book of the appellant is not available on record, therefore, notice be issued to the respondent department to attend the court through representative and also furnish copy of service book of the appellant on the next date. Adjourned. To come up for record and arguments on 18.09.2019 before D.B.


  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

06.12.2018


Counsel for the appellant present. Mr. Muhammad Jan, DDA for the respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 30.01.2019 before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

30.01.2019 Appellant in person and Mr. Muhammad Jan learned Deputy District Attorney present. Appellant submitted application for rejoinder which is placed on file. Application allowed. Adjourn. To come up for arguments on 15.03.219 before D.B.


  
Member

  
Member

15.03.2019

Learned counsel for the appellant and Mr. Riaz Khan Paindakheil learned Assistant Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 02.05.2019 before D.B.

  
Member

  
Member




25.04.2018


Counsel for the appellant and Addl: AG for respondents present. Due to retirement of the worthy Chairman, the Tribunal is incomplete, therefore the case is adjourned. To come up for arguments on 11.07.2018 before D.B

  
Reader

11.07.2018

Appellant in person and Mr. Muhammad Jan, Learned Deputy District Attorney present. Due to general strike of the bar, the case is adjourned. To come up on 05.09.2018 before D.B.

  
(Ahmad Hassan)  
Member

  
(Muhammad Hamid Mughal)  
Member

05.09.2018

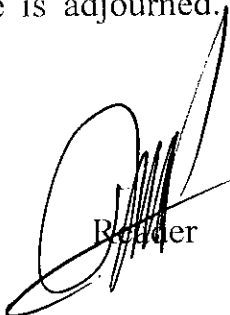
Appellant absent. Learned counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 23.10.2018 before D.B.

  
(M. Amin Khan Kundi)  
Member

  
(M. Hamid Mughal)  
Member

23.10.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 06.12.2018.

  
Reader

15/9/2017

Clerk of counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present. Clerk of counsel for the appellant seeks adjournment. Adjourned. To come up for rejoinder and arguments on 20/12/2017 before DB.

  
MEMBER

  
Chairman

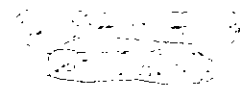
20.12.2017

Appellant in person and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Learned counsel for the appellant is not in attendance. Seeks adjournment. Seeks adjournment. To come up for arguments on 23.02.2018 before the D.B.

20.12.2017

Mr. Gul Nawab Khan Khattak, Advocate filed Wakalat Nama on behalf of the appellant. Mr. Muhammad Jan, DDA for the respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 23.02.2018 before D.B.


  
Member

  
Chairman

23.02.2018

Mr. Gul Nawab Khan Khattak, Advocate filed Wakalat Nama on behalf of the appellant. Mr. Muhammad Jan, DDA for the respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 25.04.2018 before D.B.

  
(Ahmad Hassan)  
Member(E)

  
(Gul Zeb Khan)  
Member(E)

29.12.2016

Appellant in person and Mr. Hameedur Rahman, AD  
alongwith Addl. AG for the respondents present. Written  
reply submitted. The appeal is assigned to D.B for  
rejoinder and final hearing for 23.2.2017.

  
Chairman

23.02.2017

Appellant in person and Addl: AG for respondents  
present. Rejoinder not submitted. Requested for time to file  
rejoinder. Request accepted. To come up for rejoinder and  
final hearing on 25.05.2017 before D.B.

  
(AHMAD HASSAN)  
MEMBER

  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

25.05.2017

Appellant in person present. Mr. Muhammad Jan, Deputy  
District Attorney for the respondents also present. Appellant  
requested for adjournment. Adjourned. To come up for rejoinder and  
arguments on 15.09.2017 before D.B.

  
(GUL ZEB KHAN)  
MEMBER

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

717/16

24.08.2016

Counsel for the appellant present. Learned counsel for appellant argued that the appellant was serving as Chowkidar at GPS Warana Metha Khel, District Karak when subjected to enquiry on the allegations of willful absence and terminated from service vide impugned order dated 27.1.2016 with retrospective effect alongwith recovery. That the appellant preferred department appeal against impugned order on 19.02.2016 which was rejected on 20.6.2016 and hence the instant service appeal on 12.7.2016.

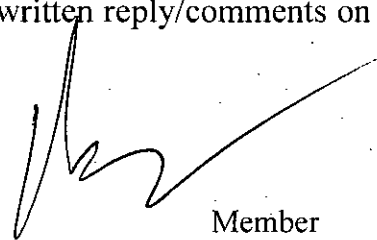
That the impugned order is illegal as the same has been passed with retrospective effect and, furthermore, no enquiry in the mode and manners prescribed by rules was conducted.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 31.10.2016 before S.B.

  
Chairman

31.10.2016

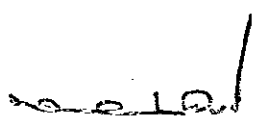
Counsel for the appellant and Mr. Hameed ur Rehman, AD (Litigation) alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. Request accepted. To come up for written reply/comments on 29.12.2016 before S.B.

  
Member

27.07.2016

Appellant in person present. Seeks adjournment as his counsel is before the august Supreme Court of Pakistan. Adjourned for preliminary hearing to 09.08.2016 before S.B.

  
Chairman



09.08.2016

None for the appellant present. The appeal be relisted for 24.08.2016.



  
Member





21-5-16



Form- A  
FORM OF ORDER SHEET

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

Case No. 713/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	12/07/2016	<p>The appeal of Mr. Mir Nawab presented today by Mr. Amanullah Khan Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	<p>12-7-16</p> <p></p>	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on. <u>13-7-16</u></p> <p style="text-align: right;"> MEMBER</p>
13.7.2016		<p>No one present on behalf of the appellant. Notices be issued to the appellant and his counsel. To come up for preliminary hearing on <u>27-7-16</u> before S.B.</p> <p style="text-align: right;"> Member</p>

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

Service Appeal No. -----713----- of 2016

Mir Nawab -----Appellant

VERSUS

Govt: of Khyber Pakhtunkhwa etc -----Respondents

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Dated:- 12-----/07/2016

Appellant

میر نواب خان  
Mir Nawab

Through

Amanullah Khan  
12/7/2016  
Amanullah Khan Khattak  
Advocate, Karak

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

Service Appeal No. 713 of 2016

Mir Nawab son of Sair Khan R/O Warana Metha Khel  
Tehsil & District Karak ( Ex-Chowkidar Govt: Girls  
Primary School Warana Metha Khel)-----Appellant.

Khyber Pakhtunkhwa  
Service Tribunal

VERSUS

Diary No. 699

Dated 12-7-2016

1. Govt: of Khyber Pakhtunkhwa through Secretary  
Elementary & Secondary Education Khyber  
Pakhtunkhwa Civil Secretariat, Peshawar.
2. Director of Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female), Karak-----  
----- Respondents.

*A. Ullah Khan*  
*12-17/2016*

=====

SERVICE APPEAL UNDER SECTION 4 OF THE  
KHYBER PAKHTUNKHWA ACT NO. 1 O 1974  
AGAINST ORDER ENDST: NO. 2002-03 DATED  
KARAK THE 27-01-2016 VIDE WHICH THE  
SERVICES OF THE APPELLANT HAS BEEN  
TERMINATED AS WELL AS AGAINST ORDER NO.  
F . NO. 2551/A-20/C-VI/ KARAK-III DATED 20-06-  
2016 VIDE WHICH RESPONDENT NO. 2 HAS

Filed to-day

Registrar

12/7/16



**REJECTED THE DEPARTMENTAL APPEAL OF THE APPELLANT . ATTESTED PHOTOCOPY COPIES OF BOTH THE IMPUGNED ORDERS ARE ANNEXED AS ANNEXURE A & B RESPECTIVELY.**

=====

**Prayer in Appeal.**

On acceptance of the instant service appeal this Hon'able Service Tribunal may very graciously be pleased to hold and declare both the impugned orders are as illegal, against law & facts, void ab initio, nullity in the eye of law, has got no legal effect and set aside. This Hon'able Service Tribunal is requested to re-instate the appellant in his service with all back benefits.

Respectfully Sheweth :-

This service appeal arises out of the following facts.

**FACTS:-**

1. That the present appellant before this Hon'able Tribunal was appointed against the post of Chowkidar on contract basis vide DEO office No. 2175-7 E dated 09-06-1993. Attested photocopy is annexed as Annexure "C".

*A. Allah Khan*  
12/11/2016

2. That after wards the services of the appellant were regularized by the competent authority.
3. That the appellant was falsely charged in F.I.R No. 14 dated 11-02-2006 Police Station Latabmer , since then the present appellant was unable to perform his official duties due to unavoidable circumstances.
4. That on 22-07-2015 Sub Divisional Education Officer (Female), Karak gave a notice to the appellant, upon which the appellant appeared before Headmistress Goot: Girls Primary School Warana Mehta Khel alongwith an application. The Headmistress has noted attendance of the appellant. Attested photocopy of the said notice alongwith application are annexed as Annexure "D & D-1" respectively .
5. That after that the services of appellant have been terminated by the impugned termination order without conducting any regular enquiry.
6. That the present appellant before this Hon'able Tribunal for the first instant filed a departmental appeal before respondent No. 2 which has been rejected departmental appeal vide impugned order dated 20-06-2016. Attested photocopy of departmental appeal is annexed as Annexure "E".

*A. Ullah Khan*  
12/7/2016

7. That the present appellant before this Hon'able Tribunal is aggrieved by both the impugned orders hence presents the instant service appeal with the following grounds amongst others.

**GROUND S .**

- a. That both the impugned orders are illegal, against law and facts.
- b. That the respondents have passed the impugned order of termination without conducting any regular inquiry, show cause, charge sheet, statement of allegation etc, which are mandatory in the eye of law. Therefore only on this score the impugned order of termination is liable to be set aside.
- c. That the present appellant has not received a single penny salary since January 2006 but the respondent No. 3 has illegally shown recovery of salaries w.e.f. February 2006 to May 2008 ( Rs. 4000/- P. M) which is quite illegal and against the law.
- d. That the present appellant before this Hon'able Tribunal has been condemned un-heard which is the blatant violation of principles of natural justice and also against the provision of Constitution of the Islamic Republic of Pakistan, 1973.

*A. Ullah Khan*  
*12-17/2016*

e. That the respondents have passed the impugned order of termination with retrospective effect despite the fact that the respondents have got no such powers expressly or impliedly by some statutes or provision of law and rules. Therefore the impugned order of termination is patently illegal, without lawful authority, void ab initio and has got no legal effect or consequence.

It is, therefore, most humbly and respectfully prayed that on acceptance of the instant service appeal this Hon'able Service Tribunal may very graciously be pleased to hold and declare both the impugned orders are as illegal, against law & facts, void ab initio, nullity in the eye of law, has got no legal effect and set aside. This Hon'able Service Tribunal is requested to re-instate the appellant in his service with all back benefits.

Dated:- 12/07/2016  
 Appellant Mir Nawab

Through

*Amanullah Khan*  
 12/7/2016  
 Amanullah Khan Khattak  
 Advocate, Karak.

**Certificate**

Certified that no such like service appeal has been filed earlier on similar ground before this Hon'able Tribunal or any other court.

*Mir Nawab*  
 Mir Nawab

**BEFORE THE SERVICE TRIBUNAL KHYBER**

**PAKHTUNKHWA,**

Service Appeal No. ----- of 2016

Mir Nawab ----- Appellant

VERSUS

Govt: of Khyber Pakhtunkhwa etc ----- Respondents.

**AFFIDAVIT**

I, Mir Nawab son of Sair Khan R/O Warana Metha Khel Tehsil & District Karak ( Ex-Chowkidar Govt: Girls Primary School Warana Metha Khel do hereby solemnly affirm and declare on oath that all the contents of the accompanying service tribunal are true and correct to the best of my knowledge and belief, nothing is lie and nothing has been concealed or mis-stated.

Dated :- 11-----07/2016

Deponent

میر نواب خان  
Mir Nawab

**ATTESTED**

  
**KIFAYAT ULLAH**

Advocate

Notary Public

District Karak

No/497 Date/11-07-2016

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

Service Appeal No. ----- of 2016

Mir Nawab -----Appellant

VERSUS

Govt: of Khyber Pakhtunkhwa etc -----Respondents

**ADDRESSES OF THE PARTIES.**

**Appellant**

Mir Nawab son of Sair Khan R/O Warana Metha Khel  
Tehsil & District Karak ( Ex-Chowkidar Govt: Girls  
Primary School Warana Metha Khel

**Respondents**

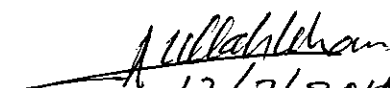
1. Govt: of Khyber Pakhtunkhwa through Secretary  
Elementary & Secondary Education Khyber  
Pakhtunkhwa Civil Secretariat, Peshawar.
2. Director of Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female), Karak

Dated:- 12-----/07/2016

Appellant

میر نواب خان  
Mir Nawab

Through

  
12/7/2016  
Amanullah Khan Khattak  
Advocate, Karak

*Annexure  
A*

8

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) KARAK.

TERMINATION ORDER AFTER LONG ABSENCE/Criminal case.

One Mr. Mir Nawab Khan Chowkidar GGPS Warana Mitha Khel was involved in F.I.R No.14 dated 11.2.2006 under Zina ordinance

11.16, 19/109 PPC Latamber.

He remained absconder till 19.09.2015 by the learned Court on 30.9.2015.

During this absence period the Department did nothing against him and paid regular pay up to 5/2008(2years).

Under the rules an official if remained absent from duty for the period of 5 or more years. He is automatically treated as terminated.

Hence in light of above the case is decided as under:-

1. Mr. Mir Nawab S/O Sair Khan Ex- Chowkidar GGPS Warana Mitha Khel is hereby terminated from service w.e.f. the date lodging FIR/Absence dated 11.2.2006.
  2. The overpayment of pay made to him during absent period w.e.f. 2/06 to 5/08 @Rs.4000/-P.M fixed may be recovered from him.
  3. Appointment of any Candidate against the said vacant post out of his family is subject to the recovery.
- Prior to recovery no appointment will be issued by the undersigned.

DISTRICT EDUCATION OFFICER  
(FEMALE) KARAK.

Endst No.202-03 dated Karak the 27.1.2016/2016.

Copy of the above to the:-

1. Director of Elementary & Secondary Education KPK Peshawar.
2. Sub Divisional Education Office (Female) Karak.
3. D.M.O.Karak.

*clt.  
A. Ullah Khan  
12/17/2016*

DISTRICT EDUCATION OFFICER  
(Female) Karak.

Assessment  
B

9

Directorate of Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.

No. \_\_\_\_\_ /F.NO. 251/A-20/C-IV/Karak-III  
Dated Peshawar the \_\_\_\_\_ /2016.

20/6

To

The District Education Officer  
(Female) Karak

Subject: APPEAL

Memo:

I am directed to refer to your letter No. 1036 dated 14.4.2016 on the subject noted above and to state that the appeal of Mr. Mir Nawab Khan S/O Sair Khan R/O Warana Metha Khel Tehsil & District Karak was considered but not found tenable and rejected so applicant concerned may be informed accordingly.

308

Assistant Director (Admn)  
Directorate of E&SE K.P, Peshawar

Enclst. No. 3008

Copy forwarded to the:-

3. Mir Nawab Khan S/O Sair Khan R/O Warana Metha Khel Tehsil & District Karak.
4. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

*[Signature]*

and with  
17/6/16

Assistant Director (Admn)  
Directorate of E&SE K.P, Peshawar

*[Signature]*



*Amir Khan*

(10)

OFFICE OF THE SUB-DIVISIONAL EDUCATION OFFICER, (F) KARAK.

APPOINTMENT OF CLASS-IV SERVANT ON CONTRACT BASE.

Ont the recommendation of Land donor/building according to the instruction finance deptt No. B-I/92-93/FD dated peshawar 4.11.1992. Mr. ~~Sair Khan~~ Mir Nawab Khan S/o Sair Khan R/o Warana Mita khel district karak is hereby appointed against newly created post of Chowkidar at Govt; Girls Primary school warana mita khel purly on contract base @ Rs; 1200/- P. m fixed in the interest of public service with effect from the date of taking over charge.

Terms and condition.

1. The appointment of the above named govt; official is purly on contract base and liable to termination at any time.
2. In case of resignation he will have to ~~pay~~ submit one month prior notice to the deptt; concerned or forfeit one month pay in lien thereof to the Govt;.
3. The candidate should be produce health/age certificate from the medical supdt distt; karak.
4. He will not allowed to take over charge if his age exceeds than 45 years or below 16 years.
5. Charge report should be submitted to all concerned.

(ISMAT ARA KHATTAK)

Sub Divisional Education,  
Officer, (F) Pry; Karak.

Endstt; No. 2175-78 /Apptt; /transfer class-IV dt; 9/6 /93

Copy of the above is forwarded to the:-

1. Head teacher concerned.
2. ASDEO(I) Local office.
3. ASDEO(A) Local office.
4. Candidate concerned.

*Ismat Ara Khattak*  
Sub Divisional Education,  
Officer, (F) Pry; Karak. *n*

*Med Cert*  
*12/17/2016*

*Ali*  
*A. Ullah Khan*  
*12/17/2016*

*Amr...  
D*

REGISTERED

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22/12

OFFICE OF THE SUB DIVL. EDU. OFFICER(F),  
KARAK.

No. 395 / Dated: 22/12 2015.

Mr. Mir Nawaz Khan Chowkidar,  
GPS: Warana Mitha Khel,  
Tehsil & Dist: Karak.

Subject: NOTICE.  
Memo.

It is come to the notice of the undersigned through ASDEO(C) Circle Karak on 08.12.2015 that you have away from station and absent from your duty w.e. from 11.02.2007. You are further directed to resume your duty and explain the facts about your absence within a week of the receipt of this letter. In case of failure action will be process against you under existing rules and policy.

*Rebina Hayat*  
SUB DIVL. EDU. OFFICER(F),  
KARAK.

Encl: No. -

Copy submitted to the District Education Officer (Female) Elementary and Secondary Karak for information, please.

*sd/-*  
SUB DIVL. EDU. OFFICER(F),  
KARAK.

*sd/-  
12/17/2016*

12

Better Copy

Registered

**OFFICE OF THE SUB DIVISION EDUCATION  
OFFICER (FEMALE), KARAK.**

No. 395 dated 22-07-2015

To Mr. Mir Nawab Khan, Chowkidar  
GGPS Warana Metha Khel  
Tehsil & District Karak.

Subject:- Notice

Memo

It is come to the notice of the undersigned through SDEO(F), Circle Karak on 08-07-2015 that you have away from station in absent from your duty w.e.f 11-02-2007. You are further directed to resume your duty and explain the facts about your absence within a week of receipt of this letter. In case of failure action will be process against you under existing rules and policy.

**Sub Division Education Officer (F)  
Karak.**

*Handwritten signature and date:*  
12/7/2016

Annexure

1-D

13

حکومت سندھ - این ڈی ای. او. زمانہ گورنمنٹ

سیدتی

گورنمنٹ کے نام سیدتی گورنمنٹ ایمری سکول ورام ضلع قاضی بھند

(مدرسہ) میں مدرسہ لغویات کے معتمدین کے نام سیدتی گورنمنٹ ایمری سکول

میں گورنمنٹ ایمریشن سیشن کے سلسلے میں گورنمنٹ ایمری سکول

میں گورنمنٹ ایمریشن سیشن کے سلسلے میں گورنمنٹ ایمری سکول

میں گورنمنٹ ایمریشن سیشن کے سلسلے میں گورنمنٹ ایمری سکول

میں گورنمنٹ ایمریشن سیشن کے سلسلے میں گورنمنٹ ایمری سکول

میں گورنمنٹ ایمریشن سیشن کے سلسلے میں گورنمنٹ ایمری سکول

میں گورنمنٹ ایمریشن سیشن کے سلسلے میں گورنمنٹ ایمری سکول

میں گورنمنٹ ایمریشن سیشن کے سلسلے میں گورنمنٹ ایمری سکول

7-8-2015

12/17/2015

گورنمنٹ ایمری سکول ورام ضلع قاضی بھند

گورنمنٹ ایمری سکول ورام ضلع قاضی بھند

گورنمنٹ ایمری سکول ورام ضلع قاضی بھند

Annexure  
E

(14)

BEFORE THE DIRECTOR ELEMENTARY & SECONDARY  
EDUCATION KFK PESHAWAR

INDEX

S. No	Description of Documents	Annexure	Page
1	Departmental Appeal		1-2
2	Photocopy of termination order	A	3
3	Photocopy of a appointment order of vide Office No. 2175-78 dated 09-06-1993	B	4
4	Photocopy of notice No. 395 dated 22-07-2015 for resumption of duties	C	5
5	Photocopy of the application	D	6

Dated:- 19-02-2016:

Mir Nawab Khan son of Sair Khan  
R/O Warana Metha Khel Tehsil  
& District Karak.  
Ex Chowkidar of GPS Warana  
Metha Khel.

ADDE/DDF&A  
Please put up  
no 39  
24/2/2016

AD  
A. Ullah Khan  
12/7/2016

11

15

BEFORE THE DIRECTOR ELEMENTARY & SECONDARY  
EDUCATION KPK PESHAWAR.

Subject :- DEPARTMENTAL APPEAL AGAINST  
ORDER OF TERMINATION ORDER  
ENDDST: NO. 202-03 DATED KK THE 27-01-  
2016 . PHOTOCOPY IS ANNEXED AS  
ANNEXURE "A".

Respected Sir,

The present appellant submits as under:-

1. That the present appellant before your worthy appellate authority was appointed against the post of Chowkidar at GGPS Warana Metha Khel on contract basis vide DEO Office No. 2175-78 dated 09-06-1993. Photocopy is annexed as Annexure "B".
2. That afterwards the service of the present appellant were regularized by the competent authority.
3. That the appellant was falsely charged in F.I.R. No. 14 dated 11-02-2006 Police Station Latamber.
4. That since then present appellant was unable to perform his official duties due to the unavoidable circumstances.
5. That SDEO (F) Karak served the appellant with a notice No. 395 dated 22-07-2015 for resumption of duties. Photocopy copy is annexed as Annexure "C".
6. That in compliance of the above mentioned notice the appellant appeared before the Head Teacher GGPS Warana Metha Khel on 07-08-2015. Photocopy of the application is annexed as Annexure "D".

*U.S.*  
*Ali Shah Khan*  
*12/7/2016*

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7. That after joining the duties the services of the appellant has been terminated vide impugned order which is illegal due to the following reasons.

- a. That the impugned termination order is illegal, against law and facts.
- b. That the impugned has been passed without observing the mandatory codal formalities hence liable to be set aside.
- c. That the DEO(F) has passed the impugned order with retrospective effect which is quite illegal and void ab initio.
- d. That present appellant has not received a single penny salary since January 2006 and the DEO(F) has illegally shown recovery of salaries w.e.f February 2006 to May 2008 (Rs. 4000/- P.M) which is quite nullity in the eye of law.
- e. That the appellant has been condemned unheard which is against the principle of natural justice and also the provision of constitution.
- f. That no opportunity of personal hearing has been given to the appellant which was vested right of the appellant.

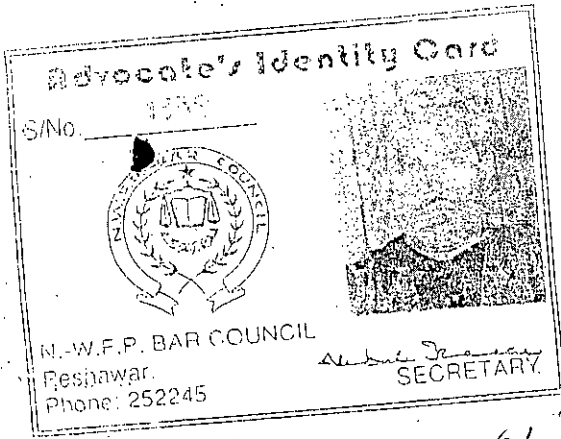
So keeping in view the above facts, circumstances and reasons this departmental appeal may be accepted and the appellant may very kindly be re-instated with all back benefits.

Dated:- 19-02-2016

میر نواب خان

Mir Nawab Khan son of Sair Khan  
R/O Warana Metha Khel Tehsil  
& District Karak.  
Ex Chowkidar of GGPS Warana  
Metha Khel.

*Handwritten signature and date:*  
12/2/2016



**وکالت**

Name: MR. ABUL KALAM KHAN  
 Father's Name: MR. ABUL KALAM KHAN  
 Date of Birth: 15-08-1950  
 Lower Courts Date: 15-08-1950  
 High Court Date: 15-08-1950  
 Address: 111, TAPI ROAD, RESHAWAR  
 District: RESHAWAR  
 Phone: 252245

بعد ازاں جناب سرور اسٹیشن میرٹھ کو خواہ  
 میرٹھ نام سرور دیوہ  
 پنجاب اپسٹرنٹ سرور اسٹیشن  
 دعوے یا جرم سرور اسٹیشن  
 باعث تحریک آنکہ

مقدمہ بالا نمبروں میں اپنی طرف سے واسطے پیردی و جوابدہی برائے پیشی یا مقام پشاور  
رحمان اللہ خان صاحب ایڈووکیٹ اور  
 ایڈووکیٹ ہائی کورٹ۔ سپریم کورٹ۔ ٹریڈ سٹریٹ بار ایسوسی ایشن  
 کیلئے سب ذیل شرائط پر درکمل کیا ہے۔ کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا ہوں گا اور  
 بروقت نکارتے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کر دوں گا۔ اگر پیشی پر منظر نہ ہوا اور مقدمہ میری  
 غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کئی طریقوں کے ذریعہ دارنہ ہو گئے نیز وکیل صاحب موصوف صدر  
 بمقام پکھری کے علاوہ کسی جگہ ساعت یا بروڈو ٹیٹیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر منظر کو کوئی نقصان پہنچے  
 تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا مختلف کے داپس کرینے کی ذمہ داری ہے۔ صاحب موصوف ذمہ دار ہو گئے۔ بچھ کوکل ساختہ  
 پروا خیز صاحب موصوف مثل کردہ ذات منظور و قبول ہو گیا اور صاحب موصوف نے اپنا جواب دہی و درخواست اجراء ڈگری و نظر عانی  
 اپیل کرنی اور ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہو گا اور کسی قسم کا بھی اختیار ہو گا اور اس کے لئے اور رسید دینے  
 اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر تاشی و راضی نامہ ذیل سے بر حاف کرانے اور ڈگری دینے کا بھی اختیار ہو گا اور بصورت  
 جانے بیرون جات از پکھری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا کٹرفر درخواست حکم اتقانی یا ترقی یا کٹرفری و اجراء ڈگری  
 بھی صاحب موصوف کو آدائیگی علیحدہ مختار پیردی کا اختیار ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو گا کہ مقدمہ مذکور یا  
 اس کے کسی جزو کی کاروائی کے یا بصورت اپیل کسی دوسرے وکیل یا پیرسٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو  
 بھی ہر امر میں رہی اور ایسے ہی اختیارات حاصل ہو گئے جیسے صاحب موصوف کو حاصل نہیں  
 اور دوران مقدمہ میں جو کچھ ہر جات التوا پر لگا دہ صاحب موصوف کا حق ہو گا۔ اگر وکیل صاحب موصوف کو پوری نہیں تاریخ پیشی سے پہلے آدائیں  
 کر دوں گا۔ تو صاحب موصوف کو پورا اختیار ہو گا کہ وہ مقدمہ کی پیردی نہ کریں۔ اور ایسی بصورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف  
 کے برخلاف نہیں ہو گا۔

لہذا وکالت نامہ لکھ دیا گیا ہے مورخہ 12 ماہ 12 2016

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

اشفاق ٹونوٹ سٹیٹ سرورس سیشن کورٹ کرک ٹون نمبر: 0334-9290874  
 0331-3786805

محمد ابراہیم خان  
میرٹھ