

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 478/2016

Date of Institution ... 21.04.2016

Date of Decision ... 06.07.2021

Abdul Shakoor Ex-PST, GPS Banda Ghazan, Abbottabad.

... (Appellant)

VERSUS

The Secretary Education Khyber Pakhtunkhwa, Peshawar and two others.

... (Respondents)

MR. TAIMUR ALI KHAN

Advocate

...

For Appellant

MUHAMMAD ADEEL BUTT,

Additional Advocate General

...

For Respondents

MR. SALAH-U-DIN

...

MEMBER (JUDICIAL)

MR. ATIQ UR REHMAN WAZIR

...

MEMBER (EXECUTIVE)

JUDGMENT

Mr. ATIQ UR REHMAN WAZIR MEMBER (E):- Brief facts of the case are

that the appellant was appointed as PST on 20-03-2000. The appellant was transferred on deputation for three years to Federal Directorate of Education, Islamabad vide order dated 20-05-2010 and he was relieved by the respondents on 12-11-2010, whereupon he joined his new assignment in Islamabad and served there till 09-12-2014 with an overstay of more than one year. The appellant was repatriated by borrowing department on the request of parent department of the appellant vide order date 09-12-2014. Upon repatriation, the appellant reported his arrival on 31-01-2015 in his parent

department. The appellant was proceeded against on the charges of absence from duty and ultimately, major penalty of compulsory retirement from service was imposed upon the appellant vide order dated 11-12-2015, against which the appellant filed service appeal No. 478/2016, which was decided in favor of the appellant vide judgment dated 17-10-2017. The respondent filed CPLA in the Supreme Court of Pakistan and the apex court vide judgment dated 16-02-2021 set aside the judgment of this Tribunal and remanded the case back to this Tribunal for decision afresh in accordance with law.

02. Written reply/comments were submitted by respondents.

03. Arguments heard and record perused.

04. Learned counsel for the appellant has contended that while imposing major penalty of compulsory retirement from service, the appellant was issued only show cause notice and no regular inquiry was conducted, nor any charge sheet/statement of allegations was served upon the appellant. Learned counsel for the appellant further contended that the appellant was not treated in accordance with law, as the respondents did not bother to afford an opportunity of defense to the appellant and awarded major penalty in a slipshod manner, which is against law and rules. Learned counsel for the appellant argued that the appellant was proceeded against on the charges of absence from duty, but in fact the appellant performed his duty in Islamabad, which is evident from the relieving report dated 31-01-2015. Learned counsel for the appellant further argued that the appellant applied for extension in deputation, six months before expiry date of the deputation and series of correspondence took place between borrowing and lending department in a very positive manner and it was almost agreed to grant extension, but all of a sudden the appellant was repatriated. Learned counsel for the appellant

explained that during the whole process, the respondents never reprobated the request for extension in deputation, which however, was required by the respondents to refuse in the initial stage, but a lot of correspondence took place and the appellant was under impression that extension is being granted; that the appellant has been condemned unheard, hence the impugned order dated 11-12-2015 and not taking action on departmental appeal of the appellant within statutory period are against law, fact and norms of justice, therefore are not tenable and are liable to be set aside.

05. Learned Additional Advocate General appeared on behalf of official respondent has contended that the appellant was transferred on deputation for three years w.e.f 12-11-2010 to 11-11-2013 and it is very clearly mentioned in the deputation order dated 12-02-2010 that no extension in deputation will be granted, but inspite of that the appellant overstayed till 30-01-2015 and absented from duty. Learned Additional Advocate General further contended that the appellant was not granted any extension in deputation, rather the appellant was asked during disciplinary proceedings to produce order regarding extension in deputation but the appellant did not produce any order regarding extension in deputation. Learned Additional Advocate General argued that the appellant was proceeded against by issuing directly a show cause notice, as the competent authority dispensed with the inquiry and upon submission of reply to the show cause notice, the appellant was awarded major penalty as he did not prove his innocence. Learned Additional Advocate General further argued that the penalty so awarded does commensurate with guilt of the appellant, hence his appeal being devoid of merit may be dismissed.

06. We have heard learned counsel for the parties and have perused the record. Record reveals that the appellant submitted an application for extension of his deputation vide appeal dated 04-05-2013, much earlier than the expiry

date of deputation i.e. 11-11-2013, upon which a series of correspondence took place between borrowing and lending departments. What we have gathered from such correspondence was that his appeal was properly processed by the respondents and the respondents principally agreed for grant of extension in his deputation, which is evident from the record. Record reveals that correspondence were held between lending and borrowing departments for grant of NOC in respect of the appellant, which also were granted reciprocally. It took almost two years lingering his case between the parties, but neither the respondents reminded or recalled him after expiry of deputation period, nor respondents sought extension in such period, which had created an impression in mind of the appellant that extension will be granted in due course. Record is silent as to what prompted the respondents to obliterate the whole process and all of a sudden, repatriated the appellant and initiated disciplinary proceedings on the charges of absence from duty, which however was not warranted in the manner and mood adopted by the respondents. Reliance was placed on 1990 SCMR 1170.

07. Main charges as per Show Cause notice are absence from duty w.e.f 12-11-2013 to 30-01-2015, whereas the appellant was performing duty with the borrowing department during this particular time, as is evident from the available record. Respondents were well in the knowledge about status of the appellant as is evident from series of correspondence between the parties. We are unable to understand as to how the appellant was declared absent, inspite of the fact that his case was under process between lending and borrowing departments and finally he was repatriated on the request of lending department. We are conscious of the fact that the appellant stayed beyond expiry of deputation period, but the appellant kept the respondents engaged during the whole process and respondents never objected his request for

further extension, rather processed his case very positively and it was in the final stage of approval, when something went wrong and he was repatriated and awarded major punishment on the charges of absence, inspite of the fact that he was not on their strength yet and was not posted back in the parent department. While ignoring and closing eyes on lengthy correspondence for his further extension, the appellant was wrongly charged on account of absence, which however was not absence, rather it was an overstay beyond permissible time of deputation and that too, with tacit approval of the respondents, hence act of the respondents put the appellant in a disadvantageous position, which is contrary to the norms of natural justice.

08. While dispensing with the inquiry, the competent authority was required to record reasons in writing, which however, was not done in case of the appellant. It is a well-settled legal proposition backed by numerous judgments of the Apex Court that regular inquiry is must before awarding major penalty, but in case of the appellant, no regular inquiry was conducted, hence the appellant was deprived of availing appropriate opportunity of defense. One disadvantage of non holding of a regular inquiry was that alongwith penalty of compulsory retirement, the appellant was also awarded penalty of recovery of pay drawn during the absence period w.e.f 12-11-2013 to 31-01-2015, the period, when he was on the strength of Federal Directorate of Education and that the appellant had drawn salaries from there during the mentioned period, which means that the competent authority was altogether not aware of such fact that the appellant has drawn no salary from the respondents during the alleged period of absence. Had a regular inquiry been conducted, the blunder as mentioned above would not have happened. Needless to mention that the proceedings so conducted are also replete with deficiencies and the respondents have skipped mandatory provisions of law,

which made the whole process liable to be struck down. We are of the considered opinion that injustice was done to the appellant, as he was wrongly subjected to disciplinary proceedings for a charge, which was not committed by the appellant:

09. In view of the foregoing discussion, the instant appeal is accepted and the appellant is re-instated in service with all back benefits. Parties are left to bear their own cost. File be consigned to record room.

ANNOUNCED
06.07.2021



(SALAH-U-DIN)
MEMBER (JUDICIAL)



(ATIQ UR REHMAN WAZIR)
MEMBER (EXECUTIVE)

ORDER


06.07.2021

Appellant alongwith Mr. Taimur Ali Khan, Advocate, present. Mr. Soahil Ahmed Zeb, Assistant alongwith Muhammad Adeel, Butt, Additional Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the instant appeal is accepted and the appellant is re-instated in service with all back benefits. Parties are left to bear their own cost. File be consigned to record room.

ANNOUNCED
06.07.2021


(SALAH-U-DIN)
MEMBER (JUDICIAL)


(ATIQ UR REHMAN WAZIR)
MEMBER (EXECUTIVE)

23.06.2021

Appellant alongwith Mr. Taimur Ali Khan, Advocate, present and submitted fresh Wakalatnama on behalf of the appellant, which is placed on file. Mr. Sohail Ahmed Zeb, Assistant alongwith Mr. Kabirullah Khattak, Additional Advocate General, for the respondents present.

Joint Request for adjournment made on the ground that record has not been properly perused. Adjourned. To come up for arguments before the D.B on 06.07.2021. The appellant is directed to submit Member copy before the date fixed.



(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

478/2016

04.03.2021

Appeal received from August Supreme Court of Pakistan vide order dated 16.02.2021 in (C.A No 126/2021. Assigned to DB for final hearing/disposal on. 25/03/2021


Notices to the parties be issued accordingly.


Chairman

25.03.2021

Counsel for the appellant present. Mr. Kabirulalh Khattak learned Addl. AG for respondents present.

The Worthy Chairman is on leave, therefore, the case is adjourned to 23.06.2021 for arguments before D.B.


(Atiq-Ur-Rehman Wazir)
Member (E)

Ph: 9214461
Fax: 9220406

REGISTERED
No. C.A.126/2021- SCJ
SUPREME COURT OF PAKISTAN

Islamabad, dated 23/02/2021 2021

From The Registrar,
Supreme Court of Pakistan,
Islamabad.

To 1. The Registrar,
K.P.K. Service Tribunal,
Peshawar.

a. The Deputy Registrar,
K.P.K. Service Tribunal,
Camp Court, Abbottabad.

Subject: CIVIL APPEAL NO. 126 OF 2021
OUT OF
CIVIL PETITION NO. 554 - P OF 2017

Secretary Elementary & Secondary Education Department KPK Peshawar
& others
Versus
Abdul Shakoor

On appeal from the Judgment/Order of the K.P.K. Service Tribunal,
Peshawar dated 17/10/2017 in Appeal.478/2016.

Dear Sir,

I am directed to forward herewith a certified copy of the Order of this Court dated **16.02.2021**, converting into appeal the above cited civil petition and allowing and remanding the same, in the terms stated therein, for information and necessary action.

The operative part of the order is as under:-

"...6. As the matter is quite old, it is expected that the Tribunal shall hear and decide the appeal within three months from receipt of this order..."

I am also to invite your attention to the directions of the Court contained in the enclosed Order for immediate compliance.

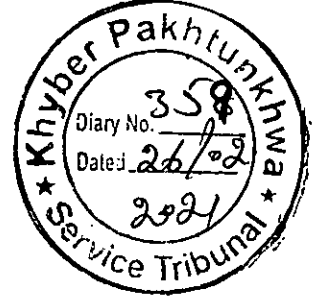
Please acknowledge receipt of this letter along with its enclosure immediately.

Encl: Order:

Yours faithfully,



(MUHAMMAD MUJAHID MEHMOOD)
ASSISTANT REGISTRAR (IMP)
FOR REGISTRAR



20/21

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Gulzar Ahmed, CJ
Mr. Justice Ijaz ul Ahsan
Mr. Justice Sayyed Mazahar Ali Akbar Naqvi

CIVIL PETITION NO.554-P OF 2017

[Against the judgment dated 17.10.2017, passed by the Khyber Pakhtunkhwa Service Tribunal, Camp Court, Abbottabad, in Service Appeal No.478 of 2016]

***Secretary Elementary & Secondary
Education Department, KPK, Peshawar
and others***

...Petitioners

Versus

Abdul Shakoor

...Respondent

For the Petitioners : Barrister Qasim Wadood,
Addl. A.G., KP
Zubair Ali, Litigation Officer

For the Respondent : Rai Muhammad Nawaz Khan
Kharal, ASC with
Syed Rifaqat Hussain Shah, AOR

Date of Hearing : 16.02.2021

O R D E R

GULZAR AHMED, CJ.- We have heard the learned counsel for the parties. The respondent was transferred on deputation vide letter dated 12.02.2010 from Elementary and Secondary Education Department, Government of NWFP to Federal Directorate of Education, Islamabad. The period of deputation was three years and also provided in this very letter that he will be repatriated to the parent department after completion of deputation period and no extension in deputation period will be granted. On completion of three years' deputation

A TESTED

Court Associate
Supreme Court of Pakistan
Islamabad

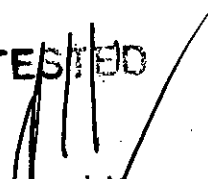
period, the respondent did not join parent department. He was issued a Show Cause Notice dated 05.06.2015, to which he responded on 16.06.2015 and ultimately, the departmental proceeding was concluded against him and he was imposed penalty of compulsory retirement vide Notification dated 11.12.2015. He filed departmental appeal on 28.12.2015 which was not responded, upon which he filed the Service Appeal on 21.04.2016. By the impugned judgment dated 17.10.2017, the Khyber Pakhtunkhwa Service Tribunal, Camp Court, Abbottabad (**the Tribunal**) allowed the Service Appeal filed by the respondent and observed that the penalty is illegal with retrospective effect and thus, is *void* and illegal.

2. We note that though such decision has been reached by the Tribunal but in doing so it did not assign any reason as to how the penalty was illegal or got with retrospective effect and *void* and illegal.

3. No reasons whatsoever have been given in the judgment of the Tribunal for reaching such conclusion and apparently, it seems that it is not a speaking and reasoned judgment, which is the requirement of law.

4. We have asked the learned counsel for the respondent to show any evidence that after completion of three years deputation period, he continued to remain in the employment of borrowing department. The learned counsel for the respondent frankly conceded that no such evidence is available.

5. In the circumstances, we find that the judgment rendered by the Tribunal is not sustainable in the eyes of law and

WITNESSED

Court Associate
Supreme Court of Pakistan
Islamabad

the same is, therefore, set aside and the matter is remanded to the Tribunal for deciding the Service Appeal of the respondent afresh and in accordance with law.

6. As the matter is quite old, it is expected that the Tribunal shall hear and decide the appeal within three months from receipt of this order.

7. The petition is converted into appeal and allowed in the above terms.

Handwritten notes and signatures in the right margin.



Bench-I
Islamabad
16.02.2021

NOT APPROVED FOR REPORTING

Mahtab/*
Handwritten signature and date 19/2/21

Certified to be True Copy
Handwritten signature and date 21/2/2021
Court Associate
Supreme Court of Pakistan
Islamabad

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT ABBOTTABAD

Service Appeal No. 478/2016

Date of Institution... 21.04.2016

Date of decision... 17.10.2017

Abdul Shakoor Ex-PST, GPS Banda Ghazan, Abbottabad. ... (Appellant)

Versus

1. The Secretary Education Khyber Pakhtunkhwa, Peshawar and 2 others. (Respondents)

SYED NOMAN ALI SHAH BUKHARI &
SARDAR M. AKMAL,

Advocates

... For appellant.

MR. MUHAMMAD BILAL

Deputy District Attorney

... For respondents.

MR. NIAZ MUHAMMAD KHAN,

... CHAIRMAN

MR. MUHAMMAD AMIN KHAN KUNDI,

... MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned
counsel for the parties heard and record perused.

FACTS

2. The appellant was compulsorily retired on 11.12.2015, against which he filed departmental appeal on 28.12.2015 which was not responded to and thereafter the present service appeal on 21.04.2016.

3. The charge against the appellant was that he was sent on deputation to Federal Government for a period of three years but he did not report to his parent department after the expiry of period of deputation.

ARGUMENTS

4. The learned counsel for the appellant argued that the appellant was sent on deputation for three years but on the expiry of period of deputation, the appellant applied for extension of period of deputation and the borrowing department started correspondence with the lending department regarding extension of period of deputation. That he was finally repatriated by the borrowing department and he reported for duty to the parent department. That the appellant had been performing his duty in the borrowing department under the impression that his deputation period has been extended. That soon after his repatriation, the appellant reported to his parent department. That in similar situation, the august Supreme Court of Pakistan has ruled that the order of compulsory retirement was not justified under the law. In this regard, the learned counsel for the appellant relied upon judgments reported as 1990-SCMR-1170 and 1992-PLC(C.S) 782. The learned counsel for the appellant further argued that the impugned order is from back date and in view of judgment reported as 1985-SCMR-1178 such order is not only unlawful but void.

5. On the other hand, the learned Deputy District Attorney argued that in the very order of deputation it was specifically mentioned that the deputationist would report back to the parent department after expiry of the deputation period and that no further extension would be granted.


CONCLUSION.

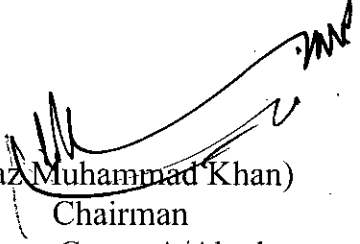
6. The appellant admittedly was on deputation for 3 years. It is also an admitted position that there had been correspondence between the borrowing department and lending department about the extension of time of deputation. That the appellant had been serving in the borrowing department till his repatriation by the borrowing department. In

view of the judgment referred to above such penalty is illegal and the retrospective effect of the order is also void and illegal.

7. As a sequel to the above discussion, this appeal is accepted, the impugned order is set aside and the appellant is reinstated in service. Parties are left to bear their own costs.

File be consigned to the record room.


(Muhammad Amin Khan Kundi)
Member


(Niaz Muhammad Khan)
Chairman
Camp Court, A/Abad

ANNOUNCED

17.10.2017

17.10.2017

Syed Numian Ali Shah, Advocate for the appellant present and Wakalatnama placed on file. d Mr. Muhammad Bilal, Deputy District Attorney alongwith Sohail Ahmad Zaib, Assistant for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, this appeal is accepted. File be consigned to the record room.

Muhammad Amin

Member

[Signature]

Chairman
Camp Court, A/Abad.

ANNOUNCED

17.10.2017

478/16

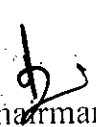
24.11.2016

Appellant in person and Mr. Sohail Ahmad Zaib, Assistant alongwith Mst. Bushra Bibi, Government Pleader for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 19.04.2017 at camp court, Abbottabad.


Chairman
Camp Court, A/Abad

19.04.2017

Appellant in person and Mr. Sohail Ahmad Zaib, Assistant alongwith Mr. Muhammad Bilal, Government Pleader for the respondents present. Rejoinder submitted. Appellant also submitted application for amendment in the appeal to the extent of rejection of his departmental appeal on 27.01.2017 received by him on 14.04.2017. Copy supplied to the learned Government Pleader. Office is directed to make necessary entries in the heading as well as memo. Of appeal .D.B is incomplete. To come up for final hearing before the D.B on 17.10.2017 at camp court. Abbottabad.


Chairman
Camp court, A/Abad

15.06.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as PST when compulsorily retired from service vide impugned order dated 11.12.2015 on the allegations of willful absence where-against he preferred departmental appeal on 28.12.2015 which was not responded and hence the instant service appeal on 21.04.2016.

That neither any enquiry was conducted in the prescribed manners nor opportunity of hearing extended to the appellant. That illegal recovery is being made from the appellant.


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 18.08.2016 before S.B at camp court, Abbottabad. Till further orders no recovery shall be made from the appellant.

Appellant Deposited
Security and Process Fee


Chairman

18.08.2016

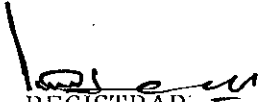

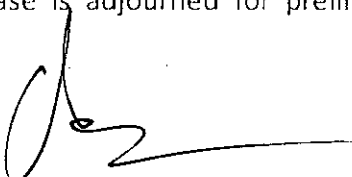
Appellant ion person and Mr. Sohail Ahmad Zaib, Assistant alongwith Mr. Muhammad Bilal, GP for the respondents present. Seeks adjournment. To come up for written reply/comments on 24.11.2016 at camp court, Abbottabad.


Chairman
Camp court, A/Abad.

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 478/2016


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	06.05.2016	<p>The appeal of Mr. Abdul Shakoor resubmitted today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	11-5-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>19-5-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	19.05.2016	<p>Clerk of counsel for the appellant present. Due to strike of the Bar learned counsel for the appellant is <u>not</u> available today before the Court, therefore, case is adjourned for preliminary hearing to 15.6 2016 before S.B.</p> <p style="text-align: right;"> Member</p>

The appeal of Mr. Abul Shakoor Ex-PST GPS Banda Ghazan Abbottabad received to-day i.e. on 21.04.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- Annexure-T of the appeal is illegible which may be replaced by legible/better one.

No. 640 /S.T,

Dt. 22/4 /2016


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. M.Asif Yousafzai Adv. Pesh.

*Re-submitted after compliance
Am - Jai adv.*

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 478 /2016

Abdul shakoor

V/S

Education Deptt:

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Appellant Deposited
Security & Process Fee

THROUGH:

APPELLANT

(M.ASIF YOUSAFZAI)

&
(TAIMUR ALI KHAN)

ADVOCATES, PESHAWAR

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

APPEAL NO. 478/2016

N.W.F. Province
Service Tribunal

Slary No. 4023

dated 21-4-2016

Abdul ShaKoor, Ex-PST,

GPS, Banda Ghazan, Abbottabad.

~~GPS, Banda Ghazan, Abbottabad.~~

(APPELLANT)

VERSUS

1. The Secretary Education KPK, Peshawar.
2. The Director Education (E&SE) KPK, Peshawar.
3. The District Education Officer (M) Abbottabad.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 11.12.2015, WHEREBY THE MAJOR PENALTY OF "COMPULSORY RETIREMENT" HAS BEEN IMPOSED UPON THE APPELLANT W.E.FROM 12.11.2013 WITH RECOVERY OF PAY DRAWN DURING THE ABSENCE PERIOD W.E.FROM 12.11.2013 TO 31.1.2015 OUT OF HIS EMOLUMENTS, PENSION/GP FUND AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINE DAYS. *the order dt 27-1-2017 received by appdt. on 14-4-2017 whereby* *has been rejected.*

vide order sheet dated 19-4-2017

*Filed to file
2/4/16*

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 11.12.2015 MAY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

*has been submitted
to-day 6/5/16*

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was appointed as PST on dated 20.3.2000 and perform his duty up to entire satisfaction of his superiors. Copy of appointment order is attached as Annexure-A)
2. That the appellant is living in Islamabad with his family and his wife is also working as teacher in Federal Directorate of Education Islamabad which is evident from the certificate of Principal Islamabad Model School. Therefore the appellant applied for transfer on deputation to Federal Directorate of Education Islamabad for 3 years which was approved by the Federal Directorate of Education Islamabad on dated 12.2.2010 and on the basis of which KPK Education also allowed vide order dated 20.5.2010 and the appellant relieved on 12.11.2010 (copies of certificate and order dated 12.2.2010, 20.5.2010 and 12.11.2010 are attached as Annexure-B,C,D&E)
3. That the appellant applied for extension of deputation before 6 months of expiry of his transfer on deputation by letter dated 4.5.2013. (Copy of letter dated 4.5.2013 is attached as Annexure-F)
4. That on the basis of the application of the appellant, the SDEO (M) Abbottabad wrote an letter on 26.6.2013 to DEO M) Abbottabad for extension of appellant's deputation for two years for kind perusal and further necessary action and on the basis of that the Dy: DEO (M) Abbottabad wrote an letter on 2.7.2013 to SDEO(M) for submission of service book of the appellant on which the SDEO(M) submitted the photocopy of the service book of the appellant vide letter dated 22.7.2013. (Copies of letters 26.6.2013, 2.7.2013 and 22.7.2013 are attached as Annexure- G,H&I)
5. That on the same issue the Dy: DEO (M) wrote a letter to Director E&SE on 3.8.2013 and on 2.9.2013 the SO (Primary) wrote a letter to Director Federal Directorate of Education Islamabad with request that NOC/consent of the Federal Directorate of Education Islamabad may kindly be conveyed to this E&SE Department for further processing the case. On the basis of which the Federal Directorate of Education requested for NOC for extension in deputation period for 2 years with effect from 12.11.2013 to 11.11.2015 to process the case further vide letter dated 11.12.2013. (Copies of letter 3.8.2013, 2.9.2013 and 11.12.2013 are attached as Annexure-J,K&L)

6. That on 15.8.2014, the Federal Directorate of Education wrote another letter to SO (Primary) Govt: of KPK E&SE Department for NOC extension in deputation period of the appellant and on the basis of which SO (primary) wrote letter on 3.3.2014 to Director E&SE Peshawar for request to furnish NOC/comments to his department for further processing the case and on that the Dy: Director (Estab) E&SE Edu: KPK Peshawar wrote a letter to DEO(M) Abbottabad on 25.3.2014 for further necessary act. The Dy: Director (Estab) E&SE Edu: KPK Peshawar also wrote a letter the SO (PE) Govt: of KPK, E&SE Edu: Department on 24.6.2014 for the same issue for further necessary action. (Copies of letter dated 15.8.2014, 3.3.2014, 25.3.2014 and 24.6.2014 are attached as Annexure-M,N,O&P)
7. That the appellant also submitted many applications to the department for extension of his deputation for 2 years. (Copy of that applications are attached as Annexure- Q)
8. That the Federal Directorate of Education repatriated the appellant to his parent department i.e E&SE Education Department Govt: of KPK, Peshawar vide order dated 9.12.2014. On the basis of which the appellant relived from Islamabad Model School and took charge in GPS Bostan Lora on dated 31.1.2015. (Copies of order dated 9.12.2014 and charge report dated 31.1.2015 are attached as Annexure R&S)
9. That show cause notice was issued to the appellant in which it was mentioned that there is no need of holding a formal inquiry in the case along with the allegations however the appellant submitted his detail reply to the show cause notice in which he cleared all the situation and denied all the allegations leveled therein. (Copies of show cause notice and reply are attached as Annexure-T&U)
10. That the major penalty of compulsory retirement was imposed upon the appellant along with the recovery of pay drawn during the period w.e.from 12.11.2013 to 31.1.2015 out of his emoluments/pension/G.P fund vide order dated 11.12.2015 against which the appellant filed departmental appeal on 28.12.2015 which was not responded within the statutory period of ninety days. (Copies of order dated 11.12.2105 and departmental appeal area attached as Annexure-V&W)
6. That now the appellant come to this august tribunal on the following grounds amongst others.

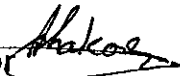
GROUND:

- A) That the impugned order dated 11.12.2015 and not taking action on the departmental appeal of the appellant within the statutory period are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B) That the appellant has been condemned unheard and has not been treated according to law and rules.
- C) That even no inquiry was not conducted against the appellant to dig out the real situation, rather the department did not bother to conduct inquiry and compulsorily retired the appellant in slipshod manner, which is against the law and law and rules.
- D) That no charge sheet and statement of allegation was served to the appellant which is the violation of law and rules.
- E) That in the show cause notice the main allegation is that the appellant's deputation was expired on 12.11 2013, but he failed to resume his duty after expiry of deputation period and remained absent from duty w.e.from 12.11.2013 to 30 01.2015, but in fact the appellant was not remained absent but he performed his duty in Islamabad Model school which is evident from the relieving receipt from the Islamabad Model school of the appellant. (Copy of relieving receipt is attached as Annexure-X)
- F) That appellant applied for his extension of his deputation six month before of expiry of the deputation, but the federal Directorate of Education and KPK E&SE Education department took about 2 years in the correspondence for issuance of NOC on his application and waited for the decision of the concerned departments. Therefore the appellant did not commit any fault on his part but was punished for the fault of others.
- G) That the appellant did not remain absent from his duty but he regularly perform his duty in Islamabad Model school till relieved by Federal Govt: and when he was repatriated, he immediately relieved from Islamabad Model school and took over charge in GPS Bostan Lora.

- H) That the penalty of compulsory retirement from service is very harsh which is passed in violation of law and, therefore, the same is not sustainable in the eyes of law.
- I) That not responding on the departmental appeal of the appellant is the violation of the Supreme Court judgment reported 2011 SCMR-01.
- J) That no chance of personal hearing was provided to the appellant and as such he has been condemned unheard throughout.
- K) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

APPELLANT


Adul Shakoor 

THROUGH:


(M.ASIF YOUSAFZAI)


(TAIMUR ALI KHAN)

&


(SYED NOMAN ALI BUKHARI)
ADVOCATES, PESHAWAR

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2016

Abdul Shakoor

V/S

Education Deptt:

**APPLICATION FOR THE SUSPENDING THE ORDER DATED. 11.12.2015
TO THE EXTENT OF RECOVERY OF PAY DRAWN DURING THE
ABSENCE PERIOD W.E.FROM 12.11.2013 TO 31.01.2015 OUT OF
APPELLANT'S EMOLUMENTS/PENSION/G.P FUND TILL THE
DISPOSAL OF MAIN APPEAL.**

R. SHEWETH.

1. That the appellant has filed an appeal along with this application in which no date is fixed so for.
2. That the appellant did not remain absent from his duty but he regularly perform his duty in Islamabad Model school and when his deputation was repatriated, he immediately relieved from Islamabad Model school and took over charge in GPS Bostan Lora.
3. That the appellant did not commit any fault on his part but was punished for the fault of others.
4. That if the recovery is not stopped it will cause great irreparable loss to the appellant and will affect whole of his family.
5. That the grounds of main appeal may also be considered as integral part of this application.
4. That the appellant has a good prima facie case and all the three ingredients are in favour of the appellant.

It is therefore most humbly prayed that the order dated. 11.12.2015 to the extent of recovery of pay drawn during the period w.e.from 12.11.2013 to 31.01.2015 out of appellant's emoluments/pension/G.P fund may be suspended till the disposal of main appeal.

[Handwritten Signature]

APPELLANT

THROUGH:

[Handwritten Signature]
(M.ASIF YOUSAEZAI)

[Handwritten Signature]
(TAIMUR ALI KHAN)

[Handwritten Signature]
SYED NOMAN ALI BUKHARI
ADVOCATES, PESHAWAR.

AFFIDAVIT.

It is affirmed that the contents of this application are true and correct.

[Handwritten Signature]
DEPONENT.

APPOINTMENT.

Consequent upon their approval by the Departmental Selection Committee and qualifying prescribed test/interview purely on merit, the District Education Officer (Male) Primary Abbottabad has been pleased to appoint the following PTC trained candidates, in BPS:7 (Rs.1480-81-2695) and in case of FA/Fsc 2nd Division in BPS No.9 (Rs.1605-97-3060) plus usual allowances as admissible to them under the rules in the schools mentioned against each their names with effect from the date of their taking over charge in the interest of public service, Subject to the following terms and conditions:-

S.NO	NAME OF CANDIDATE/F.NAME WITH INSTITUTION & ADDRESS	MARKS OF MERIT	SCHOOL WHERE APPOINTED	REMARKS
<u>OPEN MERIT</u>				
1.	Sagheer Ahmad s/o Aziz Ur Rehman r/o Tandara Kalan (RDE)	55.59	GMPS Rakar Thalra (P/K/Khan V.PTC)	Against post
2.	M.Ibrar Khan s/o Doct Mohammad r/o Rajoya (RDE)	53.35	GPS No.1 Havelian	--do--
3.	Ghulam-Murtaza Khan s/o Abdullah Khan s/o N.Shehr (RDE)	51.70	GPS Chera Gulni	--do--
4.	Hakim Khan s/o Gulistan Khan r/o N/Shehr (RDE)	51.14	GPS Upper Maisa	--do--
5.	Rashid Iqbal s/o Iqbal Shaheen r/o Malik Pura (RDE)	49.33	GPS Baga Kote (Kothiala)	--do--
6.	Muhammad Nadeem s/o Lal Akbar r/o Baran Gali (RDE)	49.07	GMPS Jul Gran	--do--
7.	Muhammad Shamraiz s/o Jehandad r/o Bagh (RDE)	48.46	GPS Mari Kari	--do--
8.	Muhammad Irshad s/o M.Asiam r/o Phalkote (RDE)	48.19	GPS Jangra Tajwal	--do--
9.	Muhammad Tariq s/o M.Asiam r/o Ahmad Abad (RDE)	47.80	GPS Kali Dali (Chamhad)	--do--
10.	Abdul Shakoor s/o Abdul Waheed r/o Bandi Maira (RDE)	47.77	GMPS Barthum (Nagri Bala)	--do--
11.	Nadeem s/o Fazal Elahi r/o Abbottabad City (RDE)	47.21	GPS Jaba Bandi (Majuhan)	--do--
12.	Maheem Gul s/o M.Iqbal r/o Dobhater (RDE)	47.18	GPS Kuza Gaji (Pluck)	--do--
13.	Muhammad Nuneer s/o M.Gulzar r/o Dhantour (RDE)	47.16	GPS Ziarat Masoom (Seer)	--do--
14.	Saidar Zaman s/o Muhammad Maroof r/o Rich Bhan (RDE)	46.66	GPS Bannani (N.Tutial)	--do--
15.	Wajed Ali s/o M.Sadiq r/o Rajoya (RDE)	46.55	GPS Panjoolh. (N.Tutial)	--do--
16.	Muhammad Jamshed s/o Sultan Yousuf r/o Tandara Kalan (RDE)	46.21	GPS Kiari (Gorani)	--do--
17.	Ayaz Ahmad s/o Muhammad Riaz r/o Aram Bagh (RDE)	46.16	GMPS Mawan De Hill (Berote Khurd)	--do--
18.	Sohail Ahmad s/o Gulistan Khan r/o Khokar (RDE)	46.15	GPS Momin Abad (Malkote)	--do--
19.	Muhammad Sajid s/o Muhammad Asif r/o Chambali (RDE)	46.12	GPS Sial Kote (Chambali)	--do--

ATTESTED

Cont: P.No.2

20	Muhamad Mushtaq s/o M.Ajab r/o Chattri (RDE)	46.01	GPS Khan- Malkote	Against V.P/C
21	Sagheer Ahmad s/o Nazeer Ahmad r/o Nambli Maira (RDE)	46.00	GPS Majoth (Nambal)	Post
22.	Abdul Hamid s/o M.Kashid r/o Dobather (RDE)	45.84	GPS Garhi (Rahi)	-do-
23.	Jehanzeb s/o Azizur Rehman r/o Chambali (RDE)	45.84	GPS Dannah (Lora)	-do-
24	M.Aqeel-ur-Rehman s/o M.Yousuf r/o Solan Bala (RDE)	45.81	GPS Selol Bandi (P/Kalan)	-do-
25.	Munawar Khan s/o Mohabat Khan r/o Nawan Shehr (RDE)	45.77	GPS Dakka Malkote	-do-
26.	Aqeel Ahmad s/o Nisar Ahmad r/o Roper (RDE)	45.75	GPS Pati Bandi (Malkote)	-do-
27.	Mohammad Shakeel s/o Abdul Qayum r/o Thanda Chona (RDE)	45.64	GPS Bandi Sydian (Malkote)	-do-
28.	M.Shamraz s/o Sarwar Khan r/o Pangora (RDE)	45.59	GPS Galani Mohallah (Tajwal)	-do-
29	Munir Dar s/o Muhammad Bashir r/o N.Shehr (RDE)	45.58	GPS Upper Chajar (Tajwal)	-do-
30.	Shazad Gul s/o M.Ashraf r/o Chona Kari (RDE)	45.52	GPS Andar Kote (Pluck)	-do-
31.	Iftikhar Ahmad s/o Sarwar Khan r/o Mohar Kalan (RDE)	45.41	GPS Lower Surjal (Pluck)	-do-
32.	Shakir Ijaz s/o Khawaja Muhammad r/o N.Shehr (RDE)	45.38	GPS Danna Surjal (Pluck)	-do-
33.	M.Khizar Khan s/o Gul Hassan Khan r/o Dudial (RDE)	45.33	GPS Batnara (Seer)	-do-
34.	Shamraiz s/o Muhammad Sadiq r/o Bandi Barseen (RDE)	45.26	GPS Lassen (Langrial)	-do-
35.	Amjad Malik s/o Jumma Khan r/o Gali Banian (RDE)	45.10	GPS Taroar (N.Totial)	-do-
36.	Haroon s/o Waris Ali r/o Sakandarabad (RDE)	45.09	GPS Hijlan (N.Tutial)	-do-
37.	Muhammad Shafqat s/o M.Asiam r/o Dobather (RDE)	45.00	GPS Thuba (N.Tutial)	-do-
38.	Achar Farooq s/o M.Farooq Khan r/o Mir Pur (RDE)	44.89	GPS Nagri Tutial	-do-
39.	Asif Khan s/o Khawas Khan r/o Kokal (RDE)	44.88	GPS Kal Kote (Gorini)	-do-
40.	M.Imran s/o Abdul Ghaffar r/o Rajoya (RDE)	44.87	GPS lower Chanali	-do-
41.	Sajid Hussain s/o Munsif Khan r/o N.Bala (RDE)	44.85	GPS Saikand (N.Tutial)	-do-

DISABLE

1.	Azhar Mehmood s/o Abdul Shakoor r/o Banda Saib Khan (RDE)	GPS Chera Golni (Sarbhana)	-do-
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CONDITIONS

1. Their appointments are purely on temporarily basis and liable to termination at any time without notice or assigning any reason.
2. They will be governed by such rules and regulations enforced and as may be prescribed by the Govt. from time to time for the category of government servants to which they belong.

ATTESTED

Cont: P.No.3

3. Charge reports should be submitted to all concerned and this office as well as immediately.
4. The SDEO(M) Abbottabad is responsible to get verify the certificates/Degrees, etc, from the concerned University/SISE/ROE before the draw of their pay and report of their genuiness or otherwise be submitted to this office.
5. Service Books of the teachers must be prepared/completed in all respect soon after taking over charge.
6. The deceleration of assets should be obtained from them immediately and placed on record.
7. They are required to produce their Age & Health Certificates from Medical Supdt: BHQ Hospital Abbottabad before taking over charge.
8. Efforts for transfer before the completion of tenure will disqualify them from service.
9. The above appointments are subject to the production/verification of original Degree/Certificates by the SDEO (M) Abbottabad. Any candidate if fails to produce requisite documents should not be allowed to take over charge and report submitted to this office immediately.
10. In case any of the above candidate fails to assume the charge of his post within fifteen days of his appointment/candidature ship will stand automatically cancelled.
11. They should not be allowed to take over charge if they are below 18 years and above 33 years.
12. No TA/DA etc. is allowed being first appointment.

sd
(PROF: MUHAMMAD PARVAIZ KHAN)
DISTRICT EDUCATION OFFICER
(MALE) PRIMARY ABBOTTABAD.

Ends: NO. 1043-1112 /AE-I Appt: PTC/Trained/Dated. 20.03.2000

Copy of the above is forwarded to the:-

1. P.S to Minister for Education NWFP Peshawar.
2. P.S to Secretary to Govt: of NWFP, Education Deptt: Peshawar.
3. Director Primary Education NWFP Peshawar.
4. P.A to Director Primary Education NWFP Peshawar.
5. Sub Divisional Education Officer (M) Abbottabad for necessary action.
6. District Accounts Officer Abbottabad.
7. A.D.E.O. (Accounts) Local office.
- 8-38. Head Teachers of school concerned.
- 39-69. All Candidates concerned.
70. Office order file.

ATTESTED

DISTRICT EDUCATION OFFICER
(MALE) PRIMARY ABBOTTABAD.

B (11)

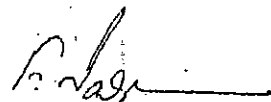
ISLAMABAD MODEL SCHOOL FOR GIRLS (I-X)
DHOKE GANGAL (F.A) ISLAMABAD.

Ref. No. 326/14


Dated 05.11.2014

TO WHOM IT MAY CONCERN

It is certified that Mrs. Shaista Bibi W/O Abdul Shakoor has been working as EST (B-14) in this institution on regular basis since 11.10.2007.


(Mrs. Farida Nasreen)

Principal
MRS. FARIDA NASREEN
Principal
Islamabad Model School
for Girls (I-X)
Dhoke Gangal (F.A) Islamabad.

ATTESTED


F.03-5/2010 (SA) FDE
Government of Pakistan
Federal Directorate of Education

Islamabad, the 12th February, 2010

The Section Officer (Primary),
Government of NWFP,
Elementry and Secondary Education Department,
Peshawar.

Subject: TRANSFER ON DEPUTATION

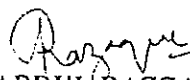
I am directed to refer to your letter No. SO (PE) 5-2/02/IPT/A-ABAD/VOL-III, dated 13-02-2009 on the subject captioned above and to inform that the Competent Authority has approved the transfer of Mr. Abdul Shakoor, Primary School Teacher (BPS-09) Government Primary School, Banda Ghazan, District Abbottabad on deputation from Elementry and Secondary Education Department, Government of NWFP to Federal Directorate of Education, Islamabad, on deputation on the following terms and conditions:

- i. Federal Directorate of Education, Islamabad will not pay Pension Contribution Share/Gratuity for the period of deputation.
 - ii. He will claim no seniority.
 - iii. The initial period of deputation will be for three years.
 - iv. The deputationist will join at its own expences.
 - v. No TA/DA will be paid in this conection on joining in the Department.
 - vi. No deputation allowance will be paid.
 - vii. The deputationist will draw salary as per Last Pay Certificate.
 - viii. He will be repatriated to the parent department after completion of deputation period and no-extension in deputation period will be granted.
 - ix. The joining authority will check relevant documents of the teacher concerned before joining.
2. It is, therefore, requested that the concerned official may be informed regarding his transfer on deputation, may please be relieved from his present assignment and directed him to report before the undersigned within 15 days of issuance of this letter.
3. This is issued with the approval of Joint Educational Advisor, Ministry of Education, Islamabad.

(MALIK MUHAMMAD ALI)
Deputy Director (Male)

Copy to:-

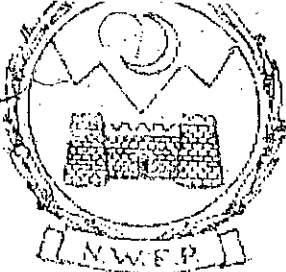
- Mr. Abdul Shakoor, C/O Shaista Bibi, MTT, FGGSS, Dhoke Gangal, (F.A) Ibd.
- The Headmaster, Govt Primary School, Banda Ghazan, District Abbottabad.
- The Office File.
- The Personal File.


(ABDUL RAZZAQ)
Admn Officer (Male)

ATTESTED


D (13)

(12)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Date: Peshawar the 20-05-2010.

ORDER.

NO.SO(PE)5-2/02/IPT/Abbottabad/V.

In pursuance of the Establishment and Administration Department Govt. of NWFP NOC contained in letter No. SOR-(E&AD)1-14/82/Vol.XVIII dated 13-5-2010, the services of Mr. Abdul Shakoor PST (BS-9) GPS Banda Ghazan, District Abbottabad (Khyber Pakhtunkhwa) are hereby placed at the disposal of the Federal Directorate of Education Islamabad on deputation basis for initial period of three (03) years vide their letter No. F. 03-5/2010 (SA)/FDE dated 12-2-2010.

SECRETARY TO GOVT. OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT.

Endst. No. & Date as above.

Copy forwarded to:-

1. The Secretary to Govt. of Khyber Pakhtunkhwa Establishment Department w/r to his letter No. quoted above.
2. The Director (General) Federal Directorate of Education Islamabad w/r to his letter quoted above.
3. The Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar w/r to his letter No. 2586/F.No.15/PST(M)IPT/Abdul Shakoor PST dated 23-1-2009.
4. The Distt. Accounts Officer Abbottabad.
5. The Executive Distt. Officer Elementary & Secondary Education Abbottabad with the request to relieve the teacher concerned and direct him to report for duty to the Federal Directorate of Education Islamabad for further adjustment.
6. Mr. Abdul Shakoor PST GPS Banda Ghazan Abbottabad.

(Signature)

(ARIF JAMIL)

SECTION OFFICER (PRIMARY)

ATTESTED
(Signature)

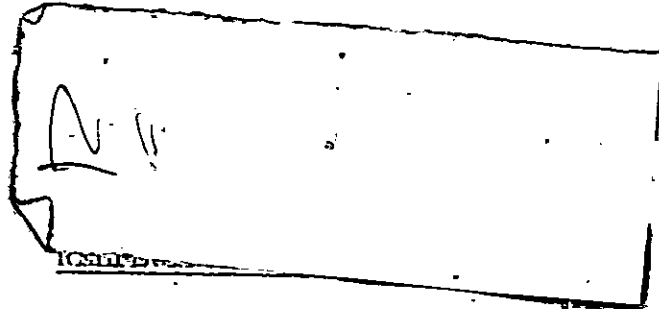
E (14)

OFFICE OF THE DEPUTY DISTRICT OFFICER (MALE) PRIMARY ABBOTTABAD.

NO 15065 /

DATED A-ABAD THE 12/11/2010.

To



Subject :-

With referance to Admn: Office (Male) Govt of Pakistan; Federal Directorate of Education Islamabad No. F.3-5/2010 (SA) EDE ; Dated 28-10-2010. You are hereby relived from your service with immediate effect and directed to report in the office of Federal Directorate of Education Islamabad.

BY: DISTRICT OFFICER (MALE)
PRIMARY ABBOTTABAD.

By: Distt: Officer (M)
Pry: Abbottabad

ATTESTED
A

RECEIVED

11/31 PST

04-05-13

04-05-13

Extension 12-11-2015

11-13-2015

11-13-2015

11-13-2015

11-13-2015

11-13-2015

11-13-2015

Extension of the Petition

11-13-2015

F 15

G 16

(13)

OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER (MALE) ABBOTTABAD.

No. 2488

DATED A-ABAD THE 26/6/2013.


To

The District Education Officer
Male Abbottabad.

Subject :- EXTENSION IN DEPUTATION.

Name :-

Enclosed find herewith an application of Mr: Abdul Shake
EMPST G.P.S Banda Chasan (Abbottabad) for extension in his deputatio
period two years as the previous period is going end on 11-11-2013 and
now extension will start 12-11-2013 for your kind perusal and further
necessary action please.


SUB DIVISIONAL EDU: OFFICER
MALE ABBOTTABAD.

ATTESTED


H (17)

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

No. 5278 /F.No.24/Vol-1

Dated 2-7 /2013

The Sub Divisional Education Officer
(Male) Abbottabad

Subject: EXTENSION IN DEPUTATION
Memo:

I am directed to refer to your letter No. 2488 dated 26.6.2013 on the subject noted above and ask you to submit the service book in respect of Mr. Abdul Shakoor Ex-PST GPS Banda Ghazan for further proceeding.

[Signature]
DY. DISTRICT EDUC. OFFICER
(MALE) ABBOTTABAD

ATTESTED
[Signature]

I 18
(5)

OF THE SUB DIVISIONAL EDUCATION OFFICER (MALE) ABBOTTABAD.

2642/

DATE A-ABAD THE 22/07/2013.

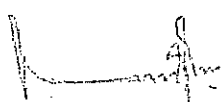
The District Education Officer
Male Abbottabad.

Subject :- EXTENSION IN DEPUTATION

Memo :- Reference your letter No. 6276/T.No.24/Vol-I Dated 2-7-2013
on the subject cited above.

It is stated that the original Service Book of the deputat
nist is lying with Principal Islamabad Model School for Boys 91 to 10 Khan
Dak Federal Area Islamabad.

Where photostatic copy of the Service Book is attached for
further necessary action please.


SUB: DIVISIONAL EDU: OFFICER
MALE ABBOTTABAD.

ATTESTED


J - (19)

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

No. 6823-24 / A.No.24/Vol-I/EB-II

Dated 3-8

2013

The Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Subject: REQUEST OF MR. ABDUL SHAKOOR PST FOR FURTHER
EXTENSION IN HIS DEPUTATION PERIOD FOR TWO YEARS

Memo:

I am directed to enclose herewith an application regarding further extension of deputation period from 12.11.2013 to 12.11.2015 (two years) in respect Mr. Abdul Shakoor, (Ex-PST GPS Banda Ghazan Abbottabad) to Federal Govt; Boys Secondary School Khana Dak (FA) Islamabad.

It is submitted that the above named teacher was deputed to Federal Directorate Islamabad w.e.from 12.11.2010 to 11.11.2013 (three years) vide Assistant Director (Male) Govt. of Pakistan Federal Directorate of Education Islamabad No. F 3-2/2010(SA) FDE dated 23.12.2010.

BY: DISTRICT EDU. OFFICER
(MALE) ABBOTTABAD

Encls: of even No. & date

Copy forwarded for information to the:

1. Sub Divisional Education Officer (Male) Abbottabad w/r to his No.2642 dated 22.7.2013.
2. Teacher concerned.

BY: DISTRICT EDU. OFFICER
(MALE) ABBOTTABAD

ATTESTED

K 20

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
No. SO(PE)5-2//IPT/ Abbotabad / Vol-V/Abdul Shakoor PST
- Dated Peshawar the 02-09-2013.

To: The Director,
Federal Directorate of Education
Islamabad.

Subject: REQUEST OF MR. ABDUL SHAKOOR PST FOR FURTHER
EXTENSION IN DEPUTATION PERIOD FOR TWO YEARS.

I am directed to refer to your letter No. F.3-5/2010(SA)FDE dated 12-02-2010 and to enclose herewith a copy of letter No.3170/F.No.15/Inter Provincial Transfer/Abdul Shakoor PST dated 28-08-2013 alongwith its enclosures received from the Directorate of E&SE Khyber Pakhtunkhwa on the subject noted above in r/o Mr. Abdul Shakoor PST with the request that No Objection Certificate/consent of the Federal Directorate of Education Islamabad, may kindly be conveyed to this department for further processing the case.

Encl: As Above:

[Signature]
5.9.2013
(HINA SAEED)
SECTION OFFICER (PRIMARY)

Copy of the above is forwarded for similar necessary action to:-
The Secretary to Government of Khyber Pakhtunkhwa, Establishment & Administration
Department Peshawar w/r to his letter NO.SOR-I(E&AD)1-14/82/Vol XVIII 13-52010.

[Signature]
15.9.13
SECTION OFFICER (PRIMARY)

ATTESTED

Mr. Examinations & Print - MP
15.9.13
MP 09/3/13
Planned

Dyno 192/13-9-13
Div SCOP

1899
13-09-13
No. 881 Date 16-9-13
FDE

L 21

Islamabad, the 11th December 2013.

The Section Officer (Primary),
Government of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department,
Peshawar.

Subject: NOC FOR EXTENSION IN DEPUTATION PERIOD

Mr. Sir,

Please refer to your Notification No.SO(PE)5-2/02/IPT/Abbottabad/V dated 20.05.2010 regarding Issuance of NOC for 02-years (4th & 5th years) for deputation in respect of Mr. Abdul Shakoor, PST (BS-9), Government Primary School Banda Ghazana Khan in Federal set up with effect from 12.11.2010.

The present period of deputation in respect of Mr. Abdul Shakoor, T.T (BS-09) has expired on 11.11.2013. He has applied for further extension in deputation period (copy enclosed). It is requested that further NOC for extension in deputation period for 02-years may be Issued with effect from 12.11.2013 to 11.11.2015 to process the case further.

Yours Truly,

(MUHAMMAD IQBAL AWAN)
DEPUTY DIRECTOR SCHOOLS (M)

Copy to:

- ✓ > Principal, IMSB (I-x) Khana Dak (FA), Islamabad
- > Person concerned
- > Personal file

(MUHAMMAD IQBAL AWAN)
DEPUTY DIRECTOR SCHOOLS (M)

ATTESTED

M 22

REMINDER-I

No. F.3-5/2010-Dep/EST(SA) FDE
Government of Pakistan
Federal Directorate of Education

Islamabad, the 15th August 2014.

To

The Section Officer (Primary),
Government of Khyber Pakhtunkhwa (KPK),
Elementary & Secondary Education Department,
Peshawar.

Subject:

NOC FOR EXTENSION IN DEPUTATION PERIOD IN R/O MR. ABDUL SHAKOOR, M.T.T.
(BS-9) IMSB KHANNA DAK (FA), ISLAMABAD.

I am directed to refer to this Directorate's letter of even number dated 11th December 2013 on the above subject and to say that reply of the subject matter is still awaited and the same may please be expedited.

(MUHAMMAD IQBAL AWAN)
Deputy Director School (Male)

Copy to:-

1. P.S to Director General Education.
2. The Director School (Male), FDE.
3. The Principal concerned.
- ✓ 4. Person concerned with the remarks to visit / approach personally to the parent Department i.e. Government of Khyber Pakhtunkhwa (KPK), Elementary & Secondary Education Department, Peshawar, for NOC (extension in deputation period).

CH. MAANJ

(NAZIR AHMED)
Administrative Officer School (M)

ATTESTED

N (23)

(10)

45



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
No. SO(PE)5-2/Abbottabad /Abdul Shakoor/2014
Dated Peshawar the 03-03-2014.

To,

The Director
Elementary & Secondary Education
Peshawar.

Subject: - NOC FOR EXTENSION IN DEPUTATION PERIOD.

I am directed to refer to the subject noted above and to enclose herewith a copy of application along with its enclosures in r/o Mr. Abdul Shakoor, PST GPS Banda Ghazana Khan for further extension on deputation period of two (2) years.

It is therefore, requested to furnish NOC/comments to his department for further processing the case.

Encl: As Above:

Zamin Khan Momand
(ZAMIN KHAN MOMAND)
SECTION OFFICER (PRIMARY)

Copy for similar necessary action to :

1. The District Education Officer (M) Abbottabad.
2. Mr. Abdul Shakoor, PST GPS Banda Ghazana Khan now M.T.T IMSB(I-X) Khana Dak(FA) Islamabad with the request to furnish original NOC of Federal Directorate of Education Islamabad.

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2/2/14

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13/3
2014

SECTION OFFICER (PRIMARY)

P. A. to Director
Khyber Pakhtunkhwa
Peshawar
13/3

ATTESTED
AS

024

**DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA.**

No. 4363 /F.No. 15/Inter Provincial Transfer/
Abdul Shakoor.

Dated Peshawar the 25/3 /2014

2/1/2014

مستند رقم
تاریخ ارسال
بھیجی گئی

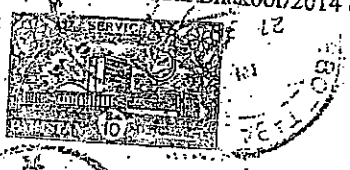
The District Education Officer (M)
Abbottabad.

Page No - 112

Subject: - NOC FOR EXTENSION IN DEPUTATION PERIOD.

Memo:-

I am directed to enclose herewith a copy of the application alongwith its enclosures in respect of Mr. Abdul Shakoor PST Banda Ghazana Khan received from the Section Officer (PE) Government of Khyber Pakhtunkhwa-Elementary and Secondary Education Department vide his No. SO (PE) 5-2/Abbottabad/Abdul Shakoor/2014 dated 03.03.2014 on the subject noted above for further necessary act



Deputy Director (Estab :)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar.

27/3/2014

*D/No 34
dt: 27/3/14*

*12/11
27/3/14*

Endst : No. _____

Copy forwarded to the:-

1. Section Officer (PE), Government of Khyber Pakhtunkhwa, Elementary and Secondary Education Department w/r to his No. cited above.
2. P.A to Director Elementary and Secondary Local Office.

SDEEM
for m/a m/s
27/3/14

m.p. alwan
Pl. put up 2
with m/s

Deputy Director (Estab :)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar.

DDEO(M)
*PC: take further
m/a as per enclosure*
27/3/2014

ATTESTED

DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA.

No. _____ /F.No. 15/Inter Provincial Transf
Abdul Shakoor.

Dated Peshawar the 24/6 2014

To,

The Section Officer (PE),
Government of Khyber Pakhtunkhwa,
Elementary and Secondary Education Department.

Subject: - NOC FOR EXTENSION IN DEPUTATION PERIOD.

Memo:-
I am directed to refer to your letter No. SO (PE) 5-2/Abbottabad/Abdul Shakoor /20 dated 03.03.2014, on the subject noted above and to enclose herewith a copy of the DEO (Abbottabad letter bearing No.3699 dated 27.05.2014 alongwith NOC in respect of Mr. Abdul Shakoor PST Bahda Ghazana Khan for further necessary action please.

4181
30-6-14

Deputy Director (Estab. :)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar.

Endst: No. 5610-11

for Mr. A.M. 29/6/14

Copy forwarded to the:-

1. District Education Officer (M) Abbottabad w/r to his No. cited above.
2. P.A to Director Elementary and Secondary Local Office.

[Signature]
Deputy Director (Estab. :)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar.

ATTESTED

میل

بھارتی ایجوکیشن بورڈ، نئی دہلی، ہندوستان

مہنگوں پر پورا دیا گیا

جناب عالی،

میں نے اپنی درخواست نمٹانے کے لیے درخواست دی تھی اور اس کے نتیجے میں اسے منظور کیا گیا ہے۔

میں نے اپنی درخواست نمٹانے کے لیے درخواست دی تھی اور اس کے نتیجے میں اسے منظور کیا گیا ہے۔

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میں نے اپنی درخواست نمٹانے کے لیے درخواست دی تھی اور اس کے نتیجے میں اسے منظور کیا گیا ہے۔

میں نے اپنی درخواست نمٹانے کے لیے درخواست دی تھی اور اس کے نتیجے میں اسے منظور کیا گیا ہے۔

الحق الرحمن

مہنگوں پر پورا دیا گیا

9/9/14

مہنگوں پر پورا دیا گیا

مہنگوں پر پورا دیا گیا

ATTESTED

محترم جناب سیکشن آفیسر، (ایڈمنسٹریشن) خیبر پختون خواہ پشاور

موضوع: درخواست جوائن Explanatation SO(PE) S-2 IPT 2014

جناب عالی

گزارش ہے کہ فدوی کی ایڈور (wife) فیڈرل ڈائریکٹوریٹ آف ایجوکیشن اسلام آباد میں ٹیچر ہیں۔ اور فدوی کے چھوٹے چھوٹے مدعوں کے ساتھ راولپنڈی میں زیر تعلیم ہیں جن کو سے فدوی کو 12-11-2010 کو Deputation پر F.G سکول میں اسلام آباد میں جانا پڑا۔ تاہم مہاں ہوی (گورنمنٹ ہاؤس) اور بچے اکٹھے رہ سکیں۔

جناب عالی، فدوی سرور میں سال 2010-11 تا 2013-11 تک تعینات ہوا۔ جب تین سال پور ہوئے تو اس میں 06 ماہ پرے یعنی 13-04-2013 کو

فدوی نے Extension / NOC کے لئے درخواست دی۔ جس پر ضلعی تعلیمی دفتر نے ایڈیشن ڈائریکٹر ایڈمنسٹریشن اسلام آباد کو بھیجا۔ اور ڈائریکٹر ایڈمنسٹریشن سے سیکرٹریٹ کیس فارورڈ ہوا۔ اور اسی طرح فیڈرل ڈائریکٹوریٹ آف ایجوکیشن بھی وہ سالہ کو تہجد پنے کے لئے تیار تھا۔ جو کہ 15-11-12 تک بنتے ہیں

ان سب باتوں کو مد نظر رکھتے ہوئے فدوی کو ریٹائرمنٹ سے معاف کر دیا جائے گا۔ گنڈا آپ سے پتہ چلا ہے کہ فدوی کی فیملی اور چھوٹے چھوٹے بچے اکٹھے رہیں گے۔ وہ سال کی Extension دیکر جنوں فرمائیں۔

شکر ہے

التمارضی

فدوی عبدالکودر 1111

اسلام آباد مارشل سکول فار بوائز (1-2) فکس ڈاک اسلام آباد

9/9/14

ATTESTED

حضرت جناب سیدنا آصف علیہ السلام (ڈائریکٹر) سیمینار حواء پشاور

موضوع :- درخواست حواء E-Plamation SO (PE) 5-2 IPT. 2014

جناب عالی (38)

مذکورہ میں کہ فردی کی ایڈریس (11/11/13) ڈائریکٹر ڈیپارٹمنٹ آف ایجوکیشن اسلام آباد میں
پتھر ہیں۔ اور فردی کے چھوٹے چھوٹے معصوم بچے راولپنڈی میں زبیر تعلیم میں

میں فردی کو 12-11-2010 کو deputation پر ۶۰۶ سکول میں اسلام آباد میں
جانا پڑا۔ تاہم میان بیوی (گورنمنٹ ہاؤس) اور بچے اکٹھے رہ سکیں۔

جناب عالی، یہ فردی سرسبز میں سال 12-11-2010 تا 11-11-2013 تک تعینات
ہوا۔ جب میں سال پورے ہوئے تو اس میں 06 ماہ بچے یعنی 13-04-2013 کو

فردی نے extension / NOC کے لیے درخواست دی۔ جس پر ضلعی تعلیمی دفتر نے
کسی ڈائریکٹر ایڈمنسٹریشن ایڈ سیکرٹری ایجوکیشن پشاور کو بھیجا۔ اور ڈائریکٹر ایڈمنس

سے 14-06-2014 کو 5609 سے سیکرٹریٹ کسی فارورڈ ہوا۔ اور اسی طرح میڈیکل
ڈائریکٹر ڈیپارٹمنٹ آف ایجوکیشن میں وہ سالہ تو سجاد بچے کے لیے تیار تھا۔ جو کہ 15-11-12

تک سب سے

ان سب باتوں کو مد نظر رکھتے ہوئے فردی کو بعض مہلک حالتوں میں جانے کا۔ گنڈا آج سے
سے پھر دائرہ اپیل کے کہ فردی کی فیملی اور چھوٹے چھوٹے بچے اکٹھے کیے رہیں گے۔ 02 سال

کی extension دیگر محنت فرمائیں۔

شکر ہے

العارضی

فردی عبدالکبیر 11/11

اسلام آباد ماڈل سکول فار بوائز (1-4)
حصہ ڈاک اسلام آباد

9/9/14

T.A

ATTESTED

حکومت جناب سیکری تعلیمات ایلیمینٹری اینڈ سیکنڈری ایجوکیشن خیبر پختون خواہ پشاور

اپیل برائے NOC / Deputation Extension

جناب عالی

گزارش یہ کہ مذوری کی ایلیہ FDE ۴۶ میں گورنمنٹ ٹیچر میں مذوری کے بچے اسلام آباد میں
نیر تعلیم میں جس کی وجہ سے مذوری Deputation ٹرانسفر اسلام آباد FDE میں ہے۔ مذوری کا پلا آڈر
پشاور سے 20-05-10 فرم PE 5-2 / 02 / IPT / ATD ہوا تھا۔ لیکن Process کرتے ہوئے مذوری
ملکی دفتر ایٹ آباد سے 12-11-10 کو Release ہوا تھا۔ یوں 12-11-10 تا 13-11-10
تین سال پورک ہونے لگے۔

12-11-13 Expire Deputations ہونے سے 06 قبل مذوری نے دو سال توسیع کے لئے
درخواست کی لیکن قلمدانہ Process کرتے کرتے Expiry, Deputation کی تاریخ گزرا گئی۔ جو
کے سارے ثبوت درخواست کے ساتھ منسلک ہیں۔ حالانکہ مذوری نے بروقت Apply کیا تھا۔ او
اس سلسلے میں مذوری 10-09-14 ڈائری نمبر 1754 کے تحت پیدے بھی اپیل کی درخواست کر چکے ہیں۔ جس
ابھی تک کوئی جواب نہیں آیا۔

جناب عالی، مذوری نمائندے درد مندانه درخواست کرتا ہے کہ مذوری کے چھوٹے چھوٹے معصوم بچے اور بچوں
اسلام آباد میں ملزم ہوئے ہیں۔ 12-11-13 تا 11-11-2015 تک NOC / Deputation
میں توسیع دی جائے۔ مذوری دعا گو ہوگا۔

العارض

عبد الشکور ۱۱۶۱

12-10-14

اسلام آباد ماڈل سکول فار بوائز (۱-۴)

کمنڈر ڈاک اسلام آباد

ATTESTED

مضمون اور جواب Explanation

No. 50 (PE) 5-2 IPT / 2014

مضمون اور جواب Explanation

جناب عالی

گزارش ہے کہ مذکورہ فیصلہ اسلام آباد میں ریاضتیں لہر ہونے سے قبل مذکورہ ایڈمیٹ اسلام آباد
 ۴۶ اسکول میں پھیرے۔ لہذا یہ بھی وہیں زیر تعلیم ہیں۔ جس کے وجہ سے مذکورہ
 نے ایڈمیٹ آباد سے اسلام میں Deposition کروائی تھی۔ جس کا آرڈر ۵-5-1۹
 No. 50 (PE) 5-2 IPT/2014 ہے۔ اور اس Process کے تحت
 مذکورہ خورفہ 2010-11-12 آرڈر No. 15065 کے تحت
 لیا گیا۔ از دفتر ڈیپٹی ڈسٹرکٹ آفسر ایڈمیٹ آباد کی
 کوئی مذکورہ عرصہ میں سال 2010-11-12 تا 2013-11-11 تک
 کے لیے اسلام آباد میں کئیات ہوا۔ مذکورہ کے تین سال 2013-11-11
 کو تین سال کو پورا ہونے کے 07 ماہ قبل 29/10/13 کو ڈسٹرکٹ
 ایڈمنسٹریشن کے لیے درخواست کی گئی۔ جس کا Process جاری رہا ہے
 کہ مذکورہ جناب سے التماس کرتا ہے کہ مذکورہ کو Wed lock Policy کے تحت
 دو سال کی Extension دی جائے۔ تاکہ مذکورہ اپنی فیصلہ کے ساتھ رہ سکیں۔
 جناب کی گزارش ہوگی۔

العارض
 10/10/14
 مذکورہ عبدالحق
 اسلام آباد داخل اسکول فار ایڈمنسٹری (۵-۱۰)
 کھنڈہ ڈاک اسلام آباد

ATTESTED

R 31

GOVERNMENT OF PAKISTAN
FEDERAL DIRECTORATE OF EDUCATION

Islamabad the 9th December 2014.

OFFICE ORDER

Consequent upon his parent Department is requested Mr. Abdul Shakoor, P.S.T. (BS-9). Government Primary School Band-e Ghazna Khan under Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa, Peshawar, presently working on deputation basis as Elementary School Teacher (BS-14) at Islamabad Model School for Boys (I-X) Khanna Dak, (FA), Islamabad under Federal Directorate of Education, Islamabad shall stands repatriated to his parent department i.e. Elementary & Secondary Education Department, Government of Khyber-Pakhtunkhwa, Peshawar immediately.

2. This is issued with the approval of Director General (Education).

(MUHAMMAD IQBAL AWAN)
Deputy Director Schools (Male)

Copy to:-

- The A.G.P.R. Islamabad.
- A.E.O. Sector Sihala, Islamabad.
- The Headmaster concerned IMSB (I-V), Khanna Dak (FA) Islamabad.
- Zamin Khan Momand, Section Officer (Pry), Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa, Peshawar, with reference to your letter No.(SO)PE)5-2/Abbottabad/Abdul Shakoor/2014 dated 23-09-2014.
- Official Concerned.
- Personal File.
- Office Order File.

(MUHAMMAD IQBAL AWAN)
Deputy Director Schools (Male)

CH. MAAN :-

ATTESTED

Khanna Dak
P.S.T.

حکومت جناب ASD&O سر ڈائری سرگرمی لورہ ایس ڈی

جناب عالی

گزارش ہے کہ مذکورہ گورنمنٹ پرائمری سکول ایس ڈی لورہ
12-11-2015 کو ڈپویشن پر فوڈل ڈائریکٹوریٹ آف ایجوکیشن ایس ڈی
میں تصدیق ہوئی۔ آج مورف 2015-01-31 کو FDE کے سکول
اسٹاک آڈیٹر فوڈل اسکول (B-9) کے ذمہ دار اسٹاک آڈیٹر سے Release
گورنمنٹ پرائمری سکول ایس ڈی لورہ میں حاضر ہوئے ہیں
تمام ضروری کاغذات درخواست کے ساتھ منسلک کر دیئے ہیں

تعمیل میں گزارش ہوئی۔

Head Teacher
Govt. Primary School
Ehsan Abbottabad

31/01/2015

الحارص

عبدالمجید پست (B-9)

31-01-2015

ATTESTED

A

T (33)

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

No. 5416 A.No.24/Vol-I

Dated 5-6-2015

SHOW CAUSE NOTICE

I Zia-ud-Din, District Education Officer (Male) Abbottabad as competent authority under the Khyber Pakhtoonkhawa Government servant's (Efficiency & discipline) rules, 2011, do hereby serve you Mr. Abdul Shakoor, Ex- PST Government Primary School Banda Ghazan, Abbottabad follows:

- a. You were on deputation to Federal Directorate of Education Islamabad w.e.from 12.11.2010 to 11.11.2013 (three years) vide Govt. of Khyber Pakhtunkhwa Elementary & Secondary Education Department No. SO (PT) 5-2/02/IPT/Abbottabad dated 20.5.2010. You was posted at Federal Government Boys Secondary School, Khana Dak (FA) Islamabad as MTF (BS-09) vide Federal Directorate of Education No.F.3-5/201095A)FDI, dated 23.12.2010.
- b. Your deputation period was expired on 12.11.2013, but you failed to resume your duty after expiry of deputation period. You were absent from duty w.e.from 12.11.2013 to 30.01.2015.
- c. You was directed to provide notification of extension in deputation period from 12.11.2013 to 12.11.2015 (02 years) vide this office Memo No.1067 dated 12.2.2015 & No 1195 dated 19.2.2015 through SDEO (M) Abbottabad.
- d. There is no need of holding a formal enquiry in this case.
- e. In exercise of the power conferred by the Khyber Pakhtoonkhawa Government servant (Efficiency & Discipline) rules, 2011, the Competent Authority hereby pleased to dispense with the conduct of a formal enquiry and serve you with the instant show cause notice regarding your willful absence from duty & "MISCONDUCT" with the direction to submit your defence in writing within 15 (fifteen) days of the issuance of this notice as to why the major penalty of rule 4 (b) of the said rules should not be imposed upon you and also intimate whether you desire to be heard in person.
- f. In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defense to offer and ex parte decision will be taken against you.

Zia-ud-Din
COMPETENT AUTHORITY

Mr. Abdul Shakoor, Ex- PST
Government Primary School Banda Ghazan

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ANNEXURE-T
(Page-33)

No.5416/F.o.24/Vol.I;

Dated 05.06.2015.

SHOW CAUSE NOTICE

I, Zia ud Din, District Education Officer (Male) Abbottabad as competent authority under the K.P Government Servant (Efficiency and Discipline) rules, 2011, do hereby serve you Mr. Abdul Shakoor EX-PST *Govt. Primary School, Banda Ghazan, Abbottabad* follows:

- a. *You were on deputation to Federal Directorate of Education Islamabad w.e.from 12.11.2010 to 11.11.2013 (three years) vide Government of K.P. Elementary & Secondary Education Department No.SO (PE) 5-2/02/ IPT/Abbottabad dated 20.5.2010. You was posted at Federal Government Boys Secondary School, Khana Dak (FA) Islamabad as MTT (BS-09) vide Federal Directorate of Education No.F.3-5/2010(SA)FDE; dated 23.12.2010.*
- b. *Your deputation period was expired on 12.11.2013 but you failed to resume your duty after expiry of deputation period. You were absent from duty w.e.from 12.11.2013 to 30.1.2015.*
- c. *You was directed to provide notification of extension in deputation period from 12.11.2013 to 12.11.2015 (02 years) vide this office Memo No. 1069; dated 12.2.2015 and 1195 dated 19.2.2015 through SDEO (Male) Abbottabad.*
- d. *There is no need of holding a formal enquiry in this case.*
- e. *In exercise of the power conferred by the KP Government Servant (E&D) Rules, 2011, the competent authority is hereby pleased to dispense with the conduct of a formal enquiry and serve you with the instant show cause notice regarding your willful absence from duty and "MISCONDUCT" with the direction to submit your defense reply within 15 (Fifteen) days of the issuance of this notice as to why the major penalty of rule-4(b) of the said rules should not be imposed upon you and also intimate whether you desire to be heard in person.*
- f. *In case you failed to submit your reply within the stipulated period, will be presumed that you have no defense to offer and ex party decision will be taken against you.*

COMPETENT AUTHORITY

*Mr. Abdul Shakoor, Ex-PST,
Government Primary School, Banda Ghazan.*

بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر زمیل ایبٹ آباد

جناب عالی! Show Cause Notice بجواب

No. 5416/F No. 24/Vol-I مورخہ 05-06-2015 ذیل عرض ہے۔

1- یہ کہ سائل کی بحسبیت ٹیچر مورخہ 24-03-2000 کو بمقام نگری بالا تعینات ہوا۔
24-03-2000 سے آج تک اپنی سروس 15 سال سے زیادہ کا عرصہ محکمہ تعلیم میں ہو گیا ہے
کبھی کسی کو بھی شکایت کا موقع نہیں ملا پیشہ معلمی کو مقدس پیشہ سمجھا اور طلباء کو قوم کی امانت سمجھا اور
سائل اپنے کام سے ہمیشہ Committed رہا۔ جسکا واضح ثبوت سائل کے طلباء کے سالانہ
نتائج اور 15 سالہ سروس ریکارڈ ہے۔

2- یہ کہ من سائل کی فیملی اسلام آباد میں رہائش پذیر ہے اور بچے بھی وہیں زیر تعلیم ہیں اور سائل کی
اہلیہ فیڈرل ڈائریکٹریٹ آف ایجوکیشن میں بطور ٹیچر تعینات ہے۔ بدیں وجوہات سائل نے
Wed lack Policy کے تحت مورخہ 12-11-2010 کو مجاز اتھارٹی KPK نے سائل
کو عرصہ تین سال کیلئے Deputation پر اسلام آباد ماڈل سکول برائے طلباء X - 1 کھنڈاک
اسلام آباد تعینات ہوا۔ اور کہ 12-11-2010 تا 12-11-2013 کو یہ عرصہ پورا ہونا تھا۔

3- یہ کہ 04-05-2013 کو Deputation کے عرصہ 3 سال مکمل ہونے سے 7 ماہ قبل سائل
نے مزید 2 سال توسیع کیلئے درخواست دی۔ جو کہ چھٹی نمبر 2488 مورخہ 26-06-2013
کو ڈپٹی ڈسٹرکٹ آفیسر مردانہ سے ایگزیکٹو ڈسٹرکٹ آفیسر کو ارسال کی گئی۔ E.D.O نے بذریعہ
چھٹی نمبر 6278 مورخہ 02-07-13 کو سائل کی سروس بک مانگی جو کہ D.D.O نے مورخہ
22-07-13 کو بذریعہ چھٹی نمبر 2642 مہیا کر دی۔ نقل لف ہے۔

4- یہ کہ ڈسٹرکٹ ایجوکیشن آفیسر ایبٹ آباد نے بذریعہ چھٹی نمبر 6823/24 مورخہ
03-08-2013 کو ڈائریکٹر ایلمنٹری اینڈ سیکنڈری ایجوکیشن پشاور کو من سائل کا مزید دو سال
توسیع کا کیس فاروڈ کیا۔

5- یہ کہ مورخہ 02-09-2013 کو سکیشن آفیسر پرائمری بذریعہ چھٹی نمبر No.SO(PE)5-2

ATTESTED

I.P.T Abbottabad Vol (v) // نے ڈائریکٹر فیڈرل ڈائریکٹریٹ آف ایجوکیشن اسلام آباد کو اپنی رضامندی ظاہر کی اور فیڈرل ڈائریکٹریٹ سے مزید دو سال کا NOC مانگا۔ مذکورہ چھٹی کے جواب میں فیڈرل ڈائریکٹریٹ آف ایجوکیشن نے بذریعہ چھٹی نمبر F-3-5/2010 D.E.P (SA) F.D.E مورخہ 11-12-2013 کو مزید دو سال توسیع کیلئے یعنی 12-11-2013 تا 11-11-2015 تک NOC جاری کر دیا۔ نقل لف ہے۔

6- یہ کہ بعد ازاں مجاز اتھارٹی KPK سیکرٹری ایجوکیشن نے ایک نوٹیفکیشن جاری کرنا تھا اور کہ چھٹی نمبر مورخہ 02-09-2013 میں مکمل وضاحت موجود ہے اور کہ باوجود NOC جاری کیا گیا مگر نوٹیفکیشن بغرض توسیع جاری نہ کر کے سائل کی حق تلفی کی گئی ہے کہ اگر Extension نہیں دینی تھی تو 02-09-2013 S.O پر امری نمبر 5-2-PE) Extension SO کی NOC بجائے Repatriation کے لیے لکھتے تو سائل 12-11-2013 کو آسانی سے اپنے محکمہ ہذا میں حاضر ہو سکتا تھا۔ سائل نے مختلف اوقات میں سیکرٹریٹ پشاور کے چکر بھی لگائے اور معلومات بھی کی تو دفتر سے یہ باور کیا گیا کہ دفتر والوں کا کام ہے اس میں آپکو پریشان ہونے کی ضرورت نہیں۔ اگر توسیع نہیں دینی تھی تو 02-09-13 کو Expiry سے پہلے اسلام آباد کو NOC کے لئے ہی نہ لکھتے۔ اگر یہ لیٹر جاری کیا ہے تو سائل کو امید لگ گئی تھی NOC پر دو سالہ توسیع پشاور سیکرٹریٹ سے مل جائیگی۔

7- یہ کہ بالآخر Repretation سے قبل مورخہ 09-10-2014 کو بذریعہ ڈائری نمبر 1754 سیکرٹری ایجوکیشن پشاور سیکشن آفیسر کو بھی اپیل کی گئی اور سیکرٹری ایجوکیشن صاحب کو دوبارہ Reminder بھی بھیجا گیا لیکن کوئی جواب نہ آیا۔ نقل اپیل لف ہے۔ اور یہ درخواست کی کہہ سائل کے نابالغ بچے اسلام آباد میں رہائش پذیر اور زیر تعلیم ہیں۔ اور سائل کی اہلیہ بھی گورنمنٹ سکول میں بطور ٹیچر تعینات ہے۔ اور بروقت اپیل کا جواب موصول نہ ہوا اور پھر مورخہ 31-01-2015 کو Repatriation کے بعد اپنے محکمہ ہذا میں حاضر ہو گیا۔ نقل Arrival رپورٹ لف ہے۔ لیکن ابھی تک سائل کو ڈیوٹی پر نہیں لگایا گیا بلکہ سائل کو بجائے ڈیوٹی پر تعینات کے Show Cause Notice جاری کیا گیا ہے۔ جسمیں سائل کو

ATTESTED

V (36)

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

NOTIFICATION

WHEREAS, you Mr. Abdul Shakoor while serving as PST at GPS Banda Ghazan, Abbottabad were proceeded for having committed the following acts which constitute inefficiency and misconduct under Rule-3 of the Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011.

1. AND WHEREAS, your transfer on deputation for three years was approved vide Government of Pakistan, Federal Directorate of Education Islamabad letter No.F.03-5/2010 (SA) FDE dated 12.2.2010, wherein it is clearly recorded at S.No. (viii) of terms and conditions of above deputation letter that you will be repatriated to the parent department after completion of deputation period and no extension in deputation period will be granted.
2. AND WHEREAS, you were placed at the disposal of Federal Directorate of Education Islamabad on deputation basis for a period of three years (03) vide Government of Khyber Pakhtunkhwa, Elementary & Secondary Education Department Order No.SO(PE)5-2/02/IPT/Abbottabad dated 20.5.2010 and you were posted as MTT (BS-9) at F.G.Boys Secondary School Khana Dak (FA) Islamabad for a period of three years w.e.f. 12.11.2010 to 11.11.2013 vide Government of Pakistan, Federal Directorate of Education Islamabad Office Order No.F.3-5/2010(SA)FDE dated 23.12.2010.
3. AND WHEREAS, your deputation period was expired on 11.11.2013 but you failed to join your parent department after expiry of deputation period; you remained wilful absent from duty w.e.from 12.11.2013 to 30.01.2015 and applied for adjustment on 02.2.2015 w.e.from 31.1.2015.
4. AND WHEREAS, you were directed through Sub Divisional Education Officer Abbottabad vide this office Memo: Nos.1069 dated 12.2.2015 and 1195 dated 19.2.2015 to provide notification of extension in deputation period from 12.11.2013 to 12.11.2015 (two years) but you have failed to provide the same upto now.
5. AND WHEREAS, you remained on unauthorized deputation inspite of direction of the Department to report back but you have not complied as per Government of Khyber Pakhtunkhwa, Elementary & Secondary Education Department letter No. SO (PE) 5-2//IPT/08/Battagram/2014 dated 03.4.2015.
6. AND WHEREAS, Show Cause Notice regarding your wilful absence from duty & misconduct was served upon you through Sub Divisional Education Officer (Male) Abbottabad vide this office Memo: Nos.5416 dated 05.6.2015.
7. AND WHEREAS, on receipt of your unsatisfactory reply dated 16.6.2015; you were summoned for personal hearing on 27.6.2015 through SDEO (M) Abbottabad vide this office Memo: No.5828 dated 24.06.2015. You appeared for personal hearing on the scheduled date and failed to defence the charges levelled against you.
8. AND By reason of the above, charges levelled against you have been proved and you were found guilty of misconduct, wilful absentsing yourself from duty, inefficiency, and professional dishonesty under Rule-3 of the Khyber Pakhtunkhwa Govt: Servants (E&D) Rules-2011.

NOW THEREFORE, the Competent Authority, in exercise of the power conferred upon him under Rule-4(1)(b) Sub Rule (ii) of Khyber Pakhtunkhwa, Government Servant (Efficiency & Discipline) Rules, 2011 is pleased to impose Major Penalty of "COMPULSORY RETIREMENT" upon Mr. Abdul Shakoor PST GPS Banda Ghazan Abbottabad w.e.from. 12.11.2013 with recovery of pay drawn during the absent period w.e.from. 12.11.2013 to 31.1.2015 out of his emoluments/pension/G.P.Fund.

sd/-
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Endst: No. 9665-68 /EB/IPT/F.No.24/Vol:1

Dated 11-19 /2015

Copy for information & necessary action to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Accounts Officer Abbottabad.
3. Sub Divisional Education Officer (Male) Abbottabad with the direction that entry be recorded in the Service book of the teacher concerned.
4. Teacher concerned.

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

ATTESTED

بخدمت جناب ڈائریکٹر ایلمنٹری اینڈ سیکنڈری ایجوکیشن ڈائریکٹوریٹ پشاور

Appeal for Cancellation of Compulsary Retirement

No 9665-68 Dated 11-12-2015
EJ/PTF no 24 vol 1

جناب عالی

A۔ گزارش ہے کہ فدوی 24-03-2000 کو PST ٹیچر بھرتی ہوا۔ عرصہ 15، 16 سال اپنی تمام تر توانائیں اور صلاحیتیں محکمہ ہذا پر صرف کیے اپنی 15، 16 سالہ دور میں فدوی نے بہترین نتائج سے ثابت کیا کہ فدوی ناصر ف ایک محنتی اور بہترین استاد ہے۔ بلکہ پیشہ معملی کو ایک مقدس اور قابل عزت، قابل قدر پیشہ سمجھتا ہے جس کے بچوں کے نتائج گواہ ہیں۔

B۔ چونکہ فدوی کی فیملی اسلام آباد میں رہائش پذیر ہے۔ فدوی کی اہلیہ Wife فیڈرل ڈائریکٹوریٹ آف ایجوکیشن اسلام آباد میں گورنمنٹ ٹیچر ہیں۔ بچے انعام یافتہ ہیں۔ تعلیم ہیں۔ ان معاملات کی وجہ سے فدوی محکمہ تعلیم KPK سے باقاعدہ منظوری اور NOC لے کے "WED LOCK POLICY" پر ابتدائی طور پر عرصہ تین سال کے لئے فیڈرل ڈائریکٹوریٹ آف ایجوکیشن اسلام آباد میں Deputation پر Appointment ہوئی۔ فدوی نے وہاں بھی محنت اور لگن سے اپنی صلاحیتوں کا لوہا منوایا۔ اور بہترین نتائج فراہم کیے۔

C۔ 12-11-2013 کو تین سال پورے ہونے سے 06 ماہ پہلے دو سال کی Extention کے لیے Apply کرنا تھا۔ فدوی نے 07 ماہ پہلے یعنی 04-05-2013 کو Apply کر دیا تھا۔ اڑھائی ماہ کے بعد ڈپٹی ڈسٹرکٹ آفیسر نے لیٹر نمبر 2488 مورخہ 26-06-2013 کو ایگزیکٹو ڈسٹرکٹ آفیسر کو کس ارسال کیا۔ EDO سادب نے 02-07-2013 کو لیٹر نمبر 6278 سائل کی سرورس بک مانگی گئی۔ جو کہ DDO(M) Pry نے مورخہ 22-07-2013 کو لیٹر نمبر EDO 2642 کو مہیا کر دی گئی۔ پھر DEO ایبٹ آباد نے بذریعہ لیٹر نمبر 6823/24 مورخہ 03-08-2013 کو ڈائریکٹر ایلمنٹری اینڈ سیکنڈری پشاور سے دو سال کی Extention کے لئے پتیس بھیجا گیا۔

D۔ یہ کہ 02-09-2013 کو لیٹر نمبر No. So(PE)5-2 سیکریٹ پشاور

II IPT Abbottabad Vol نے Extension دینے کی رضامندی ظاہر کرتے ہوئے ڈائریکٹر فیڈرل ڈائریکٹوریٹ آف ایجوکیشن سے NOC لگا۔ جو کہ فیڈرل ڈائریکٹوریٹ آف ایجوکیشن نے DEP مورخہ F-3-5/2010 مورخہ 11-12-2013 کو فراہم کر دیا۔

سیکریٹ کی تمام قانونی Requirements پوری کر دی گئیں۔ اب کوئی جواز نہیں تھا کہ Extension نہ دی جاتی ہے۔ NOC مل جانے کے بعد مکمل خاموشی اختیار کرتے ہوئے کس دبا کے رکھ دیا۔ جسکی وجہ سے فدوی کا مستقبل داؤ پر لگ گیا۔ فدوی نے متعدد چکر لگائے زبانی جمع خرچ تک محدود رہے اگر Extension نہیں دینی تھی تو 02-09-2013 کو NOC لینے کی کیا ضرورت تھی جسکی وجہ سے یقین ہو گیا کہ فدوی کو Extension دے دی جائے گی۔

اگر Extension نہیں دینی تھی تو جیسے فدوی نے "WELL IN TIME" 07 ماہ قبل توسیع کی درخواست کی ایسے ہی محکمہ حکم کرنا تھا تو فدوی Expiry کے اگلے ہی دن محکمہ ہذا میں حاضر ہو جاتا۔ لیکن Extension کی درخواست کے ڈیڑھ سال کے بعد سیکریٹری سے FDF کو طلب کیا گیا۔

E۔ 02-09-2013 سے مارچ 2014 تک فدوی کا کس دبا دیا۔ پھر فدوی نے بھاگ دوڑ کر کے کس کو Running Track پر ڈالنے S.O نے 11-12-2013 والے اسلام آباد والی NOC کی جواب میں توسیع دینے کی بجائے کس کو الٹا گھماتے ہوئے 03-03-2014 کو ڈائریکٹر کو NO- SO(PE) 5-2 کو کھلا کر طلب کیا۔ اور ڈائریکٹوریٹ سے کس سیکریٹ تک ہو گیا تھا۔ ڈائریکٹر صاحب نے 25-03-2014 کو نمبر DEO 4363 کو لکھا۔ اس کے جواب میں DEO ایبٹ آباد نے نمبر

نمبر 3699 مورخہ 27-05-2014 NOC ڈائریکٹوریٹ بھیجا۔ 24-06-2014 کو کس نمبر 11-5610 ڈائریکٹر صاحب نے سیکشن آفیسر کو بھیج دیا۔ DEO اور ڈائریکٹر سے پہلے بھی کس ہو کے گیا ہوا تھا۔ یہ ساری بھرپور مشن لیٹر لکھنے کی ہوتی رہی۔ اگست 2014 تک کسی کو بھی Over Story نظر نہیں آیا کس کو غیر ضروری الجھایا

گیا اور DELAY ہوتا رہا۔

ATTESTED

[Signature]

F. اور اسی عرصے کے دوران ایکشن آفیسر پرائمری کے دفتر سے یعنی ستمبر، اکتوبر، نومبر 2013 میں مختلف نیچرز کو NOC جاری کئے گئے۔ فدیوں کے ساتھ سوتیلی ماں جیسا سلوک کیوں رواں رکھا گیا۔ جو کہ سمجھ سے باہر ہے۔ جب کہ سیکٹریٹ پشاور سے فیڈرل ڈائریکٹوریٹ کو لکھا گیا۔ اسے Repatriate کیا جائے تو فدیوں نمبر 09-09-2014 کو ڈائری نمبر 1754 کے تحت اپیل کی کہ فدیوں کی فیملی اسلام آباد میں ہے اور فدیوں کو "WED LOCK POLICY" ڈیپوٹیشن پر دو سال کی توسیع دی جائے۔ لیکن تین ماہ انتظار کے باوجود جواب نہ دے کر بھی فدیوں کی حق تلفی کی گئی۔ اور اسی وجہ سے بالآخر 31-01-2015 کو فدیوں کو ٹکنگ ہذا میں Repatriate کر دیا گیا۔

G. 31-01-2015 کے بعد فدیوں کو 01-02-2015 کو ADJUSTMENT کر کے نوکری اسروس دی جاتی لیکن کیس پشاور اور ایبٹ آباد گھومتا۔ 05-06-2015 کو فدیوں کو شو کا نوٹس دیا گیا۔ جس کا فدیوں نے 16-06-2015 کو تحریری جواب دیا۔

ایسا لگتا ہے جیسے فدیوں کو واپس بلا یا ہی اس لئے گیا ہے کہ اسے اسروس سے فارغ کیا جائے۔ ورنہ تو KPK کے 100 سے زائد نیچرز ڈیپوٹیشن پر خدمات انجام دے رہے ہیں۔ کسی کو نوٹس بلا یا گیا۔ کسی کے خلاف PROCEEDING نہیں ہوئی۔ جن کا عرصہ بھی 5،7 سال سے بھی زائد کا ہے۔ 31-01-2015 سے آج تک فدیوں کی بے روزگاری تنخواہ بند اور اسروس بھی نہیں تھی فدیوں کا چولہا بجھا دیا گیا۔ لیکن اس پر ظلم و بربریت کی کہانی ختم نہیں ہوئی بالآخر 11-12-2015 کو COMPULSARY RETIRE کو کر دیا گیا۔ کیا فدیوں کی خدمات کا یہی صلہ بنتا ہے۔ فدیوں نے اپنی تعلیم IMPROVE کر کے ایم۔ اے اور بی ایڈ کیا۔ اب فدیوں کو Overage ہو چکا ہے۔ اور فدیوں کو بے روزگار کر دیا گیا۔ معصوم بچوں کے منہ سے نوالہ چھین لیا گیا۔ فدیوں کا CARRER تباہ کر دیا گیا۔

H. 31-01-2015 تا 12-11-2013 تک جسے ایک سال تین ماہ OVERSTAY کہا گیا حالانکہ میرا کل عرصہ ڈیپوٹیشن 04 سال اور 03 ماہ بنتا ہے۔ حالانکہ 05 سال ملازم تو ڈیپوٹیشن پر رہ سکتا ہے۔ 31-01-2015 تا 12-11-2013 سے OVERSTAY کہا گیا ہے۔ اسی عرصہ کی فیڈرل گورنمنٹ نے فدیوں کو تنخواہ اور دی ہوئی ہے اور اس عرصے کی فدیوں کی اسروس بک پر اسروس VERIFIED ہے۔ 31-01-2015 RELIEVE ہونے تک کی اسروس بک UP TO DATE ہے۔

CROSSPANDANCE بھی جاری رہی اور فدیوں نے "APPLY" WELL IN TIME کیا۔ کسی اور کی غفلت اور اپرواہی کی سزا معمار قوم کو دینا ظلم اور زیادتی ہے۔ بے شک غیر جانبدار انکوائری کرائی جائے۔ اور یہ کہ سب سے پہلے بلا غلطی سے اسروس کے ساتھ (فوری طور پر) منسلک ہوں۔

حالانکہ فدیوں ذاتی طور اور تحریری طور پر بجی متعدد بار REQUEST کرتا رہا چکر لگا تا رہا۔ کوئی جواب نہیں دیا گیا اور بالآخر اسروس سے نکال باہر کر دیا گیا۔

لہذا فدیوں کی التماس کرتا ہے کہ فدیوں کے COMPULSARY RETIREMENT آڈر کنسل کر کے 31-01-2015 سے تمام BENEFITS کے ساتھ ساتھ پر بحال کر کے اور فدیوں کے خاندان کی تاحیات دعائیں لیں۔

25 دسمبر 2015

العارض

عبدالغفور ولد عبدالوحید

DDO PST مردانہ پرائمری ایبٹ آباد

پتہ محلہ کرائی گاؤں وڈاک خانہ بکونر ایبٹ آباد

رابطہ نمبر: 0344-8941787

ATTESTED

VAKALAT NAMA

NO. _____/20

IN THE COURT OF Service Tribunal Peshawar

Abdul Shakoor

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Education Deptt.

(Respondent)
(Defendant)

I/We Abdul Shakoor

Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20

(Signature)
(CLIENT)

ACCEPTED

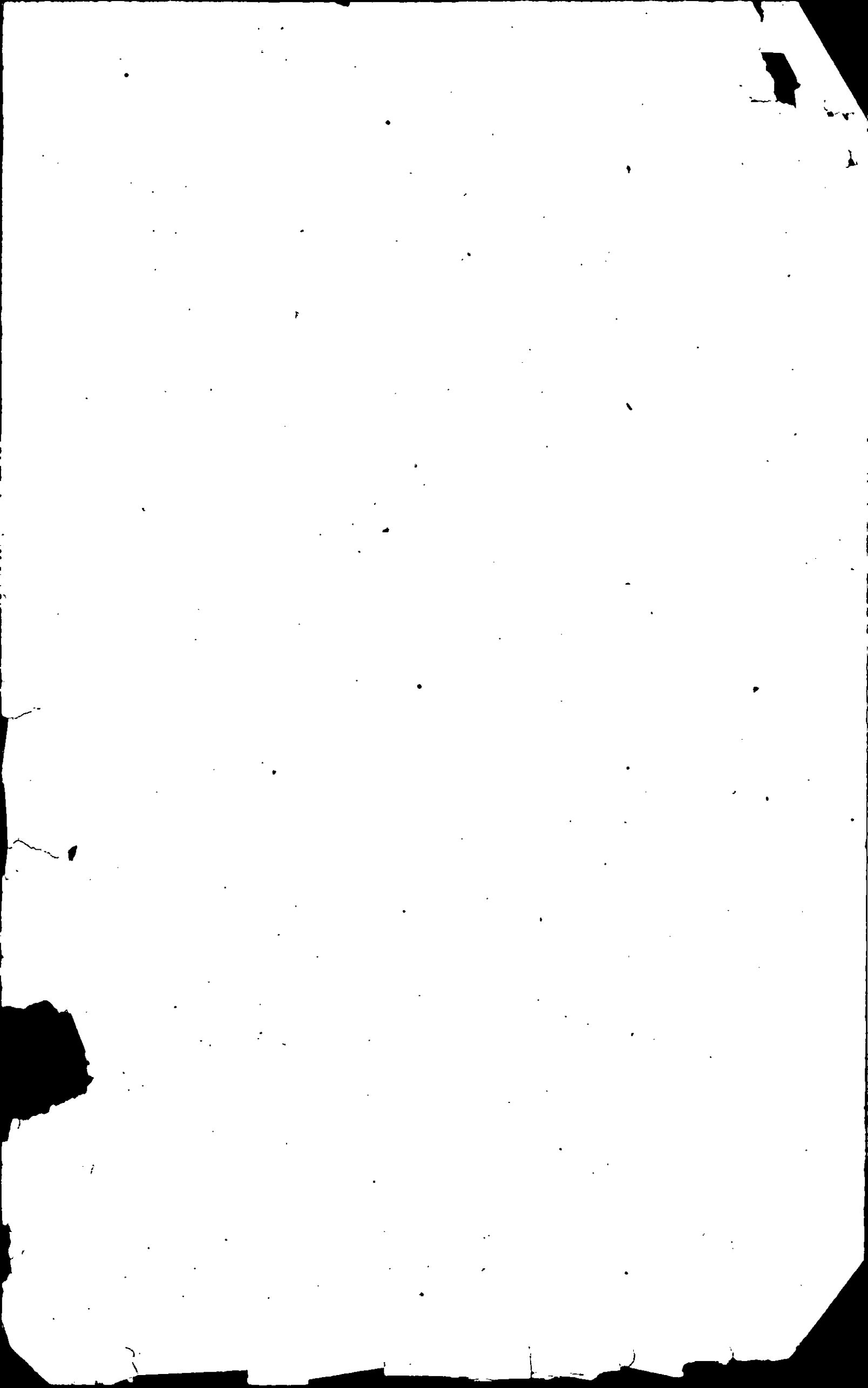
(Signature)
M. ASIF YOUSAFZAI
Advocate

(Signature)
TAIMUR ALI KHAN
Advocate

M. ASIF YOUSAFZAI
Advocate High Court,
Peshawar.

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building,
Khyber Bazar Peshawar.
Ph.091-2211391-
0333-9103240



BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR AT CAMP COURT ABBOTTABAD.

APPEAL No.478/2016

ABDUL SHAKOOR.....Appellant

VERSUS

SECRETARY EDUCATION, KHYBER PAKHTUNKHWA PESHWAR &
OTHERS.....Respondents.

Joint parawise Comments on behalf of Respondents.

SERVICE APPEAL

INDEX

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1	Comments alongwith affidavit	1 to 4	
2	Copy of the letter No. F.03-5/2010 (SA) FDE dated 12-02-2010.	5	"A"
3	Copy of application regarding adjustment dated 02-02-2015	6	"B"
4	Copy of letter No. 1069 dated 12-02-2015.	7	"C"
5	Copy of letter No. 1195 dated 19-02-2015	8	"D"
6	Copy of the letter No. SO (PE) 5-2//IPT/08/Batagram/2014 dated 03-04-2015	9	"E"
7	Copy of letter No. 5828 dated 24-06-2015 for personal hearing	10	"F"
8	Copy of Notification No. 9665-68 dated 11-12-2015	11	"G"

Dated: 07/10/2016


District Education Officer (M)

Abbottabad.

(Respondent No. 3)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR AT CAMP COURT ABBOTTABAD..

Appeal No.478/2016

ABDUL SHAKOOR.....Appellant

VERSUS

SECRETARY EDUCATION, KHYBER PAKHTUNKHWA PESHWAR &
OTHERS.....Respondents.

Joint parawise Comments on behalf of Respondents.

Respectfully Sheweth:-

Comments on behalf of respondents are submitted as under:-

PRELIMINARY OBJECTIONS:-

1. That the appellant has no cause of action to file the instant service appeal.
2. That the appellant has no locus standi.
3. That the appellant did not come to this Honorable Tribunal with clean hands.
4. That the appellant concealed and distorted the material facts from this Honorable Tribunal.
5. That the present appeal has been filed just to pressurize and blackmail the respondents.
6. That the instant service appeal is not maintainable in its present form.
7. That the instant appeal is hopelessly time barred.
8. That the appellant has suppressed the original facts from this Honorable Tribunal hence, not entitled for any relief & appeal is liable to be dismissed without any further proceeding.
9. That the appellant has given full opportunity of personal hearing but he failed to appear before the authority hence, the authority has passed the order dated 11-12-2015 after fulfillment all the formalities hence, the appeal is liable to be dismissed without further proceeding.

Factual objections:-

1. That Para No. 1, of the instant appeal relates to the service record of appellant hence, no comments.
2. In reply to para No. 2, of the instant appeal it is submitted that transfer of appellant on deputation for three (03) years w.e.f 12-11-2010 to 11-11-2013 was approved by the Government of Pakistan, Federal Directorate of Education Islamabad vide letter No. F.03-5/2010 (SA) FDE dated 12-02-2010, wherein it is clearly recorded/mentioned at serial No. (VIII) of the terms & conditions of said deputation letter which is reproduced as below:
“that he will repatriated to the parent department after the completion of deputation period & no extension in deputation period will be granted”. (Copy of the said letter is appended as annexure “A”).


3. In reply to Para No. 3, of the instant appeal it is submitted that the deputation period of appellant was expired on 11-11-2013, but he failed to join his parent department after expiry of deputation period & remained willful absent from duty w.e.f 12-11-2013 to 30-01-2015 & applied for adjustment on 02-02-2015 w.e.f 31-01-2015. (Copy of application regarding adjustment dated 02-02-2015 is appended as annexure "B").
4. That the Para no. 4 of the instant service appeal relates to record. Furthermore, appellant was directed to provide notification of extension in deputation period from 12-11-2013 to 12-11-2015 (02 years) vide office memo Nos. 1069 dated 12-02-2015, & 1195 dated 19-02-2015, but he badly failed to provide the same. Copies of the letters dated 12-02-2015 & 19-02-2015 are appended as annexure "C" & "D" respectively.
5. In reply to Para No. 5 of the instant service appeal it is submitted that as per Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department letter No. SO (PE) 5-2//IPT/08/Batagram/2014 dated 03-04-2015, appellant was directed to report back but he did not comply with the direction of Department. Copy of the letter No. SO (PE) 5-2//IPT/08/Batagram/2014 dated 03-04-2015 is appended as annexure "E".
6. That the Para No. 6, of the instant appeal relates to record hence, no comments.
7. That the complete reply has already been given in the Para No. 2 of the factual objections.
8. That the Para No. 8, of the instant appeal relates to record.
9. That the Para No. 9 of the instant appeal is correct to the extent of issuance of the show cause notice while rest of the para as composed is incorrect hence, denied as the reply of the appellant was unsatisfactory.
10. In reply to para No. 10, of the instant appeal it is submitted that appellant was summoned for personal hearing on 27-06-2015, vide letter No. 5828 dated 24-06-2015 through SDEO (Male) Abbottabad but he did not appear for personal hearing on the scheduled and badly failed to defence the charges leveled against him. Therefore, respondent No. 3 imposed major penalty of "**COMPULSORY RETIREMENT**" with recovery of pay drawn during the absent period w.e.f 12-11-2013 to 31-01-2015 out of his emoluments/pension/G.P.Fund vide Endst No. 9665-68 dated 11-12-2015. Copies of the letter for personal hearing dated 24-06-2015 & order dated 11-12-2015 are appended as annexure "F", & "G" respectively.

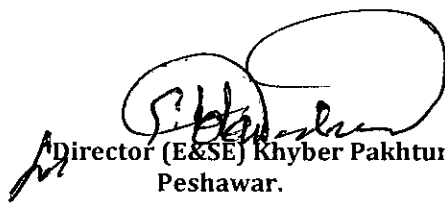
GROUND:-

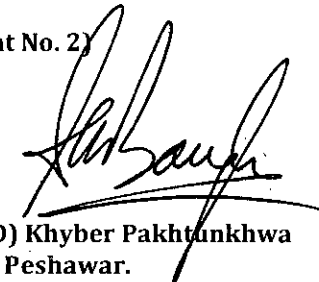
- A. That ground a, as composed is incorrect hence, denied. Appellant himself remained willful absent w.e.f 10-08-2010 to 30-06-2015 & illegally/ fraudulently amounting to Rs. 1602176/ as a salary from Govt: Exchequer during the absent period.
- B. That ground b, as composed is incorrect hence, denied. The opportunity of personal hearing was provided to appellant vide office letter No. 5828 dated 24-06-2015 but, he failed to appear on the scheduled date.

- C. In reply to ground c, it is submitted that there was no need to holding a formal inquiry as appellant himself remained on unauthorized deputation inspite of direction of department to report back but he did not comply with the direction of department and remain absent from duty w.e.f 12-11-2013 to 31-01-2015.
- D. In reply to ground d, it is submitted that there was no need to holding a formal inquiry as it is a prerogative of the competent authority under Rule 7 of the E&D Rules 2011, to dispense with the inquiry.
- E. That ground e, as composed is incorrect hence, denied as detailed reply has already been submitted in Para No. 3 & 4 of the factual objections.
- F. That ground f, as composed is incorrect hence, denied as comprehensive reply as already been given in above Paras No. 4 of the factual objections.
- G. That ground g, as composed is incorrect hence, denied an appellant remained unauthorized deputation without any extension notification regarding the deputation and willful absent from duty w.e.f 12-11-2013 to 30-01-2015.
- H. That ground h, as composed is incorrect hence, denied as order dated 11-12-2005 was issued after observing all the codal formalities as well as due process of law. That ground f, as composed is incorrect hence, denied.
- I. In reply to ground i, it is submitted that each case has its own facts and circumstances.
- J. That ground j, is incorrect hence, denied. The opportunity of personal hearing was provided to appellant vide office letter No. 5828 dated 24-06-2015 but, he failed to appear on the scheduled date.
- K. That the respondents seek permission of this Hon: Tribunal to advance further grounds during arguments.

It is, therefore, very humbly prayed that in the light of forgoing comments the appeal in hand may graciously be dismissed with cost throughout.


District Education Officer (M)
Abbottabad.
(Respondent No. 3)


Director (E&SE) Khyber Pakhtunkhwa
Peshawar.
(Respondent No. 2)


Secretary (E&SED) Khyber Pakhtunkhwa
Peshawar.
(Respondent No. 1)

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Before the Honorable Khyber Pakhtunkhwa Service Tribunal
Peshawar AT CAMP COURT ABBOTTABAD.

APPEAL No.478/2016

ABDUL SHAKOOR.....Appellant

VERSUS

SECRETARY EDUCATION, KHYBER PAKHTUNKHWA PESHWAR &
OTHERS.....Respondents.

AFFIDAVIT

I, Mr. Qazi Tajamal Hussain, District Education Officer (M) Abbottabad, declare on oath that the contents of the forgoing Para wise Comments are correct and true according to the best of my knowledge and belief and nothing has been suppressed / concealed from this Honorable Tribunal.



DEPONENT

45. (5) ~~SA~~ ~~MA~~
F.03-5/2010 (SA) FDE
Government of Pakistan
Federal Directorate of Education

Aza (A)

Islamabad, the 12th February, 2010

The Section Officer (Primary),
Government of NWFP,
Elementry and Secondary Education Department,
Peshawar.

Subject: TRANSFER ON DEPUTATION

I am directed to refer to your letter No. SO (PE) 5-2/02/IPT/A-ABAD/VOL-III, dated 13-02-2009 on the subject captioned above and to inform that the Competent Authority has approved the transfer of Mr. Abdul Shakoor, Primary School Teacher (BPS-09) Government Primary School, Banda Ghazan, District Abbottabad on deputation from Elementry and Secondary Education Department, Government of NWFP to Federal Directorate of Education, Islamabad, on deputation on the following terms and conditions:

- i. Federal Directorate of Education, Islamabad will not pay Pension Contribution Share/Gratuity for the period of deputation.
- ii. He will claim no seniority.
- iii. The initial period of deputation will be for three years.
- iv. The deputationist will join at its own expences.
- v. No TA/DA will be paid in this conection on joining in the Department.
- vi. No deputation allowance will be paid.
- vii. The deputationist will draw salary as per Last Pay Certificate.
- viii. He will be repatriated to the parent department after completion of deputation period and no extension in deputation period will be granted.
- ix. The joining authority will check relevant documents of the teacher concerned before joining.

2. It is, therefore, requested that the concerned official may be informed regarding his transfer on deputation, may please be relieved from his present assignment and directed him to report before the undersigned within 15 days of issuance of this letter.

3. This is issued with the approval of Joint Educational Advisor, Ministry of Education, Islamabad.

(MALIK MUHAMMAD ALI)
Deputy Director (Male)

Copy to:-

- ✓ Mr. Abdul Shakoor, C/O Shaista Bibi, MTT, FGGSS, Dhoke Gangal, (F.A) Ibd.
- The Headmaster, Govt Primary School, Banda Ghazan, District Abbottabad.
- The Office File.
- The Personal File.

Abdul Razzaq
(ABDUL RAZZAQ)
Admn Officer (Male)

DEO سردار پرائمری اسکول آباد

6

عنوان: Adjustment PS

حساب عالی

گزارش کے سرکاری Deputation پر اسکا آباد ۴۰۶ میں

اعتیاد تھا۔ 31-01-2015 کو Repatriat ہو کر حکم نما میں حاضر ہوئے

گذا حساب سے انہیں سرکاری کو GPS کوڑہ ملی میں مسعود الرحمن PS

14-02-15 کو ریٹائر ہوئے ہیں کی خالی جگہ پر Adjust کیا جائے۔

932

10-2-15

الما رض

ADD (1) PS

Least ment

عبدالمجید 02-02-15

269

Put up 10/2

Mrs Masood ur Rehman P.S.T. will be retire on 14/02/2015 and the post will be vacant on the same date in GPS Kurza Grali.

ASD

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

No. 1069 A.No.24/Vol-I

Dated 19-2-2015

Ant # C 11

The Sub Divisional Education Officer
(Male) Abbottabad

Subject: APPLICATION OF ADJUSTMENT
Memo:

I am directed to refer to application dated 02.02.2015 Mr. Abdul Shakoor, Ex-PST GPS Banda Ghazan Khan regarding adjustment (on deputation to Federal Directorate of Education Islamabad) is returned herewith with the following observations.

- * a) Notification of extension in deputation period w.e. from 12.11.2013 to 12.11.2015 (02 years) is required.
- b) Relieving letter from Federal Directorate of Education Islamabad.
- c) Original Service Book.
- d) Charge Report.

You are hereby directed to ask the teacher concerned to provide the above documents for further proceeding.

DY: DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

[Handwritten signature]
for 12/2/15

48

14

Am x 1 DU

8

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

No. 1195 /E.No.24/Vol-II

Dated 19-2 /2015

The Sub Divisional Education Officer
(Male) Abbottabad

Subject: PROPOSAL FOR ADJUSTMENT
Memo:

I am directed to refer to your office Memo: No. 194 dated 12.02.2015 on the subject noted above and to state that reply of this office Memo: No. 1069 dated 12.02.2015 is still awaited.

You are once again directed to submit original service book and notification of extension in deputation for the period 12.11.2013 to 12.11.2015 (02 years) in respect of Mr. Abdul Shakoor, Ex-PST GPS Banda Ghazan for further proceeding.

[Signature]
BY: DISTRICT EDUC. OFFICER (M)
ABBOTTABAD
[Signature]



(49) 130/66

Amr "E"
9

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
No. SO(PE)5-2//IPT/08/Battagram /2014
Dated Peshawar the 03-04-2015.

To,
The Director
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.

Subject: - **DISCIPLINARY PROCEEDINGS UNDER E&D RULES 2011 AGAINST DEFAULTERS DEPUTATIONIST OF ELEMENTARY & SECONDARY EDUCATION DEPARTMENT, KHYBER PAKHTUNKHWA.**

I am directed to refer to the subject noted above in r/o Mr. Abdul Shakoor PST GPS Banda Ghazan Abbottabad and to state that the said teacher has been on unauthorized deputation since 20-05-2013. This department directed him to report back but he has not complied with the direction. *

2 Therefore, I am directed to state that disciplinary action may be initiated against him under E & D Rules immediately under intimation to this department.

Encl: As Above:

(ZAMIN KHAN MOMAND)
SECTION OFFICER (PRIMARY)

ADD (F) 1 31
100 7/4
25/5

495-

DD (H)

8/4

8/4

782
16/4

2603
8/4

7
22/2
629/2013
16/15

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

No. 5828 / F.No.24/Vol-II
Dated 24-6 /2015

Mr. Abdul Shakoor S/O Abdul Wahced
Ex-PST GPS Banda Ghazan
Village Karate PO Bagnotar
Abbottabad

Subject: PERSONAL HEARING

Memo:

I am directed to refer to your reply of show cause notice dated 16.6.2015 and to ask you to attend office of the District Education Officer (Male) Abbottabad on 27.6.2015 for personal hearing.

(F) 23/6
DY: DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

o/c

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Annex II

10

756
ABD
17/6

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 478/2016

Abdul Shakoor

VS

Education Deptt:

SUBJECT: APPLICATION FOR THE AMENDMENT OF THE INSTANT APPEAL BY INCLUDING THE REJECTION ORDER DATED 27.1.2017 RECEIVED BY APPELLANT ON 14.04.2017 IN THE INSTANT APPEAL AS THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED DURING THE PENDENCY OF THE INSTANT APPEAL.

RESPECTFULLY SHEWETH:

1. That the appellant has filed the instant appeal against the order dated 12.11.2015 and not taking action on the departmental appeal of the appellant.
2. That the appeal is in arguments/rejoinder stage and next date fix for arguments/rejoinder is 19.4.2017 at Camp Court Abbottabad.
3. That the respondent No. 2 rejected the departmental appeal of the appellant on 27.1.2017 after about more than one year which was received by the appellant on 14.4.2017. (Copy of rejection order is attached as annexure-R-1)
4. That now the appellant wants to amend the instant appeal by including the rejection order dated 27.1.2017 received by appellant on 14.4.2017 in the instant appeal.
5. That it is interest of justice to amend the instant appeal by including the rejection order dated 27.1.2017 in the instant appeal for ends of justice and fair conclusion.

It is therefore most humbly prayed that on acceptance of this application the instant appeal may be amended and include the rejection order dated 27.1.2017 in the instant appeal as the departmental appeal of the appellant was rejected during the pendency of appeal. Any other remedy this august deems fit and appropriate may also be awarded in the favour of the appellant


APPELLANT

Abdul Shakoor

Through:



(M. ASIF YOUSAFZAI)

ADVOCATE SUPREME COURT,

&



(TAIMUR ALI KHAN)

ADVOCATE HIGH COURT.

AFFIDAVIT

It is affirmed and declared that the contents of application are true and correct to the best of my knowledge and belief.



DEPONENT

KHYBER PAKHTUNKHWA.

NOTIFICATION

1. WHEREAS, Mr. Abdul Shakoor PST proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011, for the charges that after completing the deputation period teacher concerned did not report to parents department and remained absence from duty w.e.f 12.11.2013 to 30.02.2015.
2. AND WHEREAS, The District Education Officer (M) Abbottabad directed the teacher concerned to report through SDEO (M) Abbottabad vide his letter No.1069 dated 12.02.2015, No.1195 dated 19.02.2015 to provide extension notification for more than two years but he failed to provide the same.
3. AND WHEREAS. The District Education Officer (M) Abbottabad served show cause notice through the SDEO (M) concerned and unsatisfactory reply received dated 16.06.2015. He was called for personal hearing on 27.06.2015; the teacher concerned appeared for personal hearing on the schedule date and time but failed to defend the charges level against him. The charges level against the concerned teacher proved and the DEO (M) Abbottabad being competent authority imposed major penalty of "Compulsory Retirement".
4. AND WHEREAS, the aggrieved Teacher filed a departmental appeal to the Director E&SE Khyber Pakhtunkhwa (appellate authority) against the aforesaid major penalty imposed upon him by the DEO (M) concerned. The DEO (M) Abbottabad submitted his comments vide letter No.2897 dated 14.04.2016.
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.
6. 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 Mr. Abdul Shakoor PST on the above mentioned grounds.

DIRECTOR.

Endst: No. 5305-7/F No. 15/IPT/Abdul Shakoor PST Dated Peshawar the 27/11 /2017.

Copy forwarded for information and necessary action to the:-

1. District Education Officer (M) Abbottabad w/r to his No. cited above.
2. Sub-Divisional Education Officer (M) Abbottabad.
3. Teacher concerned.
4. P/A to Director E&SE, Khyber Pakhtunkhwa, Peshawar.
5. Master File.

Deputy Director (Estb :)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar.

27/11

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 478/2016

Abdul Shakoor

VS

Education Deptt:

.....

REJOINDER ON BEHALF OF APPELLANT

.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

- (1-9) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

1. Admitted correct by the respondents as the service record of the appellant is present with the department.
2. Incorrect. The appellant applied for extension of his deputation before 6 months of expiry of his transfer which was duly forwarded by the SDEO (M) Abbottabad to DEO (M) Abbottabad for kind perusal and further necessary action on the basis of which the Dy: DEO (M) wrote a letter to Director E&SE on which the SO(Primary) wrote a letter to Director Federal Directorate of Education Islamabad with request NOC/ Consent of the Federal Directorate of Education may kindly be conveyed to the E&SE Department on which Federal Directorate of Education requested for NOC for extension in deputation period of 2 years w.e from 12.11.2013 to 11.11.2015 to process the case further. The Federal Directorate of Education wrote another letter to SO(Primary) of KPK E&SE Deptt: for NOC extension in deputation of the appellant on which the SO (Primary) wrote a letter to Director E&SE Peshawar for request to furnish NOC/ Comments to his department for further processing the case on which the Dy: Director (Estab) E&SE Edu: Deptt: wrote a letter the SO (PE) Govt: of KPK, E&SE Edu: Deptt: for the same issue for further necessary action. Therefore the appellant waited for the decision of the concerned department and did not commit any fault on his fault.

3. Incorrect. The appellant applied before 6 months of expiry of his deputation and waited for decision on his application which was corresponded between the concerned departments for about 2 years.
4. Incorrect as replied in para 2 of the rejoinder.
5. Incorrect. The appellant applied before 6 months of expiry of his deputation and waited for decision on his application which was corresponded between the concerned departments for about 2 years, therefore it was fault of the department that they did not take action on the application of the appellant in one way or the other.
6. Admitted correct by the respondents as the service record of the appellant is present with the department.
7. Not replied according to para 7 of the appeal. Moreover para 7 of the appeal is correct.
8. Admitted correct by the respondents as the service record of the appellant is present with the department.
9. First portion of para 9 is admitted correct. Hence no comments while the rest of para is incorrect. Hence denied as the appellant in his reply to show cause cleared the entire situation and denied all the allegations.
10. Incorrect. The appellant appeared before the DEO (M) Abbottabad for personal hearing but the DEO (M) took only reply to show cause and told to the appellant this reply would be considered and did not give any chance of personal hearing to the appellant. Therefore imposing of major punishment of compulsory retirement without conducting inquiry and personal hearing is violation of law and rules and liable to be set aside. The appellant also filed departmental appeal against the impugned order which was rejected on 27.1.2017 after about more than one year. (Copy of rejection order is attached as annexure-R-1)

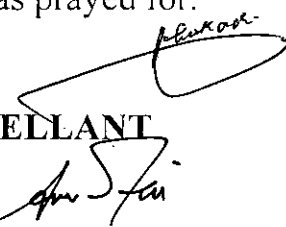
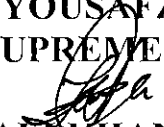
GROUND:

- A) Incorrect. The appellant did not remained absent from his duty but he performed his duty in Islamabad Model school and the appellant applied before 6 months of expiry of his deputation and waited for decision on his application which was corresponded between the concerned departments for about 2 years, therefore it was fault of the department that they did not take action on the application of the appellant in one way or the other. Therefore the impugned order is against the law, facts, norms of justice and material on record which is liable to be set aside.

- B) Incorrect. The appellant appeared before the DEO (M) Abbottabad for personal hearing, but the DEO (M) took only reply to show cause and told to the appellant this reply would be considered and did not give any chance of personal hearing to the appellant.
- C) Incorrect. According to rules, the competent authority should give reason for dispensing of inquiry but in the case of the appellant the competent authority did not give any reason for dispensing of inquiry which is the violation of law and rules.
- D) Not replied according to para D of the appeal. Moreover para D of the appeal is correct.
- E) Incorrect. The appellant did not remained absent from his duty but he performed his duty in Islamabad Model school and the appellant applied before 6 months of expiry of his deputation and waited for decision on his application which was corresponded between the concerned departments for about 2 years, therefore it was fault of the department that they did not take action on the application of the appellant in one way or the other.
- F) Incorrect. As detail reply has given in para 2 of the rejoinder.
- G) Incorrect. While para G of the appeal is correct.
- H) Incorrect. While para H of the appeal is correct.
- I) Not replied according to para I of the appeal. Moreover para I of the appeal is correct.
- J) Incorrect. The appellant appeared before the DEO (M) Abbottabad for personal hearing, but the DEO (M) took only reply to show cause and told to the appellant this reply would be considered and did not give any chance of personal hearing to the appellant.
- K) Legal.

It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.

Through:

APPELLANT

(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT,
& 
(TAIMUR ALI KHAN)
ADVOCATE HIGH COUR

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.


DEPONENT

R-1

KHYBER PAKHTUNKHWA.

NOTIFICATION

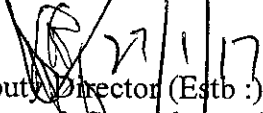
1. WHEREAS, Mr. Abdul Shakoor PST proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011, for the charges that after completing the deputation period teacher concerned did not report to parents department and remained absence from duty w.e.f 12.11.2013 to 30.02.2015.
2. AND WHEREAS, The District Education Officer (M) Abbottabad directed the teacher concerned to report through SDEO (M) Abbottabad vide his letter No.1069 dated 12.02.2015, No.1195 dated 19.02.2015 to provide extension notification for more than two years but he failed to provide the same.
3. AND WHEREAS. The District Education Officer (M) Abbottabad served show cause notice through the SDEO (M) concerned and unsatisfactory reply received dated 16.06.2015. He was called for personal hearing on 27.06.2015; the teacher concerned appeared for personal hearing on the schedule date and time but failed to defend the charges level against him. The charges level against the concerned teacher proved and the DEO (M) Abbottabad being competent authority imposed major penalty of "Compulsory Retirement".
4. AND WHEREAS, the aggrieved Teacher filed a departmental appeal to the Director E&SE Khyber Pakhtunkhwa (appellate authority) against the aforesaid major penalty imposed upon him by the DEO (M) concerned. The DEO (M) Abbottabad submitted his comments vide letter No.2897 dated 14.04.2016.
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.
6. 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 Mr. Abdul Shakoor PST on the above mentioned grounds.

DIRECTOR.

Endst: No. 5305-7/F No. 15/IPT/Abdul Shakoor PST Dated Peshawar the 27/11 /2017.

Copy forwarded for information and necessary action to the:-

1. District Education Officer (M) Abbottabad w/r to his No. cited above.
2. Sub-Divisional Education Officer (M) Abbottabad.
3. Teacher concerned.
4. P/A to Director E&SE, Khyber Pakhtunkhwa, Peshawar.
5. Master File.


Deputy Director (Estb :)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar.

28/11/17

VAKALAT NAMA

NO. 478 /2016

IN THE COURT OF KoP.k Service Tribunal, Peshawar

Abdul Shakoor

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Education Deptt

(Respondent)
(Defendant)

I/We, Abdul Shakoor


Do hereby appoint and constitute **Syed Noman Ali Bukhari Advocate Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20


(CLIENT)

ACCEPTED


SYED NOMAN ALI BUKHARI
Advocate, Peshawar.

وکالت نامہ

کورٹ فیس
قیمتی

Before the Post Service Tribunal

Camp Cover Abbottabad منجانب Appellant

ABDUL SHAKOOR نام Govt of K.P.K and others

دعویٰ یا جرم Service Appeal باعث تحریر آئندہ

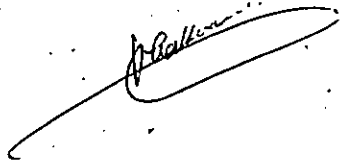
Sardar M. AKMAL مندرجہ بالا عنوان میں اپنی طرف سے پیروی و جوابدی:۔۔۔۔۔

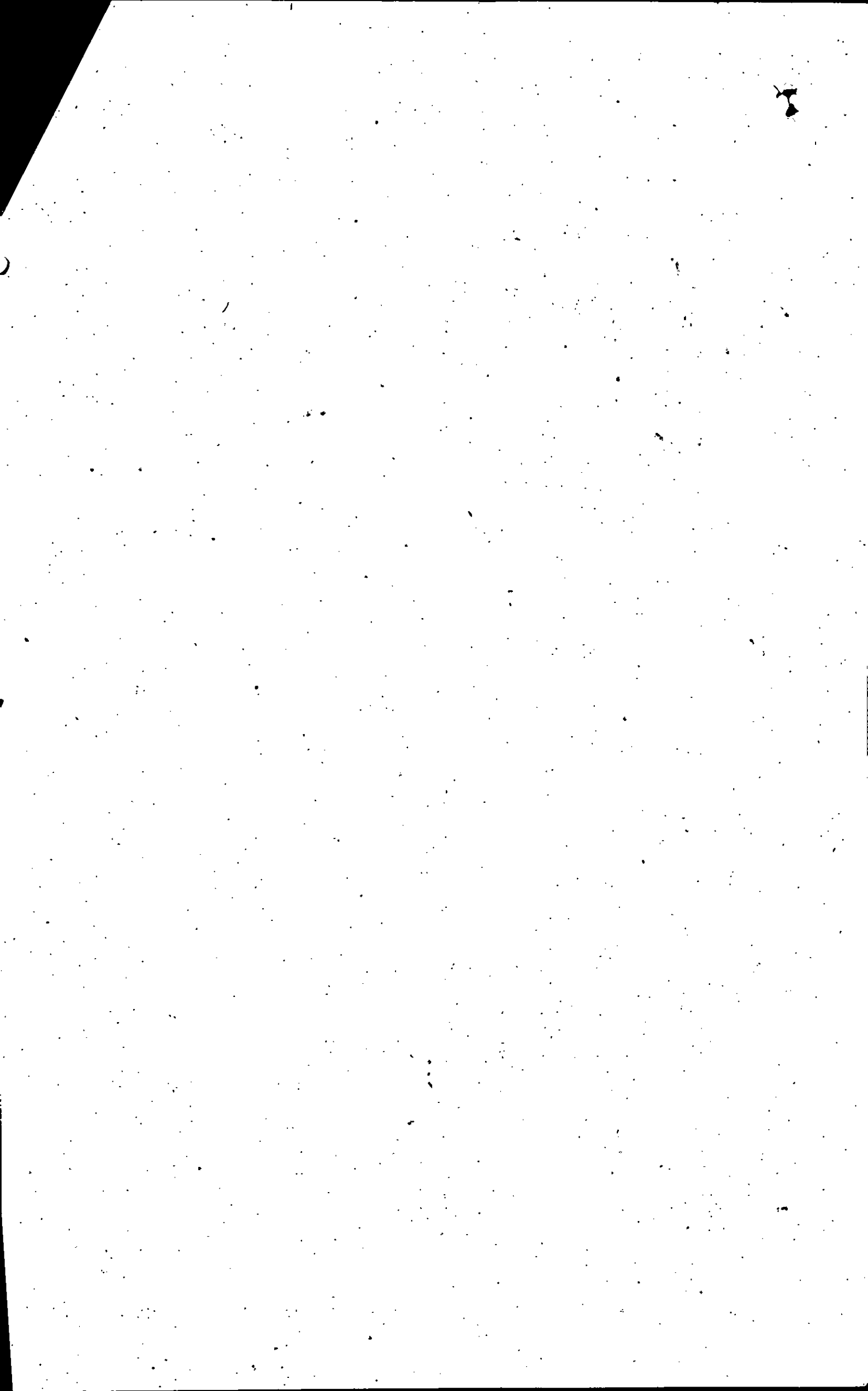
مقام Abbottabad بدیں شرط وکیل مقرر کیا ہے میں ہر پیشی پر خود یا بذریعہ مختار خاص روبرو عدالت حاضر ہوتا رہوں گا اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دیکر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہوا اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی اور جگہ کچہری کے مقررہ اوقات سے پہلے یا بروز تعطیل پیروی کر نیے مجاز نہ ہونگے۔ اگر مقدمہ مقام کچہری کے کسی اور جگہ سماعت ہونے پر یا بروز کچہری کے اوقات کے آگے یا پیچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ داریاں اسکے واسطے کسی معاوضہ ادا کرنے مختار نامہ واپس کرنے کے بھی صاف و موصوف ذمہ دار نہ ہونگے۔ مجھے کل ساختہ پر داختمہ صاحب مثل کردہ ذات خود منظور قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپرد ڈالنی و راضی نامہ و فیصلہ برخلاف کرنے و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یک طرفہ درخواست حکم امتناعی یا ڈگری قبل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ پیروی مختار نامہ کرنے کا مجاز ہوگا۔ بصورت ضرورت اپیل یا اپیل کے واسطے کسی دو سے وکیل یا بیرسٹر کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیار حاصل ہونگے جیسے صاحب موصوف کو پوری فیس تاریخ پیش سے پہلے ادا کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا لہذا اختیار نامہ لکھ دیا ہے کہ سند رہے۔ مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

المرقوم: 17/10/2017

Accepted







KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 2319 /ST Dated 26 / 10 / 2017

To


The District Education Officer M,
Government of Khyber Pakhtunkhwa,
Abbottabad.

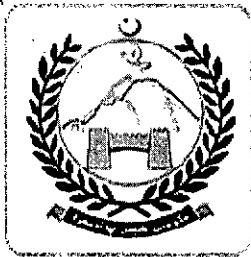
Subject: -

JUDGMENT IN APPEAL NO. 478/2016, MR. ABDUL SHAKOOR.

I am directed to forward herewith a certified copy of Judgement dated 17.10.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No. 461 /ST/SCJ/SA-478/2016

Dated: 03/03/2021

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

To,

The Registrar,
Supreme Court of Pakistan,
Islamabad.

Subject: CIVIL APPEAL NO. 126 of 2021

Out of

Civil Petition No. 554-P of 2017

Secretary Elementary & Secondary Education Department KPK
Peshawar & others

Versus

Abdul Shakoor

Dear Sir,

I am directed to acknowledge the receipt of your letter no C.A.126/2021-SCJ dated 23-02-2021 alongwith its enclosure..


REGISTRAR

KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

DB

APPEAL No. 478 of 20

16

Abdul Shakoor

Appellant/Petitioner

Versus

The Secy Edu KPK Pesh.

RESPONDENT(S)

Notice to Appellant/Petitioner

Abdul Shakoor, Ex. PST
LPS, Banda Chazan, Abbottabad.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal

on 25/3/2021 at 9:00 AM at Peshawar.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

M. P. Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
 JUDICIAL COMPLEX (OLD), KHYBER ROAD,
 PESHAWAR. DB

No.

Appeal No. 478 of 2016.

Abdul Shakoor Appellant/Petitioner

The Secy Edu KP Pesh. Respondent

Respondent No. 3

Notice to: —

The Distt. Education Officer (M)
Abbottabad.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 23/3/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

~~Copy of appeal is attached.~~ Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 10th Day of March 2021.

M. P. [Signature]
 Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

DB

No.

Appeal No. 478 of 20 16

Abdul Shakoor Appellant/Petitioner

Versus

The Secy Edu Kp Pesh Respondent

Respondent No. 2

Notice to:

The Director Education (E8SE) KPK
Peshawar.


WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 25/3/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 16th

Day of March 20 21


16/3/21
 Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

DB

No.

Appeal No. 478 of 2016

Abdul Shakoor Appellant/Petitioner

Versus

Secy Edu KP Pesh: Respondent

Respondent No. 1

Notice to:

The Secretary Education KPK
Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 25/3/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

~~Copy of appeal is attached.~~ Copy of appeal has already been sent to you vide this office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 10.16

Day of March 2021

Recd
17/3/21

M. P. ...
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

VAKALAT NAMA

APPEAL NO. 478 /2016

IN THE COURT OF KP SERVICE TRIBUNAL PESHAWAR.

Abdul Shakoor.

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Education Deptt. etc.

(Respondent)
(Defendant)

I/We, Abdul Shakoor





Do hereby appoint and constitute **M. Asif Yousafzai, Advocate Supreme Court Peshawar,** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20


(CLIENT)

ACCEPTED


M. ASIF YOUSAFZAI
Advocate Supreme Court Peshawar.
& 
TAIMUR ALI KHAN
Advocate High Court, Peshawar
& 
SYED NOMAN ALI BUKHARI
Advocate High Court
& 
SHAHKAR KHAN YOUSAFZAI
Advocate.

OFFICE:

Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,

For appellant
Abdul Shakoor

http://www.pisocla.com/LawOnline/law/content21.asp?CaseNo

1990 S C M R 1170

Present: Shafiur Rahman and Saad Saood Jan, JJ

GOVERNMENT OF PUNJAB through Secretary Health, Lahore and 2 others--Petitioners

versus

ZAHID BEG--Respondent

Civil Petition for Leave to Appeal No.1079 of 1984, decided on 23rd July, 1989.

(From the judgment dated 22-9-1984 of the Punjab Service Tribunal passed in Appeal No.580/531 of 1983).

Punjab Service Tribunals Act (IX of 1974)--

---S.4---Constitution of Pakistan (1973), Art.212(3)---Leave to appeal--Respondent, allowed to proceed abroad on deputation for two years, over-stayed period of deputation and remained abroad for about 11 years, but neither Authority reminded or recalled him after expiry of stay period nor respondent sought extension in such period---Service of respondent on return from abroad after 11 years, were terminated by Authority after observing show cause procedure on ground of overstaying period of deputation---Tribunal, however, accepted appeal against termination order, set aside same holding that failure of Authority to remind or recall respondent after expiry of stay period abroad, had created an impression in mind of respondent that he could remain on deputation till he was recalled or informed---Tribunal in setting aside termination order passed, held, was justified and could not be interfered with---No question of law of public importance having arisen in case, leave to appeal was refused.

Farooq Bedar, Additional Advocate-General, Punjab and Ejaz Ahmad Khan, Advocate-on-Record for Petitioners.

Nemo for Respondent..

Date of hearing: 23rd July, 1989.

JUDGMENT

SHAFIUR RAHMAN, J.--The Government of the Punjab seeks leave to appeal under Article 212(3) of the Constitution against the judgment of the Punjab Service Tribunal dated 22-9-1984 allowing the appeal of the respondent.

2. The respondent Mr. Zahid Beg was employed as Physiotherapy Aid in Mayo Hospital Lahore in 1972 when he was allowed to proceed on deputation to Libya. One of the conditions attaching to the deputation was expressed to be as hereunder:-

"Government will have the right to ask the official to return to duty on the expiry of the period of deputation (not exceeding five years) or to quit service, if he is unwilling to return to the country."

3. Neither the Government reminded or recalled him from deputation nor did the respondent seek the extension of it but on return from Libya in 1983 he sought restoration to office which was at first denied to him but later given to him. He was nevertheless charge-sheeted for having over-stayed the period of deputation without authority and after observing the show cause procedure his services were terminated. The Service Tribunal while allowing the appeal held as hereunder:--