

ORDER

03.06.2022

Mr. Noor Muhammad Khattak, Advocate for the appellant present. Mr. Muhammad Riaz Khan Painsdakhel, Assistant Advocate General for the respondents present.

02. Vide our detailed judgement of today placed on file in service appeal No. 228/2016 titled "Khan Akbar Versus Director Education erstwhile FATA and Agency Education Officer Khyber Agency", this appeal is also dismissed being devoid of merit. Costs shall follow the event. Consign.

03. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 03rd day of June, 2022.*



(KALIM ARSHAD KHAN)
CHAIRMAN




(MIAN MUHAMMAD)
MEMBER(E)

30th May, 2022

Counsel for the appellānt present. Muhammad Riaz
Khan Paindakhel, Asst: AG alongwith Mr. Munwar Khan,
ADEO for respondents present.


Arguments heard. To come up for order on 03.06.2022
before D.B.

(Mian Muhammad)
Member(E)

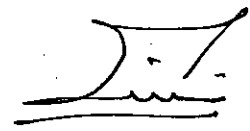

(Kalim Arshad Khan)
Chairman

31.08.2021

Mr. Noor Muhammad Khattak, Advocate, for the appellant present. Mr. Munawar Khan, ADO (litigation) alongwith Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present and requested for adjournment on the ground that the brief of the instant appeal was assigned to Mr. Usman Ghani, District Attorney and however he was not feeling well and is on leave. Adjourned. To come up for arguments before the D.B on 03.11.2021.



(ATIQ UR REHMAN WAZIR)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

03.11.2021

Junior to counsel for appellant present.

Muhammad Rasheed learned Deputy District Attorney alongwith Munawar Khan ADEO for respondents present.

Former made a request for adjournment as senior counsel is busy before Hon'ble Peshawar High Court, Peshawar. Request is accorded. To come up for arguments on 08.02.2022 before D.B.



(Rozina Rehman)
Member (J)



Chairman

8-2-2022

Due to retirement of the Hon'ble Chairman the case is adjourned to come up for the same as before on 30-5-2022

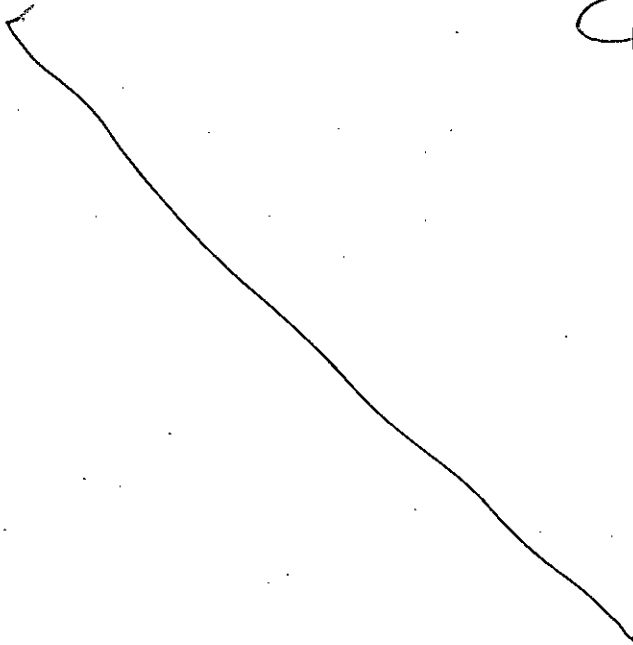


Reader

28.12.2020

Due to summer vacation, case is adjourned to 15.3.2021 for the same as before.


Reader



15.03.2021

Counsel for the appellant and Addl: AG for the respondents present.

On 06.07.2020 the respondents were required to produce copies of show cause notice dated 20.10.2014 and the notices published in Daily Mashriq and Ajj on 26.11.2014. Thereafter, on three occasions the hearing was adjourned on the strength of Reader's Note.

Fresh notices be issued to respondents as no representative on their behalf is in attendance today.

Adjourned to 29.04.2021 before D.B.



(Mian Muhammad)
Member(E)


Chairman

29.4.21

Due to COVID-19, the case is adjourned to 31.8.2021 for the same.


Reader

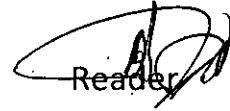
27.10.2020

Proper D.B is on Tour, therefore, the case is
adjourned for the same on 28.12.2020 before D.B.


Reader

8-4-2020

Due to COVID19, the case is adjourned to
6/7 2020 for the same as before.

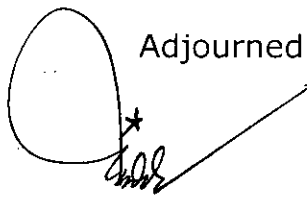

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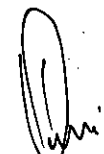
06.07.2020

Learned counsel for the appellant and Mr. Kabirullah Khattak learned Addl. AG alongwith Mr. Munawar Khan SST for the respondents present.

After hearing learned counsel for the appellant and learned Addl. AG on behalf of respondent, we consider it appropriate to require the respondents to produce on next date the copies of Show Notice dated 28.10.2014 and the notices published in daily Mashriq & AAJ on 26.11.2014.

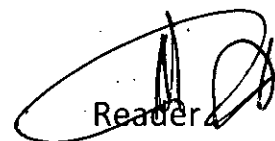
Adjourned to 28.08.2020 before D.B.


Member


Chairman

28.08.2020

Due to summer vacation, the case is adjourned to
27.10.2020 for the same as before.


Reader

12.09.2019 Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Waheed Gul, ADEO for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 14.11.2019 for arguments before D.B.


(Ahmad Hassan)
Member



(M. Amin Khan Kundi)
Member


14.11.2019 Counsel for the appellant present. Asst: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 14.01.2020 before D.B.


Member


Member

14.01.2020 Appellant in person and Mr. Kabirullah Khattak, Additional AG for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today due to general strike on the call of Khyber Pakhtunkhwa Bar Council. Adjourned to 28.02.2020 for arguments before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

28-2-2020

The learned members is on tour therefore case is adjourned to 8-4-2020


Registrar

11.04.2019

Clerk of counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Due to strike ^{on the 11/04} of Pakistan Bar Council, learned counsel for the appellant is not available today. Adjourned. To come up for arguments on 20.05.2019 before D.B.


(AHMAD HASSAN)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

20.05.2019

Junior to counsel for the appellant and Mr. Kabirullah Khattak learned Addl: AG for the respondents present.

Learned senior counsel for the appellant is stated to indisposed therefore request for adjournment is made.

Adjourned to 15.07.2019 for argument before D.B.


Member


Chairman

15.07.2019


Junior counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Hazrat Shah, Superintendent for the respondents present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned to 12.09.2019 for arguments before D.B.



(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

10.09.2018

Learned counsel for the appellant and Mr. Riaz Khan Paindakheil learned Assistant Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on ~~28.12~~ 2018 before D.B


(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member


31.12.2018

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Adjournment requested. Adjourn. To come up for arguments on 18.01.2019 before D.B.

18.01.2019


Counsel for the appellant present. Mr. Kabirullah Khattak Addl: AG for respondents present. Counsel for the appellant Member adjournment. Adjourned. Case to come up for arguments on 13.03.2019 before D.B.



(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

13.03.2019

Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith DAud Jan Superintendent present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 11.04.2019 before D.B.



Member


Member

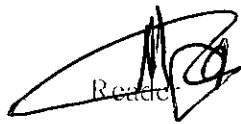
26.02.2018

Learned counsel for the appellant and Mr. Usman Ghani, Learned District Attorney for the respondents present. At the very outset learned District Attorney raised objection that the appellant was removed from service on the ground of absence from duty being abroad and he is still not available/present before this Tribunal. Learned counsel for the appellant stated that the appellant is not abroad and seeks adjournment to produce the appellant before the Tribunal. Adjourned. To come up for arguments on 27.04.2018 before D.B


(Gul Zeb Khan)
Member


(Muhammad Hamid Mughal)
Member


27.04.2018 Junior counsel for the appellant and Mr. Kabir Ullah Khattak, Additional AG for the respondents, present. The Tribunal is non functional due to retirement of the Honorable Chairman. Therefore, the case is adjourned. To come up for the same on 13.07.2018 before D.B.


Reader

13.07.2018

Junior to counsel for the appellant and Mr. Sardar Shaukat Hayat learned Additional Advocate General present. Junior to counsel for the appellant seeks adjournment on the ground that senior counsel is not in attendance. Adjourned. To come up for arguments on 10.09.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

27.10.2016

Counsel for the appellant and Mr. Daud Jan, Supdt. alongwith Addl. AG for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing on 10.01.2017.

Member

10.01.2017

Counsel for the appellant and Assistant AG for respondents present. Rejoinder submitted which is placed on file. To come up for arguments on 01.06.2017.

(AHMAD HASSAN)
MEMBER

(MUHAMMAD AAMIR NAZIR)
MEMBER

01.06.2017

Clerk of the counsel for appellant present. Mr. Muhammad Adcel Butt, Additional AG for the respondents also present. Clerk of the counsel for appellant requested for adjournment. Adjourned. To come up for arguments on 26.09.2017 before D.B.

(GUL ZEB KHAN)
MEMBER

(MUHAMMAD AMIN-KHAN KUNDI)
MEMBER

26.09.2017

Junior to counsel for the appellant and Mr. Muhammad Jan, DDA for respondents present. Appellant seeks adjournment as senior counsel was busy before the Daar-ul-Qaza, Swat. Adjourned. To come up for arguments on 27.02.2018 before D.B.

Member

Chairman

22.03.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as PST (BPS-12) when subjected to inquiry on the allegations of wilful absence and removed from service vide impugned order dated 18.12.2014 communicated to the appellant on 6.11.2015 where-against he preferred departmental appeal on 16.11.2015 which was not responded and hence the instant service appeal on 11.3.2016.

Appellant Deposited
Security & Process Fee

That the impugned order is violative of facts and law as the school was closed and was to be reopened on 1.1.2015. That apart from the above, the prescribed procedure of publication in the daily leading newspapers was not adopted.

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 9.5.2016 before S.B.


Chairman

09.05.2016

Agent of counsel for the appellant and Mr. Daud Jan, Supdt. alongwith Asstt. AG for the respondents present. Requested for adjournment. To come up for ~~reply~~ on 18.08.2016 before S.B.


Chairman

18.08.2016



Clerk to counsel for the appellant and Mr. Murtaza Khan, Stenographer alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. Request accepted. To come up for written reply/comments on 27.10.2016 before S.B.


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 229/2016

| S.No. | Date of order Proceedings | Order or other proceedings with signature of judge or Magistrate |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1 | 11.03.2016 | <p>The appeal of Mr. Badshah Khan presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR -</p> |
| 2 | 21-3-2016 | <p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>22-3-16</u>.</p> <p> CHAIRMAN</p> |

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 229 /2016

BADSHAH KHAN

VS

EDUCATION DEPTT:

INDEX

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|---------------|----------------------------------|------------------|-------------|
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| 6. | Departmental appeal | F | 23. |
| 7. | Vakalat nama | | 24. |

APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 229 /2016.

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 206
Date 11-03-2016

Mr. Badshah Khan, PST (BPS-12),
GPS Sher Bahadar Kale, Bara Khyber Agency.....**APPELLANT**

VERSUS

- 1- The Director of Education FATA, FATA Secretariat, warsak road, Peshawar.
- 2- The Agency Education Officer Khyber Agency.

.....**RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNA ACT 1974 AGAINST THE IMPUGNED ORDER DATED 18.12.2014 COMMUNICATED TO THE APPELLANT ON 6.11.2015 WHEREBY MAJOR PENALTY OF REMOVAL FROM SERVICE WAS IMPOSED ON THE APPELLANT WITHOUT CONDUCTING REGULAR INQUIRY IN THE MATTER AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTARY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this appeal the impugned order dated 18.12.2014 communicated to the appellant on 6.11.2015 may kindly be set aside and the appellant may be re-instated into service with all back benefits. Any other remedy which this august tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:

- 1- That appellant is the employee of the respondent Department and has served the respondent Department as PST (BPS-12) for quite considerable time efficiently and up to the entire satisfaction of his superiors.
- 2- That due critical law and order situation in Khyber agency all the functional schools of the respondent Department were closed/non-functional by the respondent No.2 on the directions of higher authorities. That in the said schools the school where the appellant was posted has also been closed/non-functional on the direction of respondent No.2.

Handwritten notes:
Filed to the
11/3/16

Copy of the list of non-functional schools is attached as annexure.....**A.**

3- That it is pertinent mention that during the said period the appellant has regularly visited the office of respondent No.2. That the respondent No.2 issued Notification dated 18.12.2014 whereby all the educational institutions male and female of plain area of Tehsil Bara Khyber Agency has been opened with effect from 1st of January 2015. Copy of the Notification is attached as annexure.....**B.**

4- That in compliance the appellant visited the concerned quarter for arrival but he was verbally told that he has been removed from service on account of willful absence w.e.f. 17.7.2007 till date. That appellant requested for issuance of his removal order but the same has not been communicated to appellant on malafide reason. That it is pertinent to mention that appellant has received salaries during the said period. Copy of the pay roll is attached as annexure.....**C.**

5- That after several efforts the impugned order dated 18.12.2014 was communicated to the appellant on 6.11.2015 whereby the appellant was removed from service on account of willful absence. Copies of the impugned order and other supported documents are attached as annexure.....**D & E.**

6- That appellant feeling aggrieved from the impugned order dated 18.12.2014 communicated to the appellant on 6.11.2015 filed Departmental appeal on 16.11.2015 but no reply has been received so far. Hence the present appeal on the following grounds amongst the others. Copy of the Departmental appeal is attached as annexure.....**F.**

GROUND:

A- That the impugned order dated 18.12.2014 communicated to the appellant on 6.11.2015 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.

B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.

- C- That no charge sheet and statement of allegation has been served on the appellant before issuing the impugned order dated 18.12.2014.
- D- That no show cause notice has been served on the appellant while issuing the impugned order dated 18.12.2014.
- E- That no chance of personal hearing personal defense has been given to the appellant before issuing impugned order dated 18.12.2014.
- F- That during the said period the appellant has regularly visited the office of the respondent No.2 but the respondent No.2 inspite of know in critical law and order situation in the area malafidly issued the impugned order dated 18.12.2014 against the appellant which is not tenable and liable to be set aside, being not based on facts and circumstance.
- G- That no regular inquiry has been conducted in the matter which is as per Supreme court judgments is necessary in such like matters.
- H- That the respondents acted in arbitrary and malafide manner while issuing the impugned order dated 18.12.2014.
- I- That appellant seeks permission to advance other 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.

Dated: 09.03.2016

APPELLANT



BADSHAH KHAN

THROUGH:



**NOOR MOHAMMAD KHATTAK
ADVOCATE**

A-4

List of Closed and Non Functional High/Middle/Primary Schools in Tehsil Bara

| | | | |
|----|---|----|------------------------|
| 1 | GHS Alam Gudar Bara Khyber Agency | 46 | GPS Shin Akbar |
| 2 | Government High Schoo Hisara | 47 | GPS Spin Qabar No. 2 |
| 3 | GHS Akhun Talab Bara Khyber Agency | 48 | GPS Talib Jan |
| 4 | GHS Mawaz Killi Bara | 49 | GPS Muhammad Akbar |
| 5 | GHS Madghali Attari Bara Khyber Agency | 50 | GPS Sama Ghari |
| 6 | GHS Kohi Sher Haider | 51 | GPS Aman Talab |
| 7 | GHS Gul Zamir Killi Bara Khyber Agency | 52 | GPS Shin Drand |
| 8 | GHS Janas Khan Killi Bara Khyber Agency | 53 | GPS Sanzal Khel |
| 9 | GHS Sama Ghari Bara Khyber Agency | 54 | GPS Jani Ghari |
| 10 | GMS Azeem Killi | 55 | GPS Khawangi |
| 11 | GMS Karna Khel | 56 | GPS Mesri Khel Mela |
| 12 | GMS Shalobar No.1 | 57 | GPS Jamash Kili |
| 13 | GMS Spin Qabar | 58 | GPS Hindustan Killi |
| 14 | GMS Mastak Tirah | 59 | GPS Mashkano Mela |
| 15 | GMS Gul Miran | 60 | GPS Ala Dand |
| 16 | GMS Haji Dhand | 61 | GPS Lal Muhammad Killi |
| 17 | GMS Akram Killi | 62 | GPS Meri Khel |
| 18 | GMS Yara Jan | 63 | GPS Yarzamad |
| 19 | GMS Zawa | 64 | GPS Ghulam Sher |
| 20 | GMS Shin Kamar | 65 | GPS Zarmat Jan |
| 21 | GPS Ali Jan Killi | 66 | GPS Sultan Khel |
| 22 | GPS Shahi Baig | 67 | GPS Khurma Tang |
| 23 | GPS Tarkho Kas | 68 | GPS Almas Stori Khel |
| 24 | GPS Sandana Tirah | 69 | GPS Abdul Qadar |
| 25 | GPS Ismail Killi | 70 | GPS Lali Jan |
| 26 | GPS Hukam Khan | 71 | GPS Minadar |
| 27 | GPS Hissara NO 2 | 72 | GPS Khanamir |
| 28 | GPS Sur Kas Noz Ajjal: Nade. | 73 | GMPS Shamshad |
| 29 | GPS Waris Killi | 74 | GMPS Khanzada |
| 30 | GPS Karigar Gharhi | 75 | GMPS Gui Jalal |
| 31 | GPS Sandali Killi | 76 | GMPS Spinkay Tiga |
| 32 | GPS Abdar Killi | 77 | GMPS Munawar |
| 33 | GPS Chargai Dagari | 78 | GMPS Saleem Shah |
| 34 | GPS Jabbar Mela Tirah | 79 | GPS Dina Jan |
| 35 | GPS Mathray Dada Neeka | 80 | GPS Sur Kas No. 2 |
| 36 | GPS Hussain Gul | 81 | GMPS Zubair Killi |
| 37 | GPS Shalobar No. 3 | 82 | GMPS Pisho Khwar |
| 38 | GPS Tandil Bughdad Khel | 83 | GMPS Rehman Khan |
| 39 | GPS Dara Maira | 84 | GPS Jan Badshah |
| 40 | GPS Susvaki | 85 | GPS Barami Alamsher |
| 41 | GPS Khuna Ziala | 86 | GPS Raza Khan |
| 42 | GPS Khan Wali | 87 | GPS Yardin |
| 43 | GPS Juma Baz | 88 | GPS Kaga Ghara |
| 44 | GPS Gulab Khel | 89 | GPS Sher Bahadar |
| 45 | GPS Mandai Kas | 90 | GPS Mandai Kas |

ATTESTED

[Signature]

[Signature]
 Agency Education Officer Khyber
 Agency at Jamrud

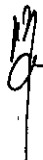
List of closed and Non Functional High/Middle/Primary Schools and teaching staff of Bara Tehsil

| 1 GHS Alam Gudar Bara Khyber Agency | | |
|--------------------------------------|-----------------|-------------|
| S No | Name | Designation |
| 1 | Abdul Jabbar | SST |
| 2 | Abdul Sattar | SST |
| 3 | Sajid Ali | SST |
| 4 | Azam Jan | SST |
| 5 | Khyber Khan | CT |
| 6 | Ghula Hassan | CT |
| 7 | Najeebullah | CT |
| 8 | Muhammad Younas | CT |
| 9 | Muhammad Shoaib | CT |
| 10 | Muhammad Sadeeq | CT |
| 11 | Shah Muhammad | CT |
| 12 | Abdul Rehman | DM |
| 13 | Abdul Ahad | Qari |
| 14 | Muhammad Ashraf | T.T |
| 15 | Ajmal Khan | P.Imam |
| 16 | Munawar Khan | CT |
| 17 | Shehzad Gul | CT |
| 18 | Jehan Zeb | PST |
| 19 | Inayatyullah | PST |
| 20 | Jan Akbar | PST |
| 21 | Usman Ali | PST |
| 22 | Muhammad Shafiq | PST |
| 2 Government High School Hisara | | |
| 1 | Fazal Gul | HM |
| 2 | Said Bahadar | SST |
| 3 | Mir Nawaz | SST |
| 4 | Muhammad Jamil | CT |
| 5 | Ihsanullah | CT |
| 6 | Naseer Shah | CT |
| 7 | Sardar Khan | AT |
| 8 | Noor Haleem | DM |
| 9 | Murad-u-din | T.T |
| 10 | Aurang Zeb | PST |
| 11 | Ahmad Shah | PST |
| 12 | Ibrahim | L/Asstt |
| 13 | Muhammad Younas | PET |
| 14 | Shams-ul-Islam | Qari |
| 3 GHS Akhun Talab Bara Khyber Agency | | |
| 1 | Muhammad Abbas | HM |
| 2 | Muslim Shah | SST |
| 3 | Muhammad Islam | SST |
| 4 | Gohar Ali | CT |
| 5 | Hasham Khan | CT |
| 6 | Ihsanullah | CT |
| 7 | Muhammad Aziz | AT |
| 8 | Khair Muhammad | DM |

ATTESTED

| | | |
|--|---------------------|---------|
| 9 | Muhammad Ikramullah | PST |
| 10 | Abdul Aziz | PST |
| 11 | Sajjad Ali | Qari |
| 12 | Muhammad Ayaz | L/Asstt |
| 4 GHS Mawaz Killi Bara | | |
| 1 | Abdul Qadeer | HM |
| 2 | Fazal Haleem | SST |
| 3 | Saleh Muhammad | SST |
| 4 | Abdul Rehman | CT |
| 5 | Yaseen Gul | CT |
| 6 | Muhammad Ali | CT |
| 7 | Said Jamal | AT |
| 8 | Hamid Khan | DM |
| 9 | Noor Haleem | PET |
| 10 | Faizullah | Qari |
| 11 | Saeedullah | L/Asstt |
| 12 | Shakeel Ahmad | PST |
| 13 | Shafiq-ur-Rehman | PST |
| 14 | Murtaza | T.T |
| 5 GHS Madghali Attari Bara, Khyber Agency | | |
| 1 | Shah Jehan | HM |
| 2 | Muhammad Jamal | SST |
| 3 | Amir Zeb | SST |
| 4 | Zafraan Shah | CT |
| 5 | Said Afzal | CT |
| 6 | Saeed Rehman | CT |
| 7 | Jamal Din | AT |
| 8 | Said Nawaz | DM |
| 9 | Abdul Sattar | PET |
| 10 | Shah Khalid | PST |
| 11 | Mohabat Khan | PST |
| 12 | Abdul Malik | T.T |
| 13 | Saif-ur-Rehman | Qari |
| 14 | Muhammad Ibrahim | T.T |
| 15 | Raees Jan | L/Asstt |
| 6 GHS Kohi Sher Haider | | |
| 1 | Musharraf Khan | SST |
| 2 | Sher Zaman | SST |
| 3 | Abdul Ghafoor | CT |
| 4 | Rana Gul | CT |
| 5 | Nisar Khan | CT |
| 6 | Akbar Gul | CT |
| 7 | Alif Gul | CT |
| 8 | Alamgir | CT |
| 9 | Fazle Rabi | PET |
| 10 | Wahid Gul | DM |
| 11 | Khalid Khan | AT |
| 12 | Sohbat Khan | P.Imam |
| 13 | Wajid Ali | L/Asstt |
| 14 | Rashid Khan | PST |

ATTESTED



| | | |
|--|-----------------|---------|
| 15 | Jamshed Khan | PST |
| 16 | Khalid Khan | T.T |
| 7 GHS Gul Zamir Killi Bara Khyber Agency | | |
| 1 | Janas Khan | HM |
| 2 | Muhammad Ali | SST |
| 3 | Amanullah | CT |
| 4 | Muhammad Karim | CT |
| 5 | Sakhi Jan | CT |
| 6 | Muhammad Jamil | PET |
| 7 | Muhammad Hilal | AT |
| 8 | Haroon | L/Asstt |
| 9 | Rehmatullah | Qari |
| 10 | Aurang Zeb | PST |
| 11 | Shah Wali | PST |
| 12 | Arif Khan | T.T |
| 8 GHS Janas Khan Killi Bara Khyber Agency | | |
| 1 | Millat Khan | AT |
| 2 | Muhammad Younas | T.T |
| 3 | Ihsanullah | CT |
| 4 | Utman Khel | CT |
| 5 | Gul Aman | CT |
| 6 | Khan Afzal | CT |
| 7 | Noor Khan | PET |
| 8 | Faridullah | DM |
| 9 | Gulzar | SET |
| 10 | Murad Khan | L/Asstt |
| 9 GHS Sama Ghari Bara Khyber Agency | | |
| 1 | Hikmat Khan | SST |
| 2 | Hidayatullah | SST |
| 3 | Sardar Khan | SST |
| 4 | Abdul Shahid | CT |
| 5 | Muhammad Anwar | CT |
| 6 | Noor Habib | CT |
| 7 | Azeem Khan | CT |
| 8 | Said Jamal | CT |
| 9 | Fazal Rehman | AT |
| 10 | Hanif Khan | DM |
| 11 | Hazrat Shah | T.T |
| 12 | Humayun Khan | PET |
| 13 | Wakeel Jan | L/Asstt |
| 10 GMS Azeem Killi | | |
| S No. | Name | |
| 1 | Noor Islam | SST |
| 2 | Abid Ali | CT |
| 3 | Taj Muhammad | CT |
| 4 | Abdul Raziq | DM |
| 5 | Nawaz Khan | PET |
| 6 | Said Rasool | AT |
| 7 | Wajid Ali | PST |
| 8 | Sherin Khan | PST |

ATTESTED



| | | |
|------------------------------|-----------------|-----|
| 9 | Farooq Jan | TT |
| 11 GMS Karna Khel | | |
| 1 | Muhammadullah | PST |
| 2 | Qadar Jan | PST |
| 3 | Abdul Samad | PET |
| 4 | Muhammad Ghani | TT |
| 12 GMS Shalobar No. 1 | | |
| 1 | Muhammad Sadiq | SET |
| 2 | Zafar Khan | CT |
| 3 | Shah Muhammad | CT |
| 4 | Ajmali Shah | PET |
| 5 | Abdul Aziz | AT |
| 6 | Fazal Karim | DM |
| 7 | Hawwas Khan | PST |
| 8 | Muhammad Dand | PST |
| 13 GMS SPIN Qabar | | |
| 1 | Ahmad Shah | SST |
| 2 | Aqal Khan | CT |
| 3 | Bostan | CT |
| 4 | Pir Muhammad | DM |
| 5 | Wajid Ali | PET |
| 6 | Abdullah | AT |
| 7 | Gul Muhamad | PST |
| 8 | Imranullah | PST |
| 9 | Muhammad Nawaz | TT |
| 14 GMS Mastak Tirah | | |
| 1 | Haji Gul | CT |
| 2 | Said Hussain | PET |
| 3 | Zahidullah | DM |
| 4 | Khan Akbar | PST |
| 5 | Badshah Khan | PST |
| 15 GMS Gul Miran | | |
| 1 | Sabir Muhmmad | SST |
| 2 | Wahid Gul | CT |
| 3 | Banat Khan | CT |
| 4 | Ramzan | DM |
| 5 | Abdul Aziz | AT |
| 6 | Shah Khalid | PET |
| 7 | Munawar Khan | PST |
| 8 | Muhammad Farooq | PST |
| 16 GMS Haji Dhand | | |
| 1 | Abdul Rashid | SST |
| 2 | Gul Anwar | CT |
| 3 | Rafatullah | CT |
| 4 | Noorudin | DM |
| 5 | Ajmal Ali | PET |
| 6 | Naveed | AT |
| 7 | Ameen Gul | PST |
| 8 | Daulat Khan | PST |
| 9 | Iftekharullah | TT |
| 17 GMS Akram Killi | | |

ATTESTED



| | | |
|-----------------------------|---------------------|-------------|
| 1 | Farooq Shah | SST |
| 2 | Habib Rehman | CT |
| 3 | Aqal Khan | CT |
| 4 | Husnul Ma'ab | AT |
| 5 | Mehboob Rehman | TT |
| 6 | Shahidullah | PST |
| 7 | Irshad Ali | PET |
| 8 | Mahmood | PST |
| 9 | Shahid Ali | DM |
| 18 GMS Yara Jan | | |
| 1 | Adam Gul | CT |
| 2 | Muhammad Israr | PET |
| 3 | Ihsanulhameed | TT |
| 4 | Said Nawaz | DM |
| 5 | Muhammad Nisar | PST |
| 6 | Ibrahim | CT |
| 7 | Hidayatullah | AT |
| 19 GMS Zawa | | |
| 1 | Irshad Ali | SST |
| 2 | Muhammad Rasool | CT |
| 3 | Masta Jan | CT |
| 4 | Akbar Gul | CT |
| 5 | Said Ali Shah | CT |
| 6 | Shaheen Gul | PET |
| 7 | Zarwali | DM |
| 8 | Momeen Khan | PST |
| 9 | Saeed Khan | PST |
| 10 | Abdul Zamir | TT |
| 20 GMS Shin Kamar | | |
| 1 | Sabir Shah | SST |
| 2 | Sher Rehman | PST |
| 21 GPS Ali Jan Killi | | |
| S No | Name | Designation |
| 1 | Gul Faraz | PST |
| 2 | Muhammad Anwar Shah | PST |
| 22 GPS Shahi Baig | | |
| 1 | Khalid Khan | PST |
| 2 | Said Karim | PST |
| 23 GPS Tarkho Kas | | |
| 1 | Naeem Jan | PST |
| 2 | Numan Afridi | PST |
| 24 GPS Sandana Tirah | | |
| 1 | Malak Shah | PST |
| 2 | Usman Gul | PST |
| 25 GPS Ismail Killi | | |
| 1 | Qadeem Khan | PST |
| 2 | Abdul Wahab | PST |
| 26 GPS Hukam Khan | | |
| 1 | Jalal Din | PST |
| 2 | Zia-u-Rehman | PST |

ATTESTED



| | | |
|------------------------------------|-----------------|-----|
| 27 GPS Hissara NO 2 | | |
| 1 | Said Rehman | PST |
| 2 | Haji Muhammad | PST |
| 3 | Amir Nawab | T.T |
| 28 GPS Sur Kas Arjali Nade. | | |
| 1 | Gul Sher | PST |
| 2 | Ikhtiar Alam | PST |
| 3 | Shams-ul-Haq | T.T |
| 29 GPS Waris Killi | | |
| 1 | Murad Khan | PST |
| 2 | Jalat Mir | PST |
| 3 | Ghulamullah | T.T |
| 30 GPS Karigar Gharhi | | |
| 1 | Akhtar Muneer | PST |
| 2 | Muhammad Iqbal | PST |
| 3 | Muhammad Saleh | T.T |
| 31 GPS Sandali Killi | | |
| 1 | Muhammad Haneef | PST |
| 2 | Inamullah | PST |
| 3 | Muhammad Ajmal | T.T |
| 32 GPS Abdar Killi | | |
| 1 | Turab Ali | PST |
| 2 | Shehzad Khan | PST |
| 3 | Sarteef Khan | T.T |
| 33 GPS Chargai Dagari | | |
| 1 | Naseeb Khan | PST |
| 2 | Gul Wali | PST |
| 3 | Munir Khan | T.T |
| 34 GPS Yar Muhammad Killi | | |
| 1 | Masood | PST |
| 2 | Hazrat Bilal | PST |
| 35 GPS Jabbar Mela Tirah | | |
| 1 | Abdul Shakoor | PST |
| 2 | Hazrat Shah | PST |
| 36 GPS Mathray Dada Neeka | | |
| 1 | Misal Khan | PST |
| 37 GPS Hussain Gul | | |
| 1 | Wedan Gul | PST |
| 2 | Lal Faqeer | PST |
| 3 | Muhammad Yaqoob | TT |
| 38 GPS Shalobar No. 3 | | |
| 1 | Sanobar | PST |
| 2 | Nasar Khan | PST |
| 3 | Kiramat Shah | TT |
| 39 GPS Tandi Bughdad Khel | | |
| 1 | Saifoor Khan | PST |
| 2 | Khan Sher | PST |
| 3 | Ghulam Nabi | TT |
| 40 GPS Dara Maira | | |

ATTESTED



| | | |
|--------------------------------|------------------|-----|
| 1 | Janab Gul | PST |
| 2 | Khial Azam | PST |
| 3 | Abdul Rahim | TT |
| 41 GPS Susvaki | | |
| 1 | Ahmed Gul | PST |
| 2 | Zarbab Khan | PST |
| 3 | Amir Khan | TT |
| 42 GPS Khuna Ziarat | | |
| 1 | Nasar Khan | PST |
| 2 | Waras Khan | PST |
| 43 GPS Khan Wali | | |
| 1 | Muhammad Ali | PST |
| 2 | Mufti Muzmmil | TT |
| 3 | Abdul Jalil | PST |
| 44 GPS Juma Baz | | |
| 1 | Abdul Qadar | PST |
| 2 | Gul Alam | PST |
| 3 | Muhammad Yaseen | TT |
| 45 GPS Gulab Khel | | |
| 1 | Sahib Shah | PST |
| 2 | Javed Khan | PST |
| 46 GPS Mandai Kas | | |
| 1 | Muhammad Hussaid | PST |
| 2 | Ishfaq | PST |
| 3 | Abdul Aziz | TT |
| 47 GPS Shin Akbar | | |
| 1 | Samar Khan | PST |
| 2 | Muhammad Akbar | PST |
| 48 GPS Spin Qabar No. 2 | | |
| 1 | Khan Zeb | PST |
| 2 | Fazal Karim | PST |
| 3 | Sabz Ali | TT |
| 49 GPS Talib Jan | | |
| 1 | Janas Khan | PST |
| 2 | Afzal Khan | PST |
| 3 | Abdul Rauf | TT |
| 50 GPS Muhammad Akbar | | |
| 1 | Ghulam Muhammad | PST |
| 2 | Ikramullah | PST |
| 51 GPS Sama Ghari | | |
| 1 | Noor Muhammad | PST |
| 2 | Muhammad Karim | PST |
| 3 | Lala Jan | PST |
| 52 GPS Aman Talab | | |
| 1 | Kashmir Khan | PST |
| 2 | Muhammad Ayub | PST |
| 53 GPS Shin Drand | | |
| 1 | Wali Muhammad | PST |
| 2 | Muhammad Khan | PST |
| 3 | Said Abdul Wahab | TT |

ATTESTED



| | | |
|----------------------------------|---------------------|-----|
| 54 GPS Sanzal Khel | | |
| 1 | Shahzaman | PST |
| 2 | Muhammad Humayun | PST |
| 3 | Najeeb Ahmed | TT |
| 55 GPS Jani Ghari | | |
| 1 | Mir Rehman | PST |
| 2 | Farhad Khan | PST |
| 3 | Imdad Khan | TT |
| 56 GPS Khawangi | | |
| 1 | Passa Khan | TT |
| 2 | Ibrahim | PST |
| 57 GPS Mesri Khel Mela | | |
| 1 | Gheran Shah | PST |
| 2 | Yar Jan | PST |
| 3 | Naseeb Khan | TT |
| 58 GPS Tamash Killi | | |
| 1 | Shah Jehan | PST |
| 2 | Muhammad KHan | PST |
| 59 GPS Hindustan Killi | | |
| 1 | Muhammad Ibrahim | PST |
| 2 | Yar Bahadar | PST |
| 60 GPS Mashkano Mela | | |
| 1 | Gul Amir | PST |
| 2 | Raza Khan | PST |
| 61 GPS Ala Dand | | |
| 1 | Naseeb Khan | PST |
| 2 | Hafeezulah Amir PST | PST |
| 3 | Shamsul Islam | TT |
| 62 GPS Lal Muhammad Killi | | |
| 1 | Zar Gul | PST |
| 2 | Ghulam Rasool | PST |
| 3 | Muhammad Haroon | TT |
| 63 GPS Meri Khel | | |
| 1 | Waseeullah | PST |
| 2 | Mustafa Kamal | PST |
| 3 | Hameed Shah | PST |
| 64 GPS Yarzamad | | |
| 1 | Shah Hussain | PST |
| 2 | Habiburrehman | PST |
| 65 GPS Ghulam Sher | | |
| 1 | Khitab Gul | PST |
| 2 | Muhammad Ajmal | PST |
| 66 GPS Zarmat Jan | | |
| 1 | Gul Ayaz | PST |
| 2 | Muhammad Haroon | PST |
| 3 | Amanat Khan | TT |
| 67 GPS Sultan Khel | | |
| 1 | Bakhtar Jan | TT |
| 2 | Ijaz Ahmad | PST |
| 3 | Mir Baz Khan | PST |

ATTESTED



| | | |
|-------------------------|------------------|-----|
| 68 GPS Khurma Tang | | |
| 1 | Abdul Hameed | TT |
| 2 | Farman Ali | PST |
| 3 | Muhammad Akbar | PST |
| 69 GPS Almas Stori Khel | | |
| 1 | Rehman Gul | PST |
| 2 | Rahim Shah | PST |
| 70 GPS Abdul Qadar | | |
| 1 | Fazal Karim | PST |
| 2 | Muhammad Anwar | PST |
| 71 GPS Lali Jan | | |
| 1 | Din Malal | PST |
| 2 | Ghulam Murtaza | PST |
| 72 GPS Minadar | | |
| 1 | Khaliq Noor | PST |
| 2 | Abdul Wakeel | PST |
| 73 GPS Khanamir | | |
| 1 | Hazrat Hamza | PST |
| 2 | Abdul Qadar | PST |
| 74 GMPS Shamshad | | |
| 1 | Muhammad Farooq | PST |
| 75 GMPS Khanzada | | |
| 1 | Waras | PST |
| 76 GMPS Gul Jalal | | |
| 1 | Gulab Khan | PST |
| 77 GMPS Spinkay Tiga | | |
| 1 | Alam Zeb | PST |
| 78 GMPS Munawar | | |
| 1 | Fazal Raheem | PST |
| 79 GMPS Saleem Shah | | |
| 1 | Muhammad Tariq | PST |
| 80 GPS Dina Jan | | |
| 1 | Imran | PST |
| 2 | Arbab Khan | PST |
| 81 GPS Sur Kas No. 2 | | |
| 1 | Kamal Khan | PST |
| 2 | Hunar Gul | PST |
| 3 | Muhammad Mustafa | TT |
| 82 GMPS Zubair Killi | | |
| 1 | Muhammad Zubair | |
| 83 GMPS Pisho Khwar | | |
| 1 | Abdul Qayum | |
| 84 GMPS Rehman Khan | | |
| 1 | Sadar Jan | PST |
| 85 GPS Jan Badshah | | |
| 1 | Khan Jalil | PST |
| 2 | Khewa Jan | PST |
| 3 | Jamruz Khan | TT |
| 86 GPS Barami Alamsher | | |
| 1 | Minar Khan | PST |

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14

| | | |
|----------------------------|-----------------|-----|
| 2 | Ghulam Din | TT |
| 87 GPS Raza Khan | | |
| 1 | Abdul Jaail | PST |
| 2 | Dost Muhammad | PST |
| 3 | Naseerudin | TT |
| 88 GPS Yardin | | |
| 1 | Khan Gul | PST |
| 2 | Saifullah | PST |
| 3 | Atiqu Rehman | TT |
| 89 GPS Kaga Ghara | | |
| 1 | Shahid | PST |
| 2 | Muhammad Farooq | PST |
| 3 | Gul Nawaz | TT |
| 90 GPS Sher Bahadar | | |
| 1 | Said Muhammad | PST |
| 2 | Ikramullah | PST |

ATTESTED

[Signature]

[Signature]
Agency Education Officer
Khyber Agency at Jamrud
[Signature]

Detail Report of GHSS/GHS/GGHS/GMS/GGMS/GPS/GMPS/GGPS Bar Kambar Khel Bara khyber Agency

| S.No | Name of Schools | Functional | Non Functional | Remarks |
|------|----------------------------|------------|---------------------------|---|
| 1 | GHSS Spin Dhand | Functional | 1st,2nd year Non Function | Occupied by Security Forces |
| 2 | GHS Jan Khan Kali | Functional | | Occupied by Security Forces |
| 3 | GGHS Hanif Jan | Functional | | |
| 4 | GMS Tooth Dhand | Functional | | |
| 5 | GMS Shinki | | Non Functional | Occupied by Security Forces |
| 6 | GGMS Wali Khel | Functional | | High portion Still in use by IDPs |
| 7 | GGMS Abdullah Jan | | Non Functional | Under Costruction |
| 8 | GPS Sur Kass No.2 | | Non Functional | Situated Shalober bouder |
| 9 | GPS Sur kass No.1 | Functional | | |
| 10 | GPS Sur Kass No.4 | Functional | | |
| 11 | GPS Sher Badshah killi | Functional | | |
| 12 | GPS Sama Baba | Functional | | |
| 13 | GPS Shera Khan killi | Functional | | |
| 14 | GPS Paka Tarra | Functional | | |
| 15 | GPS Sarki Kamar | | Non Functional | Occupied by Security Forces |
| 16 | GPS Mamal Mela | Functional | | |
| 17 | GPS Sra Ghari | Functional | | |
| 18 | GPS Syed Rehman Killi | | Non Functional | Still in use by IDPs |
| 19 | GPS Ghairat Shah | Functional | | |
| 20 | GPS Habib Gul Killi | Functional | | |
| 21 | GPS Sadullah Jan | Functional | | |
| 22 | GMPS Takkia | Functional | | |
| 23 | GGPS Amir Khan Paka Tarra | Functional | | |
| 24 | GGPS Habibullah Killi | Functional | | |
| 25 | GGPS Said Rahman Killi | Functional | | |
| 26 | GGPS Gul Marjan Killi | Functional | | |
| 27 | GGPS Sher Bahdar Killi | Functional | | |
| 28 | GGPS Noor Miader | | Non Functional | Situated near MDK border |
| 29 | GGPS Muhammad Ayub Killi | Functional | | |
| 30 | GGPS Said Kareem Killi | Functional | | |
| 31 | GGPS M. Abdul Khaliq Killi | Functional | | |
| 32 | GGPS Qandhar Killi | Functional | | |
| 33 | GGPS Sarki Kamar | Functional | | |
| 34 | GGPS Yar Gul Killi | Functional | | |
| 35 | GGPS Luqman Killi | Functional | | |
| 36 | GGPS Su Badshah | | Non Functional | Occupied by Security Forces |
| 37 | GGPS Hindu Dhand | Functional | | |
| 38 | GGPS Shickhmaal Khel Killi | | Non Functional | Fully Damage |
| 39 | GGPS Anwar Shah | Functional | | |
| 40 | GGPS Sajid Khan Killi | Functional | | |
| 41 | GGPS Shah Gulab Killi | | Non Functional | Still in use by IDPs/Situated near MDK border |
| 42 | GGPS Zarif Khan | | Non Functional | Still in Use by IDPs |
| 43 | GGPS Astara Khan | | Non Functional | Still in use by IDPs |

ATTESTED

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 Agency Education Officer
 Khyber Agency Bara Kambar
 03/12/2015



Agency Education Office
Khyber Agency at Jamrud

PHONE. 091-5820584 FAX 091-5820023

B - 16

NOTIFICATION

Consequent upon the direction of Political Agent Khyber, issued in a meeting held at Khyber House Peshawar Dated 15-12-2014, all educational institutions (M&F) of plain area of Tehsil Bara Khyber Agency will stand opened with effect from 1st January, 2015.

All the staff members of the said institutions are hereby informed to resume their duties in their original place of posting and treat their redeployment already made, to various other schools, on various dates, is hereby cancelled.

It is further added that Political Administration, Educational Administration and other law enforcement agencies will carry out monitoring of these public educational institutions, so you are hereby directed, in your own interest, to ensure your presence in your respective institutions in order to be in the public interest.

Agency Education Officer,
Khyber Agency at Jamrud.

Endst: No.10294-303 Dated: 18-12-2014

Copy to:

1. Additional Chief Secretary FATA Secretariat Peshawar.
2. Principal Secretary to Governor.
3. Secretary Social Sector Department FATA.
4. Secretary Law and Order FATA Secretariat Peshawar.
5. Director Education FATA.
6. Political Agent Khyber with reference to his direction.
7. Deputy Director Monitoring and evaluation FATA Secretariat Peshawar.
8. Assistant Agency Education Officers (M&F), Bara.
9. All Principals, Head Master/Mistress, Head Teachers of Tehsil Bara.

ATTESTED

Agency Education Officer
Khyber Agency at Jamrud.



GOVERNMENT OF PAKISTAN
 ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA
 DISTRICT
 PAY ROLL SYSTEM

Roll # : 00407199

Roll # :

P Sec PAYMENT ADVICE mber 2013
 KH0012 -AGENCY EDUCATION OFFICE
 Min: Min. Of K.A & N.A & S.F.R

Name: BADSHAH KHAN
 Dsg.: CHOWKIDAR
 CNIC No. 2120122606695
 GPF Interest Applied

NTN:
 GPF #: KHYBER/EDU/3784
 Old #:

09 Active temporary
BAS AND ALLOWANCES:

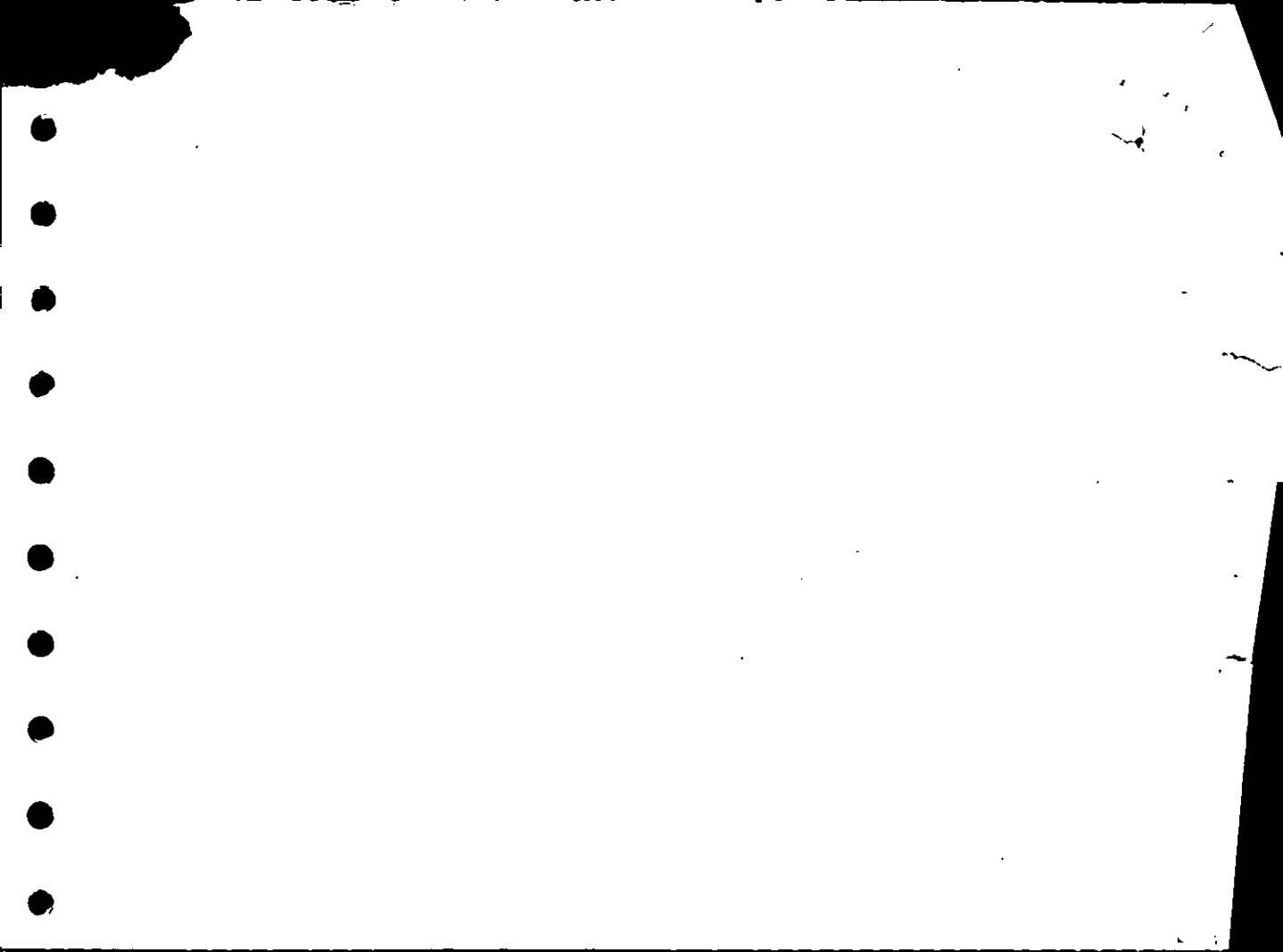
DEPTT CODE KH0012 -044

| | |
|---------------------------------|------------------|
| 2118-Adhoc Relief Allow (2012) | 2,304.00 |
| 2151-Adhoc Allowance 2013 @10% | 1,152.00 |
| Gross Pay and Allowances | 25,379.00 |
| DEDUCTIONS: | |
| GPF Balance 28,233.00 | Subrc: |
| Total Deductions | 924.00 |
| NET AMOUNT PAYABLE | 24,455.00 |

QUALIFYING SERVICE
 YRS Years MON Months 014 Days

D.O.B
 20.10.1972

LFF Quota
 NATIONAL BANK LTD. BARA BRANCH
 2880-0



NOTIFICATION-

1. WHEREAS an email was received by AEO Khyber on July 10, 2014 from an agent/agency describing Mr Badshah Khan PST GMPS Spina Tega Bara Khyber Agency, besides others, as abroad and getting his salaries regularly from this office.
2. AND WHEREAS the AEO Khyber sent his name vide No.6689 dt 21/08/2014 to DD FIA immigration air port Peshawar where from the travel history was received that showed him as abroad wef 10/09/2011 to 18-jul-14 vide No.508 dt 01/09/2014
3. AND WHEREAS a committee was appointed consisting of Mr Lal Zada Principal GHS Jamrud and Mr Salim Wazir HM GHS Hashim Abad Jamrud to dig out the cases of those who were willfully absent. Detailed report and documentary proof to proceed further into the matter in accordance with the rules vide notification No.10084-85 dated 10/12/14.
4. AND WHEREAS the committee after having examined the record has submitted its report after conducting a deep and detailed scrutiny of papers from all the relevant aspects and reported that Mr Badshah Khan PST GMPS Spina Tega Bara Khyber Agency was absent willfully from duty wef 10/09/2011 to 18-jul-14.
5. AND WHEREAS Mr Badshah Khan PST GMPS Spina Tega Bara Khyber Agency was proceeded against under Khyber Pakhtunkhwa Govt: Servant (Efficiency & Discipline) Rules 2011, for the charge of "willful absence from duty, with effect from 10/09/2011 as mentioned in the show-cause notice served upon him under registered post at his home address vide 8346-52 dt 28/10/2014.
6. AND WHEREAS the accused official did not submit his reply to the show cause notice.
7. AND WHEREAS absentee notices were served upon Mr Badshah Khan PST GMPS Spina Tega Bara Khyber Agency through print media in daily newspapers "MASHRIQ" and "Aaj" on 26/11/2014 to explain his absence period but he did not turn up in response to the above mentioned notices.
8. AND WHEREAS the competent authority, the Agency Education officer Khyber, after having considered the charges, evidence on record, enquiry report, and facts of the case in the light of FIA report, is of the view that the charge of willful and unauthorized absence wef 10/09/2011 till 18-jul-14 against the accused official, Mr Badshah Khan PST GMPS Spina Tega Bara Khyber Agency, has been proved.
9. NOW THEREFORE, In exercise of the Powers conferred under Rules-4 (b) iii of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, the competent Authority, Agency Education officer Khyber, is pleased to impose major penalty of "Removal from Service" upon Mr Badshah Khan PST GMPS Spina Tega Bara Khyber Agency with immediate effect on account of his willful absence wef 10/09/2011 to 18-jul-14. The intervening period wef 10/09/2011 to 18-jul-14 is hereby notified as leave without pay.

(Atiq-ur-Rahman)
Agency Education Officer,
Khyber Agency at Jamrud

Endst: No. 10258-66 Dated Khyber the 18/12/2014

Copy forwarded to the:-

1. Additional Chief Secretary FATA Secretariat Peshawar.
2. Secretary SSD FATA Secretariat.
3. Director Education FATA
4. Political Agent Khyber.
5. Deputy Director (M&E) Directorate of Education FATA
6. Agency Account Officer Khyber Agency at Jamrud.
7. AAEO Bara
8. Superintendent/ Accountant for entry to that effect in his service book
9. Official Concerned.

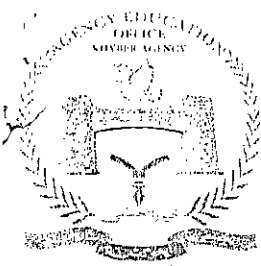
ATTESTED

[Signature]

[Signature]
Agency Education Officer,
Khyber Agency at Jamrud

Communicated to Badshah Khan

06/11/2015
[Signature]
06/11/20



Agency Education Office

Ref: 14

19

Khyber Agency at Jamrud

Dated 02/01/2015

PHONE. 091-5820265 FAX 091-5820265

To

- 1 Mr;Lal Zada Principal GHSS Jamrud Khyber Agency Chairman of enquiry committee.
- 2 Mr :Saleem Khan Head Master GHS Hashim Abad Jamrud member of enquiry committee.

Subject: ATTENDANCE TO THE NOMINATED MEMBER OF THE CONSTITUTED COMMITTEE

Memo:

Reference your letter No. Nil Dated 12/12/2014 on the above noted subject.

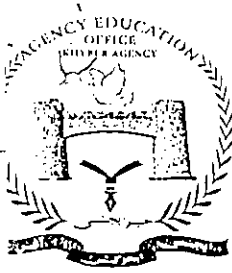
In light of yours letter, cited above I have wittingly informed all the teachers Male who belong to tehsil Bara to contact and meet you in connection of their quires. But when they and me contacted you through mobile phones, yours stance was that to attend us after the winter vocations. Moreover the mentioned teachers have personally attended office of the Political Tehsildar Bara at Shah kass Khyber Agency for physical verification which was conducted in the June and July, 2014. They have been verified in the verification on the following S.No.

| S.No | Names /Schools | Verification list No. | Verified by |
|------|--|-----------------------|-----------------------------|
| 01 | Mr;Saifullah PST GPS Toor Tooth Amrozai Tirah Bara | No.62 | Political Administration |
| 02 | Mr:Said Karim PST GPS Yar Muhammad Killi Bara | No.271 | Political Administration |
| 03 | Mr;Badshah Khan PST GMPS Spina Tega Bara | No.739 | Political Administration |
| 04 | Mr;Khan Akbar PST GPS Sara Ghari Bara | No.294 | Political Administration |
| 05 | Mr: Hikmat Khan PST GPS Sama Ghari Tango Bara | No.449 | Political Administration |

But in spite of all the above facts and without the finding of yours enquiry the following 04 teachers services have been terminated with effect from 18.12.2014 orders photo copies attached while as sentence the annual increment of one teacher namely Said Karim PST has stopped, although the 05 teachers of tehsil Bara are always attend and meet you.

ATTESTED

Asstt: AGENCY EDUCATION OFFICER
Bara (Male) KHYBER AGENCY AT JAMRUD.



Agency Education Office
Khyber Agency at Jamrud
PHONE. 091-5820584 FAX 091-5820584

No: 01-05

Date: 17 / 12/2014

20

To

1. Mr. Saifullah PST GPS Toor Toth Amrozai Tirah Bara
2. Mr. Said Karim PST GPS Yar Mohammad Kili Bara
3. Mr. Badshah Khan PST GMPS Spina Tiga Bara
- ✓ 4. Mr. Khan Akbar PST GPS Sra Ghari Bara
5. Mr. Hikmat Khan PST GPS Sama GhariTango Bara

Subject, ATTENDANCE TO THE NOMINATED MEMBER OF THE CONSTITUTED COMMITTEE.

Memo,

As per the letter of the nominated member of the constituted Committee to whom the job has been assigned to Probe the case of your absence, you are all the above mentioned teachers/official are hereby informed and directed to personally contact and meet the nominated members i.e one Mr. Lal Zada Principal GHSS Jamrud Chairman and the 2nd one is Mr. Salim Khan Head Master GHS Hashim Abad Jamrud within 10 days otherwise strict disciplinary/ex-party action will be taken against you under E&D rules.

ASSTT, AGENCY EDUCATION OFFICER
BARA KHYBER AGENCY AT JAMRUD.

Endst, No 06-10 Dated, 17 / 12 /2014.

Copy for information to the,

1. Director of Education FATA at Peshawar.
2. Political Agent Khyber Agency at Peshawar.
3. Agency Education Officer Khyber Agency at Jamrud.
4. Lal Zada Pricipal G H S S Jamrud Khyber Agency with your reference No nil Dated 12.12.2014.
5. Salim Khan Head Master G H S Hasham Abad Jamrud Khyber Agency Agency with your reference No nil Dated 12.12.2014.

ATTESTED

ASSTT, AGENCY EDUCATION OFFICER
BARA KHYBER AGENCY AT JAMRUD.

To

1. Mr Nawab Gul AAEO Bara office of the Agency Education officer Khyber Agency
2. Mr Shindi Gul AAEO Jamrud office of the Agency Education officer Khyber Agency

You, are requested to kindly submit the information and detailed report about the following officials lying in your respective Tehsils, today, who are abroad for the period mentioned against their name as soon as possible so that the enquiry in this connection assigned to us could be disposed off.

| | Name | F/Name | Absent wef | CNIC# |
|---|--|--------------|----------------------------|---------------------------------|
| 1 | Mr Saifullah PST GPS Toor Tooth Amrozi Maidan Tirah Bara Khyber Agency | Pir Mohd | 30-Sept-07 | Personal #4231929 |
| 2 | Mr Said Karim PST GPS Yar Mohd Killi Bara | Faqir Gul | 10-sep-11 | Personal #407176 |
| 3 | Bad Shah khan PTC GMPS Spina Tiga Bara | Hazrat khan | -- to 18-jul-14 | PH#407199 & CNIC21201-2260669-5 |
| 4 | Mr Khan Akbar PTC GPS Sra Garhni Bara | Shezad khan | 17-jul-07 | PH#407092 & CNIC21201-7775543-1 |
| 5 | Mr Hikmat kham PST GPS Sama Garhi Tango Bara | Khan Mohd | 11-jul-07 | PH#00451802 & 17301-4508866-3 |
| 6 | Mr Shaatullah PST | Rehamatullah | 29-nug-09 | |
| 7 | Mr Faheemullah CIVGHS Ghundi Jamrud | Ali khan | 13-dec-10 | |
| 8 | Mr Sameen Jan Sweeper GMS Gudar Jamrud | | 1 st of June-14 | |

12/14
 Lal zada chairman, Principal GHSS Jamrud
 (Chairman)
 Enquiry committee

Salim Khan
 12/12/14
 Salim Khan, HM GHS Hashim Abad Jamrud
 (Member)
 Enquiry committee

ATTESTED

[Signature]

جناب صاحب لعل زادہ صاحب پریسپل صاحب GPS محمد مد علی اور جناب سلیع خان
پریڈیکٹر گورنمنٹ ہائی سکول ہاشم آباد 2009

جناب عالی ا

موردہ نامہ گزارش ہے کہ بحوالہ اردو 5615-5596 مورخہ 19 ستمبر 1998 کو GPS
شیر بلادر کے بارے میں حکمت PTC ہوئی تھی۔ 98 سے لیکر 2009 تک GPS شیر بلادر
میلے GPS شینگی، GPS سرکی ٹر اور GPS ہاشم کے ڈیوٹی سر انجام دی۔
یکم ستمبر 2009 سے بحصل بارہہ مینوفی آپریشن کی وجہ سے تمام لعلی ادارے بند ہو گئے
ہو کہ 31 دسمبر 2014 تک بند رہیں، بحصل بارہہ میں اس عرصہ سینکڑوں اساتذہ
مشمول ہیں گورنمنٹ ہاشم میں وصول ہوئے رہیں، جبکہ جون جولائی 2014 میں
فزیل ویریفیکیشن کے دوران مری زانی لعلی لعلی انتظامیہ کے سامنے سرپل غور
پر ہوئے۔

18 دسمبر 2014 کو بحوالہ اردو 10-2-96 بحصل بارہہ کے تمام لعلی اداروں کو
یکم جنوری 2015 کو کھولنے کا حکم نامہ جاری ہوا، میں بھی اپنے سیکول میں ڈیوٹی
دینے کی تیاری میں مصروف تھا کہ اس دوران مجھے AAEO بارہہ کے اردو 06-10
مشمول انکوائری کمیٹی کے سامنے پیش ہونے کا حکم ملا تھا جس پر میں ذاتی طور پر
29-1-15 کو آئے صاحبان کے سامنے پیش ہوا اور مجھے معلوم ہوا کہ AEAO صاحبان
آئے صاحبان کے فیصلے اور میرا وقت لینے بغیر تاریخ 18.12.14 کو ال 66-66-10
کو مجھے نوکری سے برخاست کرنے کا فیصلہ کیا تھا، جبکہ میں اس کے حکم کے مطابق
2 فروری 2015 کو ایک بار پھر آئے کی خدمت میں پیش ہوا لیکن آئے صاحبان موقع
پر موجود نہ تھے۔

لینا آئے صاحبان مری زانی کے مری واضاعت کو قبول کرنے کے لیے بحال
کرنے اور نومبر 2014 سے بند تنخواہ میں جاری کرنے کی سفارش کر دیں، تمام کاغذات
کی کاپیاں بطور ثبوت منسلک ہیں، سرورس آئے AEAO عشق الرحمان کے ساتھ ہے۔
عین گزارش ہوئی
مورخہ: 09.02.2015

بادشاہ خان ولد حضرت خان PST

ATTESTED

(Signature)

(Signature)

حضرت جناب ڈائریکٹر سب آف ایجوکیشن قادیان

(23) - F

عنوان: اپیل برائے Re-Instatement

جناب عالی

گزارش کی جاتی ہے کہ میں آرڈر نمبر 5596-5615 کی تاریخ 19 ستمبر 1998ء کو APS سٹیڈی اسٹیٹ بیک میں بطور PST مقرر ہوا۔ سو گز سال سے زیادہ عرصہ تک تعلیمی خدمات میں خدمات انجام دے رہا ہوں۔ یکم ستمبر 2009ء کو تحصیل ہارڈ ویئر انسٹی ٹیوٹ تعلیمی ادارے آئی آر ایس کی طرف سے ہٹا دیا گیا۔ جنوری 2014ء کو آرڈر نمبر 303-10294 کی تاریخ 18/12/2014ء کو اس کی تجدید کی درخواست کی گئی۔ اس پر آرڈر نمبر 66-10258 کی تاریخ 18/12/2014ء کو فیصلہ کیا گیا کہ اس کی تجدید نہیں کی جائے گی اور اس سے بغیر کچھ ملازمت نہیں دی جائے گی۔ جبکہ مجھے میرا درخواستی کارڈ نمبر 06/11/2015ء کو

لینڈ آف سب آف ایجوکیشن قادیان کے صدر ایڈیشن کو بحال کرنے کے لیے درخواست کی گئی ہے۔ یہ درخواستیں بھی حالات کی وجہ سے ڈیوٹی میں آ رہی ہیں۔

ATTESTED 16/11/2015

[Signature]

Ambi 16/11/2015

بار شاہ خان ولد حضرت خان PST

[Signature]

VAKALATNAMA

IN THE COURT OF MPH Service Tribunal Peshawar

OF 2016

Badshah Khan

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Department

(RESPONDENT)
(DEFENDANT)

I/We Badshah Khan

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, 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 cost. 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.

Dated. ___/___/2016



CLIENT



ACCEPTED

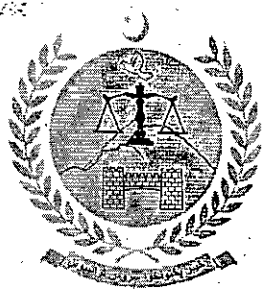
**NOOR MOHAMMAD KHATTAK
(ADVOCATE)**

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

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

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

No. _____ /ST Dated ____ / ____ /2022


To:

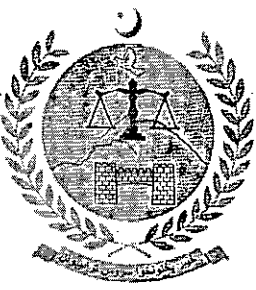
The Agency Education Officer, Khyber Agency.

SUBJECT:- JUDGMENT IN SERVICE APPEAL NO. 229/2016, BADSHAH KHAN VERSUS THE DIRECTOR ELEMENTARY AND SECONDARY EDUCATION (FATA), KHYBER PAKHTUNKHWA, PESHAWAR ETC.

I am directed to forward herewith a certified copy of order dated 03.06.2022, passed by this Tribunal in the above mentioned *service appeal* for compliance.

Encl. As above.


(WASEEM AKHTAR)
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR.



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

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

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

No. _____ /ST Dated ____ / ____ /2022

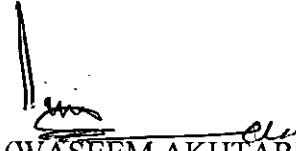
To:

The Agency Education Officer, Khyber Agency.

SUBJECT:- JUDGMENT IN SERVICE APPEAL NO. 229/2016, BADSHAH KHAN VERSUS THE DIRECTOR ELEMENTARY AND SECONDARY EDUCATION (FATA), KHYBER PAKHTUNKHWA, PESHAWAR ETC.

I am directed to forward herewith a certified copy of order dated 03.06.2022, passed by this Tribunal in the above mentioned *Service appeal* for compliance.

Encl. As above.


(WASEEM AKHTAR)
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR.

BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 229/2016.

Badshah KhanAppellant.

VERSUS

1. The Director Education FATA Warsak Road Peshawar.
2. Agency Education Officer, Khyber Agency at Jamrud.

Para-wise comments on behalf of respondent No: 1 & 2.

Respectively Sheweth:

Preliminary Objection

1. That the appellant has got no cause of action to file the instant appeal.
2. That the appellant has not come to this Honorable Tribunal with clean hands.
3. That the appellant has concealed material facts from this Honorable Tribunal.
4. That the appellant is estopped by his own conduct to bring the present appeal.
5. That the appeal is bad due to mis-joinder and non-joinder of necessary parties.
6. That the appeal is barred by time and law.
7. That the instant appeal is not maintainable and devoid of merits.
8. That no departmental appeal filed by appellant.

On Facts:

1. Incorrect. The appellant has not annexed any proof of his employment. Therefore, this para is devoid.
2. Incorrect. The appellant was remained abroad without obtaining any Ex-Pakistan Leave. His salaries were drawn against the post of Chowkidar as evident from Annexure-C with the appeal.
3. Incorrect. The appellant never visited the office of Respondent No.2, as he was abroad and even remained absent despite directions of the authorities dated 18.12.2014, publication were made in leading newspaper which also proved that the appellant was not available in Pakistan and drawn salaries in an illegal manner.
4. Incorrect, Misleading. The written statement Annexure-E states some thing else and is in contradiction to para-4 of this appeal.
5. Incorrect. In Annexure-E the appellant himself admitted that on 29.1.2015 he came to know about his termination. Moreover, the communication dated shown by appellant on Annexure-D is a fake and bogus one.
6. Incorrect. The appellant never filed or submitted any departmental appeal nor the said one is available in office record. Therefore, the instant appeal is not maintainable and entertainable at all.


Ground.

- A. Incorrect and misleading in light of above submitted factual position.
- B. Incorrect. The appellant is not clean handed and also caused damage to Govt: Treasury as evident from Annexure-C with the appeal.
- C. Incorrect. As the appellant was aboard. Therefore, under the rules, show cause notice was sent to his home, publications also made in leading newspaper, but he never turned up.

- D. Incorrect. As explained in para-C above.
- E. Incorrect. As explained in paras of facts and ground-C above.
- F. Incorrect. And misleading. The communication date on order dated 18.12.2014 is a fake and bogus one. Moreover, Annexure-E with the appeal is also worth perusal.
- G. Incorrect. As explained above and in para-C of this reply.
- H. Incorrect hence denied. The respondents have fulfilled their legal duty without any malice.
- I. The same is also requested for respondents.

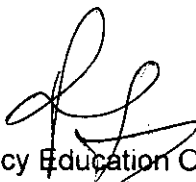
In the light of above facts, it is most humbly prayed that the appeal may be dismissed in favour of the respondents with cost.

Respondent No. 1.



Director Education FATA.

Respondent No.2.



Agency Education Officer
Khyber Agency. 17-08-2016

AFFIDAVIT

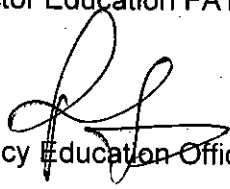
We the above respondents do hereby declare and affirm that the above comments are true and correct to the best of our Knowledge and belief that nothing has been concealed from this Honorable Tribunal.

Respondent No. 1.

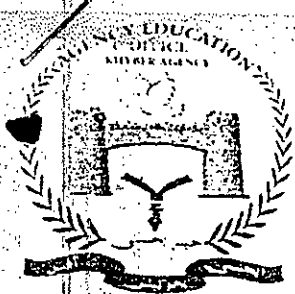


Director Education FATA.

Respondent No.2.



Agency Education Officer
Khyber Agency. 17-08-2016



Agency Education Office
Khyber Agency at Jamrud
PHONE. 091-5820584 FAX 091-5820584

No: 01-05

Date: 17 / 12 / 2014

To

1. Mr. Saifullah PST GPS Toor Toth Amrozai Tirah Bara
2. Mr. Said Karim PST GPS Yar Mohammad Kili Bara
3. Mr. Badshah Khan PST GMPS Spina Tiga Bara
4. Mr. Khan Akbar PST GPS Sra Ghari Bara
5. Mr. Hikmat Khan PST GPS Sama Ghari Tango Bara

Subject, ATTENDANCE TO THE NOMINATED MEMBER OF THE CONSTITUTED COMMITTEE.

Memo,

As per the letter of the nominated member of the constituted Committee to whom the job has been assigned to Probe the case of your absence, you are all the above mentioned teachers/official are hereby informed and directed to personally contact and meet the nominated members i.e one Mr. Lal Zada Principal GHSS Jamrud Chairman and the 2nd one is Mr. Salim Khan Head Master GHS Hashim Abad Jamrud within 10 days otherwise strict disciplinary/ex-party action will be taken against you under E&D rules.

Ok
ASSTT, AGENCY EDUCATION OFFICER
BARA KHYBER AGENCY AT JAMRUD.

Endst, No 06-10

Dated, 17 / 12 / 2014.

Copy for information to the,

1. Director of Education FATA at Peshawar.
2. Political Agent Khyber Agency at Peshawar.
3. Agency Education Officer Khyber Agency at Jamrud.
4. Lal Zada Pricipal G H S S Jamrud Khyber Agency with your reference No nil Dated 12.12.2014.
5. Salim Khan Head Master G H S Hasham Abad Jamrud Khyber Agency Agency with your reference No nil Dated 12.12.2014.

Ok
ASSTT, AGENCY EDUCATION OFFICER
BARA KHYBER AGENCY AT JAMRUD.

22/12/14



To

- 1 Mr: Lal Zada Principal GHSS Jamrud Khyber Agency Chairman of enquiry committee.
- 2 Mr :Saleem Khan Head Master GHS Hashim Abad Jamrud member of enquiry committee.

Subject: ATTENDANCE TO THE NOMINATED MEMBER OF THE CONSTITUTED COMMITTEE

Memo:

Reference your letter No. Nil Dated 12/12/2014 on the above noted subject

In light of yours letter, cited above I have writtenly informed all the teachers Male who belong to tehsil Bara to contact and meet you in connection of their quires. But when they and me contacted you through mobile phones, yours stance was that to attend us after the winter vocations. Moreover the mentioned teachers have personally attended office of the Political Tehsildar Bara at Shah kass Khyber Agency for physical verification which was conducted in the June and July, 2014. They have been verified in the verification on the following S.No.

| S.No | Names /Schools | Verification list No. | Verified by |
|------|--|-----------------------|-----------------------------|
| 01 | Mr:Saifullah PST GPS Toor Tooth Amrozai Tirah Bara | No.62 | Political Administration |
| 02 | Mr: Hikmat Khan PST GPS Sama Ghari Tango Bara | No.449 | Political Administration |
| 03 | Mr:Badshah Khan PST GMPS Spina Tega Bara | No.739 | Political Administration |
| 04 | Mr:Khan Akbar PST GPS Sara Ghari Bara | No.294 | Political Administration |
| 05 | Mr:Said Karim PST GPS Yar Muhammad Killi Bara | No.271 | Political Administration |

But in spite of all the above facts and without the finding of yours enquiry the above 04 teachers i.e from S.No 1 to 4 services have been terminated with effect from 18.12.2014 orders photo copies attached while as sentence the annual increment of one teacher namely Said Karim PST has been stopped, although that all the 05 teachers of tehsil Bara were/ are always ready to attend and meet you in this regard.

Assit: AGENCY EDUCATION OFFICER
Bara (Male) KHYBER AGENCY AT JAMRUD.

NOTIFICATION-

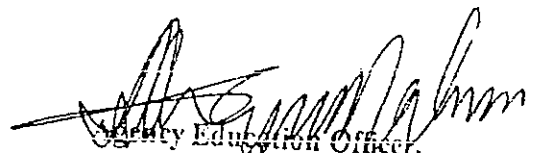
1. WHEREAS an email was received by AEO Khyber on July 10, 2014 from an agent/agency describing Mr Badshah Khan PST GMPS Spina Tega Bara Khyber Agency, besides others, as abroad and getting his salaries regularly from this office.
2. AND WHEREAS the AEO Khyber sent his name vide No.6689 dt 21/08/2014 to DD FIA immigration airport Peshawar where from the travel history was received that showed him as abroad wef 10/09/2011 to 18-jul-14 vide No.508 dt 01/09/2014
3. AND WHEREAS a committee was appointed consisting of Mr Lal Zada Principal GHSS Jamrud and Mr Salim Wazir HM GHS Hashim Abad Jamrud to dig out the cases of those who were willfully absent. Detailed report and documentary proof to proceed further into the matter in accordance with the rules vide notification No.10084-85 dated 10/12/14.
4. AND WHEREAS the committee after having examined the record has submitted its report after conducting a deep and detailed scrutiny of papers from all the relevant aspects and reported that Mr Badshah Khan PST GMPS Spina Tega Bara Khyber Agency was absent willfully from duty wef 10/09/2011 to 18-jul-14.
5. AND WHEREAS Mr Badshah Khan PST GMPS Spina Tega Bara Khyber Agency was proceeded against under Khyber Pakhtunkhwa Govt: Servant (Efficiency & Discipline) Rules 2011, for the charge of "willful absence from duty, with effect from 10/09/2011 as mentioned in the show cause notice served upon him under registered post at his home address vide 8346-52 dt 28/10/2014.
6. AND WHEREAS the accused official did not submit his reply to the show cause notice.
7. AND WHEREAS absence notices were served upon Mr Badshah Khan PST GMPS Spina Tega Bara Khyber Agency through print media in daily newspapers "MASHRIQ" and "Aaj" on 26/11/2014 to explain his absence period but he did not turn up in response to the above mentioned notices.
8. AND WHEREAS the competent authority, the Agency Education officer Khyber, after having considered the charges, evidence on record, enquiry report, and facts of the case in the light of FIA report, is of the view that the charge of willful and unauthorized absence wef 10/09/2011 till 18-jul-14 against the accused official, Mr Badshah Khan PST GMPS Spina Tega Bara Khyber Agency, has been proved.
9. NOW THEREFORE, In exercise of the Powers conferred under Rules-4 (b) iii of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, the competent Authority, Agency Education officer Khyber, is pleased to impose major penalty of " Removal from Service " upon Mr Badshah Khan PST GMPS Spina Tega Bara Khyber Agency with immediate effect on account of his willful absence wef 10/09/2011 to 18-jul-14. The intervening period wef 10/09/2011 to 18-jul-14 is hereby notified as leave without pay.

(Atiq-ur-Rahman)
Agency Education Officer,
Khyber Agency at Jamrud

Endst: No. 10258-66 Dated Khyber the 18/12/2014

Copy forwarded to the:-

1. Additional Chief Secretary FATA Secretariat Peshawar.
2. Secretary SSD FATA Secretariat.
3. Director Education FATA
4. Political Agent Khyber.
5. Deputy Director (M&E) Directorate of Education FATA
6. Agency Account Officer Khyber Agency at Jamrud.
7. AAEO Bara
8. Superintendent Accountant for entry to that effect in his service book
9. Official Concerned.


Agency Education Officer,
Khyber Agency at Jamrud

NOTIFICATION-


1. WHEREAS an email was received by AEO Khyber on July 10, 2014 from an agent/agency describing Mr Khan Akbar PTC GPS Sra Garhi Bara Khyber Agency, besides others, as abroad and getting his salaries regularly from this office.
2. AND WHEREAS the AEO Khyber sent his names vide No.6689 dt 21/08/2014 to DD FIA immigration air port Peshawar where from the travel history showed him as abroad wef 17-Jul-07 till date, vide No.508 dt 01/09/2014
3. AND WHEREAS a committee was appointed consisting of Mr Lal Zada Principal GHSS Jamrud and Mr Salim Wazir HM GHS Hashim Abad Jamrud to dig out the cases of those who were willfully absent. Detailed report and documentary proof to proceed further into the matter in accordance with the rules vide notification No.10084-85 dated 10/12/14.
4. AND WHEREAS the committee after having examined the record has submitted its report after conducting a deep and detailed scrutiny of papers from all the relevant aspects and reported that Mr Khan Akbar PTC GPS Sra Garhi Bara Khyber Agency was absent willfully from duty wef 17-Jul-07 and is still abroad.
5. AND WHEREAS Mr Khan Akbar PTC GPS Sra Garhi Bara Khyber Agency was proceeded against under Khyber Pakhtunkhwa Govt: Servant (Efficiency & Discipline) Rules 2011, for the charge of "willful absence from duty, with effect from wef 17-Jul-07 and is still abroad, as mentioned in the show cause notice served upon him under registered post at his home address vide 8346-52 dt 28/10/2014.
6. AND WHEREAS the accused official did not submit his reply to the show cause notice.
7. AND WHEREAS absentee notices were served upon Mr Khan Akbar PTC GPS Sra Garhi Bara Khyber Agency through-print media in daily newspapers "MASHRIQ" and "Aaj" on 26/11/2014 to explain his absence period but he did not turn up in response to the above mentioned notices.
8. AND WHEREAS the competent authority, the Agency Education officer Khyber, after having considered the charges, evidence on record, enquiry report, and facts of the case, is of the view that the charge of willful and unauthorized absence wef 17-Jul-07 against the accused official, Mr Khan Akbar PTC GPS Sra Garhi Bara Khyber Agency, has been proved.
9. NOW THEREFORE, in exercise of the Powers conferred under Rules-4 (b) iii of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, the competent Authority, Agency Education officer Khyber, is pleased to impose major penalty of "Removal from Service" upon Mr Khan Akbar PTC GPS Sra Garhi Bara Khyber Agency with immediate effect, on account of his willful absence wef 17-Jul-07, the intervening period wef 17-Jul-07 till date is hereby notified as leave without pay.

(Atiq-ur-Rahman)
Agency Education Officer,
Khyber Agency at Jamrud

Endst: No.10267-75 Dated Jamrud the 18/12/2014

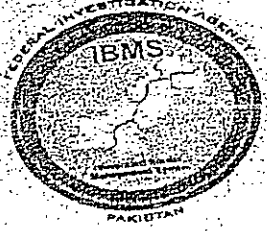
Copy forwarded to the:-

1. Additional Chief Secretary FATA Secretariat Peshawar.
2. Principal Secretary to Governor, Governor House Peshawar
3. Secretary SSD FATA Secretariat.
4. Director Education FATA
5. Political Agent Khyber.
6. Deputy Director (M.F.F.) Directorate of Education FATA
7. Agency Account officer Khyber Agency at Jamrud.
8. AAEO Bara Superintendant/ Accountant for entry to that effect in his service book
9. Official Concerned.


Agency Education Officer,
Khyber Agency at Jamrud.

15

IBMS TRAVEL HISTORY REPORT

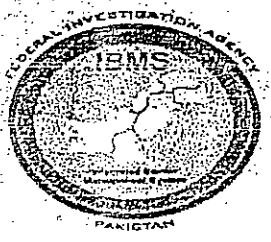


Name: BADSHAH KHAN
 Father/Husband Name: HAZRAT KHAN
 Personal Number: 2120122606695
 Birth Date: 20-OCT-72
 Nationality: PK

| Document Number | Event Date | Flight No | Entry Status Name | Location Name |
|-----------------|------------|-----------|-------------------|---|
| WZ4126691 | 18-JUL-14 | EY231 | arriving | Benazir Bhutto International Airport Islamabad |

16

IBMS TRAVEL HISTORY REPORT



Name KHAN AKBAR SHAHZAD
 Father/Husband Name SHAHZAD KHAN
 Personal Number 2120177755431
 Birth Date 09-SEP-72
 Nationality PK

| Document Number | Event Date | Flight No. | Entry Status Name | Location Name |
|-----------------|------------|------------|-------------------|--------------------------------|
| ES5145431 | 17-JUL-07 | PK3283 | departing | Peshawar International Airport |
| ES5145432 | 09-SEP-10 | NL785 | arriving | Peshawar International Airport |
| ES5145432 | 28-NOV-10 | NL786 | departing | Peshawar International Airport |
| ES5145432 | 02-AUG-12 | PK284 | arriving | Peshawar International Airport |
| ES5145432 | 03-OCT-12 | PK283 | departing | Peshawar International Airport |
| ES5145433 | 28-JUN-14 | G9555 | arriving | Peshawar International Airport |
| ES5145433 | 29-JUL-14 | G9556 | departing | Peshawar International Airport |

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 229/2016

BADSHAH KHAN

VS

A.C.S. FATA

REJOINDER ON BEHALF OF THE APPELLANT IN
RESPONSE TO REPLY SUBMITTED BY THE
RESPONDENTS

PRELIMINARY OBJECTIONS:

1 TO 8:

All the preliminary objections raised by the respondents are incorrect, baseless and not in accordance with law and rules rather the respondents are estopped due to their own conduct to raise any objection at this stage of the appeal.

ON FACTS:

- 1-** Incorrect and not replied accordingly. That appellant was the employee of the respondent Department and has been served for the respondent Department as PST (BPS-12) for quite considerable time quite efficiently and upto the entire satisfaction of his superiors.
- 2-** Incorrect and misconceived. That appellant was absented due to critical law and order situation in Khyber Agency. That all the functional schools were also closed/non-functional due the said critical law and order situation.
- 3-** Incorrect and not replied accordingly. That vide Notification 18.12.2014 all the educational institutions male and female of plain area of Tehsil Bara will again opened w.e.f. 01.01.2015. That in compliance of the said Notification appellant was time and again visited the concerned quarter but the appellant was verbally told that he has been removed from service on account of willful absence w.e.f. 17.7.2007. that appellant requested for issuance of removal order but the same has not been communicated to appellant on malafide reason.
- 4-** Incorrect and not replied accordingly hence denied. Appellant stated in above Para No.3.

- 5- Incorrect and not replied accordingly. That after the Notification of the respondent No.2 about opening of the said schools appellant visited for arrival to office of the respondent No.2 but the appellant was verbally informed that he has been terminated vide order dated 18.12.2014 which was communicated to appellant on 6.11.2015.
- 6- Incorrect and not replied accordingly. After receipt of the impugned order appellant filed Departmental appeal before the appellate authority for redressal of his grievances but no reply has been given by the concerned authority on the said Department appeal of the appellant.

GROUND:
(A TO I):

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondents are incorrect and baseless. That no charge sheet and statement of allegation has been served on the appellant before issuing the impugned order dated 18.12.2014. That no show cause notice has been served on the appellant while issuing the impugned order dated 18.12.2014. That no chance of personal hearing personal defense has been given to the appellant before issuing impugned order dated 18.12.2014. That during the said period the appellant has regularly visited the office of the respondent No.2 but the respondent No.2 inspite of know in critical law and order situation in the area malafidely issued the impugned order dated 18.12.2014 against the appellant which is not tenable and liable to be set aside, being not based on facts and circumstance. That no regular inquiry has been conducted in the matter which is as per Supreme Court judgments is necessary in such like matters. That the respondents acted in arbitrary and malafide manner while issuing the impugned order dated 18.12.2014.

It is therefore most humbly prayed that on acceptance of this rejoinder of the appellant may be accepted as prayed.

APPELLANT



BADSHAH KHAN

THROUGH:



NOOR MOHAMMAD KHATTAK
ADVOCATE