

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

Service appeal No. 1209/ 2022

Tahir Saleem Ex-SST (IT), GHS Takht-e-Nasrati District Karak(Appellant)

VERSUS

Secretary E&SED Khyber Pakhtunkhwa & Others(Respondents)

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Respondent No. 3

District Education Officer
Male Karak

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service appeal No. 1209/ 2022

Tahir Saleem Ex-SST (IT), GHS Takht-e-Nasrati District Karak (Appellant)

VERSUS

Secretary (E&SED) Government of Khyber Pakhtunkhwa & Others.... (Respondents).

Para Wise Written Reply Respondent No. 3

Respectfully Sheweth

Written Reply on behalf of Respondent No. 3
Preliminary Objections.

1. That appellant has got no cause of action and locus standi.
2. That the Appellant is not an aggrieved person within the meaning of article 212 of the Constitution of Islamic Republic of Pakistan 1973.
3. That the appellant is estopped to file the instant service appeal by his own conduct.
4. That the instant service appeal is not maintainable in its present form.
5. That the appellant has not come to this honourable Tribunal with clean hands and concealed the facts.
6. That the instant service appeal is liable to be dismissed due to mis-joinder & non-joinder of the necessary parties.
7. That the instant service appeal is liable to be dismissed in limine.
8. That the honourable Tribunal has no jurisdiction to adjudicate the mater.
9. That the appeal is barred by Law and Limitation.
10. That the Appellant has been found guilty of willful absence from duty
11. That no Departmental appeal has been filed by the appellant against the impugned order dated 28.02.2022
12. That the impugned notification dated 15.04.2022 & 30.05.2022 have been withdrawn by the Department notification dated 07.07.2022.

Factual Objections

1. Para No. 1 pertains to service record of the appellant.
2. Para No. 2 pertains to service record of the appellant.

W. No. 1209/2022
S. No. 9368
Date: 23-11-23

3. Para No. 3 is partially correct. The appellant performed his duty w. e. f. 17.11.2014 to 01.10.2018. He remained willful absent from his duty w. e. f. 02.10.2018 and his pay was stopped. Absent report of the appellant received from Principal concerned was submitted to Director E&SE for necessary action. (Copy of absent report and letter to Director E&SE are attached as Annex 'A & B)
4. Para No. 4 is incorrect. All other colleagues of the appellant were performing their duties and he remain willful absent from his duty from 02.10.2018. Remaining of the para is irrelevant.
5. Para No. 5 is correct. Absent report of the appellant was submitted to Director E&SE Khyber Pakhtunkhwa Peshawar. In response of the absent report, Director E&SE Khyber Pakhtunkhwa send a letter to serve an absent Notice on his home address and principal concerned send a Show Cause/absent Notice on his home address. (Copy of Director E&SE letter and copy of respondent No. 3 letter attached as Annex C, D.)
- In his reply to the notice, he has clearly mention in para 4 that "I am unable to continue my job until further order is issued from E&SE department KP to join my service."
- Copy of Show Cause Notice by Principal GHS Takht-e-Nasrati and reply of appellant attached as Annex D & 'E' in appeal)
6. Para No. 6 is correct that the services of the appellant were regularized against the said post in light of the Khyber Pakhtunkhwa Regularization of Service Act 2018 Act No. II of 2019 vide Director E&SE KPK Peshawar Notification Endst No. 2435-43/File No. 02 IT Teachers Regularization dated Peshawar the 08.03.2019. (Copy attached as Annexure "F" in Appeal)
7. Para No 7 pertains to record.
8. Reply of Para No. 8 is that appellant submit application for leave without pay on dated 01.04.2019 to principal concerned for leave w. e. f. 01.04.2019 to 31.03.2021 and also leave the station on the same day without formal approval of leave sanction order of the competent authority. The case for leave was received to Respondent No. 3 on dated 04.05.2019 and was returned due to late submission and having no substitute IT teacher in school, application was rejected. (Copy of appellant application, Principal concerned letter, and leave rejection letter attached as Annex 'E', 'F' and 'G' respectively).
9. Para No. 9 is incorrect. In response to the letter of respondent No. 3, principal concerned submitted absent report of the appellant which was submitted to Director E&SE for further process. (Copy of absent report and letter to Director attached as Annex 'H' and 'I' respectively).

Show Cause was issued by Director E&SE which was served on the appellant by the principal concerned and received by appellant on dated 27.07.2019 but he failed to reply in stipulated time. (Copy of Show Cause Notice received by appellant attached as Annex 'J').

On date 01.04.2021 he has submitted arrival report but not attended the school for a single day. Through submitting arrival report he has tried to misguide the principal concerned. He was clear about the fact that his leave has not been sanctioned as show cause was served upon him and received by him.

10. Para No. 10 is correct to the extent that he submitted his arrival report to Principal GHS Takht-e-Nasrati. Through his arrival report he has tried to misguide the Principal concerned. The Principal concerned was verbally directed by respondent No.3, not to accept his arrival report till the decision of the case by the competent authority.
11. Para No.11 is incorrect. During the course of time he could not submit his satisfactory reply, so detail report of his absenteeism was submitted to competent authority i.e. Director E&SE for further process. (Copy attached as Annex 'K')
12. Para No. 12 is incorrect. Notification of one-day salary deduction was issued not in light of Show Cause Notice issued by competent authority due to long absence rather Independent Monitoring Unit Monitor on his visit on dated 17.12.2020 to GHS Takht-e-Nasrati has reported him absent and has submitted online report to Director E&SE which was processed and one-day deduction was made from him. Through the mentioned Notification of dated 17.8.2021, the appellant has tried to deceive the department. The said Notification was sent to Director E&SE by Principal concerned for verification. Director E&SE in his letter No.3100 dated 21 October 2021 has clearly mentioned that the deduction and conversion of absent period into leave without pay is one day reported by IMU and not his whole absent period. (Copy of principal letter and Director E&SE Reply attached as Annex 'L', 'M' respectively)
13. Para No.13 is correct to the extent that the appellant through the Notification dated 17.08.2021 misguide Principal GHS Takht-e-Nasrati and assume his duty on 10.09.2021. When the matter was brought in the notice of respondent No.3 through Principal concerned vide letter No. 389 dated 11.09.2021, Principal concerned was telephonically directed by respondent No.3 to submit the notification for verification to Director E&SE and do not activate pay till the verification. (Copy of Principal letter attached as Annex "N")
- The said Notification was sent to Director E&SE for verification by the principal concerned. (Copy attached as Annex 'L')
- In the reply of Director E&SE in light of Principal concerned letter, it was cleared that the appellant was reported absent by IMU on dated 17.12.2020 and not for his whole absent period w. e. f. 01.04.2019 till his removal from service. (Copy of Director Letter attached as Annex 'M')
- Source of pay release has not been signed by Principal Concerned and he has drawn his pay through bogus way.
(Copy of Principal GHS Takht-e-Nasrati statement attached as Annex 'O')
- On the other hand, disciplinary action against the appellant was in process and detail report was already submitted to competent Authority i. e. Director E&SE for further process. (Copy of detail report attached as Annex 'K')
14. Para No.14 is correct to the extent that the appellant was removed from service accordingly completing all codal formalities.
15. Para No.15 is incorrect as no Departmental appeal against the Notification dated 28.02.2022 has been filed by the appellant, therefore the appeal in hand is liable to be dismissed on the following grounds inter alia: -

Grounds.

- A. **Incorrect, hence, denied.** The appellant has been treated in accordance with relevant Law and Rules by the Department vide Notification dated 28.02.2022 and no right of the appellant has been violated.
- B. **Incorrect, hence, denied.** The appellant has concealed the facts from this Honourable Tribunal. The project was expired on 30.06.2017 and no action has been taken against any employee of the project from 01.7.2017 till the regularization of their services. All the colleagues of the appellant were performing their duties regularly after the expiry of the project. Only the appellant left the station on 02.10.2018 and when their services were regularized on dated 08.03.2019, he was again given charge at his post on dated 21.03.2019. Disciplinary action has been started against him for his willful absentee after regularization.
- C. **Incorrect, hence, denied.** The appellant has been found guilty of willful absence from duty w. e. f. 02.10.2018 to 20.03.2019 before regularization and w. e. f. 01.04.2019 to 09.09.2021 after regularization. Remaining of the para is incorrect.
- D. **Incorrect, hence, denied.** In the Show Cause, served upon appellant it is clearly mentioned that **"the Competent Authority, is hereby pleased to dispense with the conduct of a formal inquiry and serve you the instant Show Cause with the direction to submit your defense in writing within 15 (Fifteen) days of the issuance of this notice as to why one of the major or minor penalty of rule-4 of the said rules should not be imposed upon you and also intimate whether you desire to be heard in person or not"**, but the appellant turned deaf year to the Show Cause and neither submit written reply nor appear for personal hearing before the Competent Authority. Further stated that proper procedure was adopted for removal from service.
- E. **Incorrect, hence, denied.** Proper Show Cause was served upon the appellant and Show Cause Notice was also received by him. Further stated that proper legal procedure was adopted.
- F. **Incorrect, hence, denied.** The appellant has concealed the facts from respondents. As per statement of the principal concerned he has signed ACR of the appellant for the year 2016,2017,2018 and three months (01.01.2019 to 31.03.2019) and three months ACR of 2021 and the appellant has tampered and overwrote on the ACR of 2021 and made it 01.01.2021 instead of 01.09.2021 in bogus way. Likewise, appellant has also tempered and overwrote in Bio data and Service History form deleting absent period.
- Further stated that appellant has deceived the respondents making tempering in his ACR, Bio Data, Service History form and thus was promoted to SS IT in bogus way. When the matter was brought in the notice of the competent authority, his promotion notification dated 15.04.2022 has been withdrawn vide Notification dated 07.07.2022 by the competent authority accordingly. (Copy of statement of Principal concerned attached as Annex 'O' and withdrawn Notification attached as annexure "P")
- G. **Incorrect, hence, denied.** The act of the Department with regard to the notification sated 28.02.2022 is legal.
- H. **Legal.** However, the department also seek leave of this Honorable Tribunal to submit additional grounds, record & case law at the time of arguments on the date fixed please.

Prayer

Therefore, in view of the above made submissions, the appeal in hand may kindly be dismissed with cost in the interest of justice.

Respondent No. 3

(Zahoor Khan)

District Education Officer

Male Karak

From: The Principal
GHS T. Nasrati.

4373
-25-10-18
Approved by
in p. file

To, The District Education Officer
(Male) Karak.

Subject: ABSENTEE REPORT.
Memo,

25/10/18

It is stated Mr. Talib Salim has been appointed as G.T Teacher B-16 by the Project Director G.T Uple Peshawar on dated 18.11.2014.

The Project Paid him a Salary upto 30-6-2017 after that the Project Director has not extended his services more.

On another hand the Elementary & Secondary Education department has not been regular his services, he has been served with me as G.T Teacher upto 01-10-2018, and after that he has been absent with out leave from the Institution.

Hence I am therefore requested that kindly take disciplinary action against him under the rules, for the best interest of the student.

ASDEO (M)
Jehangiri Circle
Takhte-e-Nasrati

ASDEO (M)
Jehangiri Circle
Takhte-e-Nasrati

Principal
GHS T. Nasrati

(2)

OFFICE OF THE DISTRICT EDUCATION OFFICER MALE KARAK.

No. 5468

Dated Karak the 8/11 /2018.

To
The Director
Elementary & Secondary Education
khyber Pakhtun Khwa Peshawar.

Subject: - ABSENTEE REPORT.

Memo: -
It is submitted for your kind information that one Mr. Tahir Saleem I.T. BPS-16 Teacher appointed by the Project Director vide Notification No Project in KPK phase- 2 No- PM-IT/E&SED/1-3/Recruitment/IT(M)2014 dated Peshawar the 17/11/2014.

The salary has been paid up to 30-6-2017. He has been served at GHS Takht-e- Nasrati (Karak) as I.T teacher up to 01-10-2018 and after that he has been absent without leave from the institution as stated by the principal concerned school vide Memo: No.80/F.I. R dated 23-10-2018 (copy attached).

Being a competent authority, therefore the case is submitted for necessary action please.

Encl; As above.

DISTRICT EDUCATION OFFICER
(MALE) KARAK.
o/c

Endst: No. 5469

Copy of the above is forwarded to the:-

- 1. Project Director: Computer Since Teacher and Computer Lab Project in KPK Phase 2 E&SED Deptt Govt of Khyber Pakhtun Khwa Peshawar.

DISTRICT EDUCATION OFFICE
(MALE) KARAK.
o/c

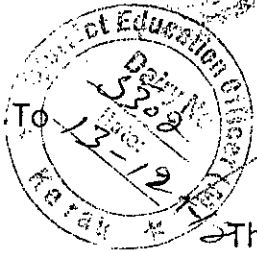
[Signature]
**ASDEO (M)
Jehangiri Circle
Takhte-e-Nasrati**



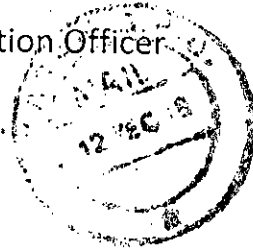
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10

Directorate of Elementary & Secy: Education
Khyber Pakhtunkhwa, Peshawar
No. 2211/F.No. 01/IT Teahcaher (M) KP
Dated Peshawar the 24/12/2018



The District Education Officer
(Male) Karak.



Appo 8/12/18
v/c
Dha
Director
KPK Peshawar
13/12/18

Subject: - ABSENCE REPRT.
Memo:

I am directed to refer to your letter No. 5368 dated 08-11-2018 on the subject cited above and to ask to send an absenct notice at home address of Mr. Tahir Salim IT Teacher GHS Takhtti Nasrati Karak under intimation to this office.

[Signature]
(Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa.

Endst: No. _____

Copy of the above is to:-

1. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.

[Signature]

Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa

ASDEO (M)
Jehangiri Circle
Takhte-e-Nasrati

OFFICE OF THE DISTRICT EDUCATION OFFICER MALE KARAK.

No. 6402

Dated Karak the 26/12 2018.

To

The Principal
GHS Takht-e- Nasrati (Karak).

Subject: - ABSENT NOTICE.

Memo: -

In the light of Director Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar letter No.2214/F.No.003/IT Teacher (M) dated Peshawar the 24/12/2018

You are hereby directed to send an absent notice at home address in respect of Mr. Tahir Saleem IT of your school under intimation to this Office.

Encl; As above.

DISTRICT EDUCATION OFFICER
(MALE) KARAK.
[Signature]

Endst: No. 6403

Copy of the above is forwarded to the:

1. Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar with his NO & dated cited above for information please.

[Signature]
DISTRICT EDUCATION OFFICER
(MALE) KARAK.
[Signature]

[Signature]
[Signature]
ASDEO (M)
Jehangiri Circle
Takhte-e-Nasrati

The Director (Education),
Elementary & Secondary Education Deptt, KPK.

(E)

Page

(10)

(U)

(GHS)

Subject: Application for Without Pay Leaves w.e.f 01-04-2019 to 31-03-2021

Respected Sir,

With profound esteem it is stated that I Mr. Tahir Saleem currently working as SST (IT) at Govt. High School Takht-e-Nasrati Karak. Due to some unavoidable domestic problems I cannot perform my duty regularly. I need two years without pay leaves w.e.f 01-04-2019 to 31-03-2021.

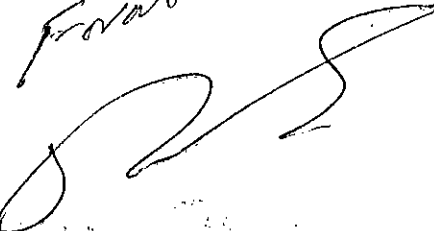
Therefore your good honor is requested to grant me two years without pay leave. After settlement of problems I shall rejoin my duty.

Date: 01-04-2019

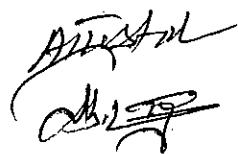
Yours obediently,



Tahir Saleem
SST (IT) GHS Takht-e-Nasrati

Forwarded


Govt. High School
Takht-e-Nasrati



ASDEO (M)
Jehangiri Circle
Takhte-e-Nasrati

133

Ends.No.35/Leave/Takht-e-Nasrati/Dated/01-04-2019

Page (11) (F)

From,

The Principal,
GHS Takht-e-Nasrati

17/04/2019

n/a

20/04/19

To,

The District Education Officer (Male),
Karak.



Subject: Sanction for Without Pay Leave in respect of Mr. Tahir Saleem SST (IT)

Memo,

It is stated that Mr. Tahir Saleem working as SST (IT) in this school has applied for leave without pay w.e.f 01-04-2019 to 31-03-2021. The application received from the concerned officer is attached here with this letter for further necessary action.

Encl. Application plus Id Card.

**ASDEO (M)
Jehangiri Circle
Takhte-e-Nasrati**

D-28 (4) Page (12)

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KARAK

No. 3768 /

Dated Karak the 13-5 /2019.

To

The Principal,
GHS Takht-e-Nasrati (Karak).

SUBJECT:- SANCTION FOR LEAVE WITHOUT PAY LEAVE IN
RESPECT OF MR.TAHIR SALEEM SST IT.

Memo,

Reference your Office No.133 dated 1.4.2019 received to
this Office on 4.5.2019.

The Leave case in respect of Mr.Tahir Saleem SST IT is
returned in original with the observation that,

- i. You have recorded a date in the memo on 1.4.2019 which was received to
this Office on 4.5.2019 after laps of one month needs justification .
- ii. The Leave case of the above name teacher is rejected being a SST IT and
no substitute teacher available to teach the IT subject.
- iii. This Office may be inform wheather he left the station OR perform his
Duty regularly.

If the teacher left the station, submit his case for further action as
no one is allowed to leave the station before sanction of his/their leave under
the Revised Leave Rules 1981. Your response in this regard should reeive to
this Office with three days.

District Education Officer
(Male) Karak

13/5/19

ASDEO (M)
Jehangiri Circle
Takhte-e-Nasrati

ASDEO (M)
Jehangiri Circle
Takhte-e-Nasrati

A-400

(H)

No. 135 / Leave Dated Takhte Nasrati the 19/4 2019

From,

The Principal
GHS Takhte Nasrati

To,

The District Education Officer
(Male) Karak

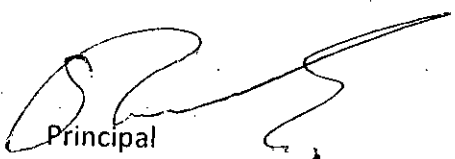
Subject;- ABSEBTEE

Memo,

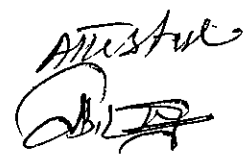
It is stated that Mr Tahir Salim IT Teacher of this school has applied for leave without pay wef 01.4.2019 to 31.3.2021, the case has been in process and the sanction has not issued yet .

But the Officer concerned leave the station before the sanction.

So it is therefore requested that kindly take action against him



Principal
GHS Takhte Nasrati



ASDEO (M)
Jhangiri Circle
Takhte-e-Nasrati

OFFICE OF THE DISTRICT EDUCATION OFFICER MALE KARAK.

No. 4242

Dated Karak the 8/6 /2018

To

The Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.

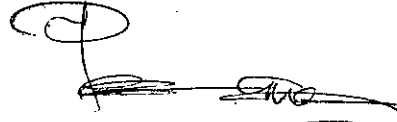
Subject: - SANTION FOR LEAVE WITH OUT PAY/ABSENTEE REPORT.

Memo: -

It is brought to your kind notice Mr.Tahir Salim SST (IT) BPS-16 GHS Takhte Nasrati(Karak) applied for leave without pay w.e.f. 01-4-2019 to 31-3-2021(two years) which was returned by this Office vide Memo.No3768 dated13-5-2019 with the remarks that being a SST (IT) and no substitute teacher available to teach the IT subject and the principal of the said school was also directed to inform this Office whether the above named SST (IT) left the station OR perform his duty regularly.

In the light of above the principal GHS Takhte Nasrati submit the absentee report vide Memo.No.135 dated 19-4-2019 in respect of the above named SST(IT) which is enclosed find herewith for necessary action please.

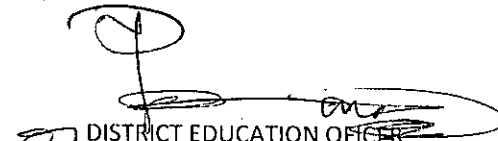
Encl: As above.


DISTRICT EDUCATION OFFICER
(MALE) KARAK.

Endst.no. 4243

Copy to the:-

1. Principal GHS Takht Nasrati (Kark) with the remarks that you have not justified the observations of this office Memo.No.3768 dt.13-5-2019 and nor mention the date of absentee period of the concerned teacher.


DISTRICT EDUCATION OFFICER
(MALE) KARAK.


ASDEO (M)
Jehangiri Circle
Takhte-e-Nasrati

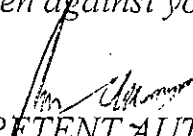
SHOW CAUSE NOTICE

I, Hafiz Dr. Muhammad Ibrahim Director Elementary & Secondary Education Khyber Pakhtunkhwa, as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve upon you Mr. Tahir Salim SST (IT) BS-16 GHS Takhti Nasrati District Karak as follows:-

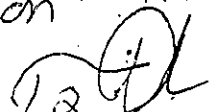
- i. That you have applied for Extra Ordinary Leave (Leave without pay) for two years w.e.f. 01-04-2019 to 31-03-2021 but you left the school without prior approval by the Competent Authority.
- ii. That you, demonstrating the sense of irresponsibility by leaving the duty without seeking approval of the leave from Competent Authority, are "guilty of misconduct" as specified in rules 3(b) of the ibid rules. Thus you have rendered yourself liable to be proceeded against under the said rules.

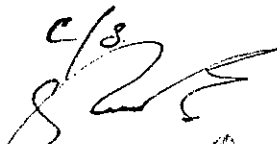
2. In exercise of the powers conferred by the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, the Competent Authority, is hereby pleased to dispense with the conduct of a formal enquiry and serve you with the instant Show Cause Notice with the direction to submit your defence in writing within 15 (Fifteen) days of the issuance of this notice as to why one of the major or minor penalty of rule-4 of the said rules should not be imposed upon you and also intimate whether you desire to be heard in person or not.


3. In case you fail to submit your reply within the stipulated period of fifteen days, it will be presumed that you have no defence to offer and, resultantly, an ex-parte decision will be taken against you.


COMPETENT AUTHORITY

Mr. Tahir Salim SST (IT)
GHS Takhti Nasrati District Karak.

Received on 27/7/19


c/s

Principal
Govt. High School
Takhti Nasrati District Karak


ASDEO (M)
Jehangiri Circle
Takhte-e-Nasrati

OFFICE OF THE DISTRICT EDUCATION OFFICER MALE KARAK

Letter No. 2972 /SST IT/Absent

Dated Karak the 15/7/2021

To

The Director
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.

Subject: - Detail report of Mr. Tahir Saleem SST IT GHS Takht-e-Nasrati District Karak

Memo:

It is stated for your kind information that Mr. Tahir Saleem S/O Awal Muhammad was appointed as IT teacher BPS-16 by "PROJECT MANAGER IT/COMPUTER SCIENCE TEACHERS AND COMPUTER LABS PROJECT (PHASE-II), E & SE DEPARTMENT, GOVERNMENT OF KHYBER PAKHTUNKHWA" on dated Peshawar the November 17, 2014. (See appointment order attached as annex A).

He performed his duty w. e. f 18.11.2014 to 01.10.2018. He was paid from 18.11.2014 to 30.6.2017. After that his salary was stopped as because the project was closed on 30.6.2017 and the status of the project employees was not clear. He remained absent from his duty from 01.10.2018. His absent report was submitted to your good office for necessary actions vide this office letter No. 5468 dated 8/11/2018. (Copy attached as Annex B).

On dated 13.12.2018 a letter of your good office was received regarding sending absent notice to Mr. Tahir Saleem on his home address. (Copy attached as annex C)

In light of your office order, Principal GHS Takht-e-Nasrati was directed to send absent notice at the home address of the said teacher. (Copy attached as Annex D)

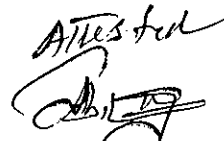
In response to this office absent notice, Principal GHS Takht-e-Nasrati submitted reply of Mr. Tahir Saleem which was submitted to your good office vide this office letter No. 1366 dated 27.02.2019. (Copy attached as Annex E/1, E/2, and E/3)

Meanwhile on dated 21.03.2019, he again took overcharge at GHS Takht-e-Nasrati. (Copy attached as Annex F)

Principal GHS Takht-e-Nasrati submitted his application for leave without pay w. e. f. 01.04.2019 to 31.03.2021. Application for leave without pay was rejected due to the reason that the application was received too late and there was no substitute teacher to teach IT subject and he was directed not to leave station before sanction of leave. (Copy of Principal letter, application for leave and this office letter attached as Annex G/1, G/2, and G/3).

Principal GHS Takht-e-Nasrati submitted a letter that Mr. Tahir Saleem has left the station before sanction of the leave. (Copy attach as Annex H)

Absent report of the mentioned teacher was submitted to your good office vide this office letter No. 4242 dated 08/06/2019 for further action. (Copy attached as annex I)

Attested


ASDEO (M)
Jehangiri Circle
Takhte-e-Nasrati

P-30/19

Show Cause notice was issued by respected Director (E&SE) and submitted to this office vide your office letter No. 3546/F. No. 04/SST (M) Leave cases dated 16/7/2019 and the same was forwarded to Principal GHS Takht-e-Nasrati vide this office letter No.5888/P. F. Tahir dated 22/7/2019. (Copy attach as Annex J/1, J/2)

The same was served on Mr. Tahir Saleem by Principal concerned and receiving copy was received and submitted to your good office vide this office letter No.6074 dated 31/7/2019. (Copy attached as Annex K/1, K/2)

Another letter for issuing absent notice of Mr. Tahir Saleem in two daily News paper was submitted to your office for further proceeding in the case vide this office letter No. 1905 dated 10.6.2021. (Copy attach as Annex L)

In light of the above detail history the case is submitted for further process please.

15/7/21
District Education Officer

Male Karak

Attest
15/7/21

ASDEO (M)
Jehangiri Circle
Takhte-e-Nasrati

No. 400 /SST(IT) T/Nasrati

Dated 9-10-2021.

(L)


From: The Principal,
GHS Takht-e-Nasrati Karak.

To: The Director E & SE,
Khyber Pakhtoonkhwa, Peshawar.

Subject: VERIFICATION OF OFFICIAL LETTER NO. 3215-16 DATED 17-8-2021.

Memo:

Enclosed please find herewith the letter issued by your kind honour regarding the leave without pay case in respect of Mr. Tahir Saleem SST (IT) of this School under Endst No. 3215-16 dated 17-8-2021 is submitted herewith for verification, please.

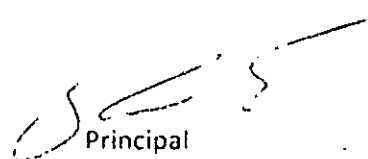

Principal
GHS Takht-e-Nasrati Karak.
Govt. (M) Sch.
Takht-e-Nasrati, Karak.

No. 401 /

Dated 9-10-2021.

Copy to:-

1. Distict Education Officer(Male) Karak.


Principal
GHS Takht-e-Nasrati Karak.


ASDEO (M)
Jehangiri Circle
Takhte-e-Nasrati



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION

No. 091-2331763

Squad Director, Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa

No.

File No. QAMIS VIII JANUARY 16, 2021

3122

Date: 21 October 2020

To

The Principal,
Govt. High School (GHS),
Takhti Nasrati, EMIS Code: 35853
Karak, Khyber Pakhtunkhwa

(M)

Through
The District Education Officer (Male),
Karak, Khyber Pakhtunkhwa.

Subject.

VERIFICATION OF ONE DAY SALARY DEDUCTION

I am directed to refer to your office letter No. 400 SST/II, Nasrati, Dated 9/10/2020 regarding subject "Verification of Official Letter No. 3215-16 Dated 17-8-2021" and to inform you that Mr. Tahir Saleem SST (II) of your school was found and marked absent on 17/12/2020 for which a cause notice was served for one day salary deduction. The concerned absent teacher did not provide a reply in defense within a stipulated time for which on the approval of worthy Director F&SE, his one day salary deduction notification was issued (copy attached).

Foregoing in view, you are hereby directed to deduct one day salary of the concerned teacher without any further delay and provide a set of complete record as a proof including:

1. Pay Role having one-day salary deducted and
2. Source send to district account office for one-day salary deduction

Note:

The verification comprising of above-mentioned documents against the concerned absent teacher should reach this office within 07 (Seven) days positively to avoid any inconvenience at your end.

21/10/2020
ASSISTANT DIRECTOR SQMII
ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA

Encl No.

Dated

Copy for information to the:

1. P.S to Secretary, E&SED Civil Secretariat Peshawar, Khyber Pakhtunkhwa.
2. P.A to Director E&SE, Khyber Pakhtunkhwa
3. Office File

ASDEO (M)
Jehangiri Circle
Takhte-e-Nasrati

ASSISTANT DIRECTOR SQMII
ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA

Better Copy

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
091-9331763

No. 3100 File.No. OAMIS/MALE JANUARY Dated 21 October

To

The Principal
Govt High School (GHS)
Takhti Nasrati EMIS Code 35853
Karak Khyber Pakhtunkhwa

Through

The District Education Officer (Male)
Karak, Khyber Pakhtunkhwa

Subject:- **VERIFICATION OF ONE DAY SALARY DEDUCTION**

I am directed to refer to your office letter No. 400 SST-II/ T-Takhti Nasrati dated 09.10.2021 regarding subject: verification of official letter No. 3215-16 dated 17.08.2021 and to inform you that Mr. Tahir Saleem SST II of your school was found and marked absent on 17.12.2020 for which a show cause notice was served for one day salary deduction. The concerned absent teacher did not provide any reply in defense within the stipulated time for which on the approval of worthy director E&SE has one day the salary deduction notification was issued. (Copy attached).

Foregoing in view, you are hereby directed to deduct one day salary of the concerned absent teacher without any further delay and provide a set of complete record is approved including.]

1. Pay Rule having one day salary deducted and.
2. Source send to District account office for one day salary deduction.

Note:

The verification comprising above mention documents against the concerned absent teacher should reached this office within (07) seven days positively to avoid any inconvenience at your end.

ASSISTANT DIRECTOR SQMI
ELEMENTARY AND SECONDARY
EDUCATION KHYBER

PAKHTUNKHWA

Endst No _____ dated _____

Copy for information to:-

1. P.S to Secretary, E&SED Civil Secretariat Peshawar Khyber Pakhtunkhwa.
2. P.A to director E&SE Khyber Pakhtunkhwa.
3. Office file.

ASSISTANT DIRECTOR SQMI
ELEMENTARY AND SECONDARY
EDUCATION KHYBER PAKHTUNKHWA

NO 389

Dated 11-9-2021.

From: The Principal,
GHS Takht-e-Nasrati
Karak.

To: The District Education Officer,
(Male) Karak.

Subject: CONVERSION OF ABSENT PERIOD TO LEAVE WITHOUT PAY.

ADD Sec 1
@
15/09/2021
3353
15-9-21

Memo:

Reference to the Director E& SE Peshawar letter under Endst: No. 3215.16 dated 17-8-2021 received on 8-9-2021 on the subject cited above(copy attached).

In light Director E& SE Peshawar direction Mr. Tahir Saleem SST(IT) has resumed his duty w.e.f 10-9-2021.

For your kind perusal and information arrival report copy is attached.

Principal
GHS Takht-e-Nasrati
Karak.
Govt High School
T/Nasrati (Karak)

No. _____

Dated _____ 2021.

Copy to:-

1. Director E&SE Peshawar.
2. DAO Karak .

ASDEO
ASDEO

ASDEO (M)
Jehangiri Circle
Takhte-e-Nasrati

Principal
GHS Takht-e-Nasrati
Karak.

Statement of Principal GHS Takht-e-Nasrati Regarding PERs of Tahir Saleem SST-IT

1. The undersigned, being the reporting officer, have signed and forwarded the PERs of Mr. Tahir Saleem Ex SST-IT for the year 2016, 2017, 2018 , three months only in 2019 (01/01/2019 to 31/03/2019) and three months PERs in 2021. But the teacher concerned has tampered and overwrote on the PER for 2021 and made it 01/01/2021 instead of 01/09/2021 in a bogus way.
2. The undersigned has not signed the teachers concerned PER for the year 2020 as he was absent during the whole year.
3. He has also tempered and overwrote on the Bio Data and service history forms deleting the absent period mentioned by the undersigned.
4. The undersigned has issued service certificate of the undersigned with a mention of Leave without pay period.

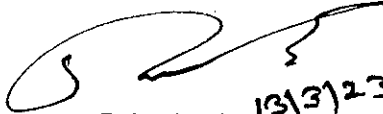
The only confusion and misunderstanding is that the Directorate of Elementary & Secondary Education Peshawar Letter No.3215-3216 dated 17/08/2021 stated that absent period is converted into "Leave without pay" and he was charged only one day pay deduction. Reference to the letter of Directorate mentioned above the undersigned requested for guidance from DEO (Male) Karak letter No.330 date 05/04/2021, but no response was given to the undersigned.

After that the undersigned sent a letter about his absence period to the Directorate of Elementary & Secondary Education. In response the undersigned received a letter NO. 3100 dated 21/10/2021 from Directorate, in which the Directorate stated that deduction of one day salary should be made and record may be sent to Directorate. There was nothing about the absent period in his letter. (Copy attached)

Amir
ASDEO
ASDEO (M)
Jehangiri Circle
Takhte-e-Nasrati

Further stated that the undersigned has not signed the source of activating his pay.

In the light of above statement, please consider me innocent in this case, as the undersigned has signed the PERs of the period he served and the dates were clearly mentioned in the PERs. The teacher concerned tempered the PERs and the tempering was clear in his PERs. He has deceived the Directorate and the Secretariat by tempering the dated in his PERs and thus got promotion to SS-IT BPS-17 by bogus way. So detail report is submitted for further process.


Principal 13/3/23
GHS Takht-e-Nasrati
Karak



ASDEO (M)
Jehangiri Circle
Takhte-e-Nasrati

Principal
Govt. High School
Takht-e-Nasrati (Karak)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar

(P)

Dated Peshawar 07.07.2022

NOTIFICATION

No. SO(PE)E&SED/2-6/DPC Meeting/2020-22: The Competent Authority has been pleased to withdraw the promotion Notification of even number dated 15.04.2022 from SST(IT) (BS-16) to SS(IT) (BS-17) to the extent of Mr. Tahir Sleem, Ex-SST(IT) (BS-16) at serial No.46, ab initio.

SECRETARY
ELEMENTARY & SECONDARY EDUCATION

Unds. No. & date even:

A copy is forwarded to the:

1. Director, Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. District Education Officers (M), Karak.
3. District Account Officers, Karak.
4. PS to Secretary Elementary & Secondary Education, Department, Khyber Pakhtunkhwa.

(MUHAMMAD ISLAM)
SECTION OFFICER (PRIMARY)



ASDEO Secy
Ma 25/7/22

Sher Alam Assis
For record.

AB
26/7/22

ASDEO (M)
Jehangiri Circle
Takhte-e-Nasrati

ASDEO (M)
Jehangiri Circle
Takhte-e-Nasrati

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service appeal No. 1209/ 2022

Tahir Saleem Ex-SST (IT), GHS Takht-e-Nasrati District Karak(Appellant)

VERSUS

Secretary E&SED Government of Khyber Pakhtunkhwa & Others(Respondents).

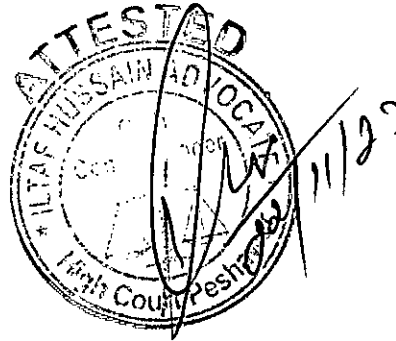
AFFIDAVIT

I, Zahoor Khan District Education Officer (M), Karak do hereby solemnly affirm and declare on oath that all the contents of instant para wise comments are true and correct to the best of my knowledge and belief, nothing is lie and nothing has been concealed from this Hon'able Service Tribunal. *It is further stated on oath that in this appeal, the answering respondents have not been placed ex-parte nor their defense has been struck off/cost.*

Dated 14 / 11 / 2023

Deponent

(Zahoor Khan)
District Education Officer
Male Karak



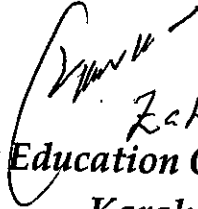
OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE), KARAK.

No 7832

Dated 31-10-23

AUTHORITY LETTER

Mr. Abdullah Khan ASDEO Circle Jehangiri (incharge Litigation) in DEO (M), Karak, is hereby authorized to file written comments on behalf of Official respondent in Service Appeal No. 1209/ 2022 titled as Tahir Saleem Ex-SST (IT), GHS Takht-e-Nasrati District Karak Versus *Secretary E&SED Government of Khyber Pakhtunkhwa & Others* Khyber Pakhtunkhwa Service Tribunal, Peshawar.


Zahoor Khan
District Education Officer (Male)
Karak.