

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA**  
**SERVICES TRIBUNAL PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

*Amended Appeal*  
In S.A 1932 /2023

Diary No 8673

Dated 27-10-23

Sher Aman (Naib Qasid) s/o Sardar Khan r/o Mian  
Kalay Swabi.

----- (Appellant)

**VERSUS**

1. Secretary Elementary & Secondary Education,  
Khyber Pakhtunkhwa Peshawar at Civil Secretariat  
Peshawar
2. The District Education Officer (Male) Swabi.
3. The Director Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar.

----- (Respondents)

**Appeal U/S 4 Of The Khyber**  
**Pakhtunkhwa Services Tribunal Act 1974**  
**Against The Impugned Office Order**  
**No.12104-07 Dated.21/12/2016 whereby**  
**appellant was dismissed from service on**  
**account of absence and the impugned**  
**departmental appeal of No 1738 dated**  
**21.08.2023, whereby appellant appeal was**  
**rejected.**

**Respectfully Sheweth:**

1. That the Appellant is a naturally born bona-fide citizen  
of Islamic Republic of Pakistan and hails from a  
respectable family of district Swabi.

2. That as the appellant was the landowner of GMS, Mian Killi, and the two persons was appointed on the vacant posts in the school i.e. the appellant and Muhammad Ali was appointed as Naib Qasid and sweeper respectively on contract basis on 22.10.2003. **(Copy of appointment order is annexed as "A")**

3. That thereafter the appellant took charge, with most sincere and pragmatic way performed his duties, and never left any stone unturned in performance of his duty with outmost zeast and devotion.

4. That thereafter appoint on contract basis the service of the appellant had been regularized.

5. That on 25/05/2016 while he was performing his duties, an unfortunate accident taken place with the appellant, the enforcement agencies kidnapped the appellant and after few days on 21/07/2016 Muhammad Ali was also kidnapped from his house without any allegation and reason, they went missing for more than 7 year and neither any family member has ever allow to meet with the appellant.

6. That on 21/12/2016 the Respondent # 3 suddenly and surprisingly removed, the

appellant from his service on amount of "*alleged willful absence*" vide impugned office order Endst NO. 12104-07 dated.21/12/2016 of the office of DEO (Male) Swabi, while he was in the custody of the enforcement agencies. It is pertinent to mention here that even the removal order was not served upon the appellant. **(Copy of impugned office removal order is annexed as annexure "C")**

7. That when the appellant was release from the custody 17/06/2023 and then it came into the appellant knowledge that he was removed from the service, he moved a departmental appeal against the removal order to the Appellate Authority, which had been rejected vide order no.1738 dated 21/08/2023.**(Copy of departmental appeal and impugned rejection order dated 21/08/2023 is annexed as "D & E")**

8. That it is also pertinent to mention here that the person namely Muhammad Ali who is also been kidnapped along with the appellant is also removed from services, both preferred departmental appeals, the appeal of Muhammad Ali is allow and reinstated into his service, while the appellant had been rejected in a discriminatory way. This act of the respondent is discriminatory and against the fundamental

rights of the appellant and not treated accordingly. (Copy of reinstatement order of Muhammad Ali is annexed as "F")

9. That feeling aggrieved from the impugned removal order the appellant approaches this Hon'ble tribunal for his reinstatement in the service on the following grounds inter alia:

**Grounds:**

- A. That the petitioner is naturally born bona-fide citizen of the Islamic Republic of Pakistan and is fully and equally, on equality basis, entitled to all basic and fundamental rights as enshrined in the fundamental law of the land.
- B. That the removal order of the Respondent is unwarranted, against the fact and law on the subject and is not sustainable at all.
- C. That the appellant absentee from his duty is not intentionally and always performed duty with zeast and devotion and the allegation of the Respondent of alleged willful absence is totally a drama and have no footing and based on malafide of the Respondents against the appellant.
- D. That no show cause notice was given to the appellant, neither any inquiry was conducted

nor any opportunity of personal hearing was given to the appellant to defend and clear his position, and without any fault the appellant was removed from service. That's why the impugned removal order is not only illegal, unlawful, vides abinitio but is also against the law as well as against the natural justice.

E. That the appellant's other colleague namely Muhammad Ali who is also removed from the service on the same ground by the respondents had been reinstated into the service, while in the case of appellant, the respondents never entertain his departmental appeal accordingly as in the case of his other colleague.

F. That as no show cause notice was given to appellant as well as no inquiry was conducted, and the Respondent passed the impugned removal order, which clearly proves the malafide and mal intention as well as malpractices of the Respondents against the appellant and the impugned order is not sustainable in the eye of law.

G. That the impugned removal order is the violation of the fundamental rights of the appellant which is guaranteed and protected by

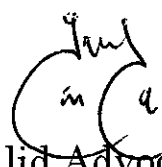
the constitutional of Islamic Republic of  
Pakistan 1973.

H. That from every angle the impugned orders are  
null and void and not sustainable in the eye of  
law and are liable to be set aside.

I. That any other ground not raised here may  
graciously be allowed to arise at the time of  
arguments.

*It is, therefore, most humbly prayed that  
on acceptance of the instant Appeal the  
Impugned Office Order No.12104-07  
Dated.21/12/2016 and No 1738 dated  
21.08.2023, whereby appellant appeal was  
rejected\_ be set aside and declared as null  
and void and the appellant be reinstated in  
service with all back benefits in the best  
interest of justice.*

*Any other relief not specifically asked for may  
also graciously be extended in favour of the  
appellant in the circumstances of the case.*

Appellant  
Through   
Yasir Khalid Advocate  
High Court, Peshawar.

**NOTE:-**

No such like appeal for the same appellant,  
upon the same subject matter has earlier been filed  
by me, prior to the instant one, before this Hon'ble  
Tribunal.

  
Advocate. ✓

D



**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

In S.A. 1932/2023

7678  
19/09/23

Sher Aman (Naib Qasid) S/o Sardar Khan R/o Mian  
Kalay Swabi.

----- (Appellant)

**VERSUS**

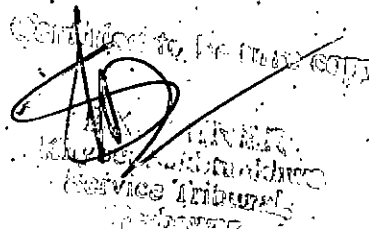
1. Secretary Elementary & Secondary Education,  
Khyber Pakhtunkhwa Peshawar at Civil Secretariat  
Peshawar
2. The District Education Officer (Male) Swabi.
3. The Director Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar.

----- (Respondents).

APPEAL U/S 4 OF THE KHYBER  
PAKHTUNKHWA SERVICES TRIBUNAL ACT  
1974 AGAINST THE IMPUGNED OFFICE ORDER  
NO.1738 DATED.21/08/2023 OF THE OFFICE OF  
DIRECTORATE E & S EDUCATION KHYBER  
PAKHTUNKHWA, PESHAWAR AND THE  
IMPUGNED OFFICE ORDER NO. 7544 DATED.  
03/08/2023 WHEREBY THE APPELLANT WAS  
REMOVED FORM SERVICE IN A CLASSICAL  
WHIMSICAL AND CURSORY WAY.

Respectfully Sheweth:

1. That the Appellant is a naturally born bona-fide citizen  
of Islamic Republic of Pakistan and hails from a  
respectable family of district Swabi.

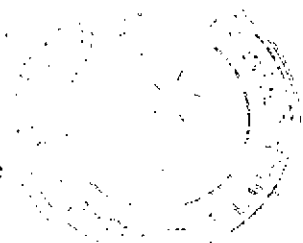
  
Sher Aman  
Khyber Pakhtunkhwa  
Services Tribunal  
Peshawar

W/ Advocate  
19/09/23

FORM OF ORDER SHEET

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

Appeal No. 1932/2023



S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3

1- 25/09/2023

The appeal of Mr. Sher Aman resubmitted today by Mr. Yasir Khalid Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 26.09.2023. Parcha Peshi is given to the counsel for the appellant.

SCANNED  
KPST  
Peshawar

By the order of Chairman

*[Signature]*  
REGISTRAR

26<sup>th</sup> Sept. 2023

01. Learned counsel for the appellant present who sought time to correct the appeal. Granted. To come up for preliminary hearing on 02.11.2023 before the S.B. Parcha Peshi given to the learned counsel for the appellant.

*[Signature]*  
(FARDEHA PAUL)  
Member (E)

*[Signature]*  
\*Fazle Subhan, P.S.

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