

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

Service Appeal No.1932/2023

Sher Aman (Ex-Naib Qasid) S/O Sardar Khan R/O Mian Killi Swabi.....**Appellant**

**VERSUS**

1. Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Education Officer Male Swabi.
3. Director E&SE, KP Peshawar.

**Respondents**

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(IRFAN ALI)  
DISTRICT EDUCATION OFFICER  
(MALE) SWABI  
Distt: Education Officer  
(Male) Swabi

(01)

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

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Sher Aman (Ex-Naib Qasid) S/O Sardar Khan R/O Mian Killi Swabi.....**Appellant**

**VERSUS**

1. Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Education Officer Male Swabi.
3. Director E&SE, KP Peshawar.

**Respondents**

**PARA WISE COMMENTS ON BEHALF OF THE RESPONDENTS No. 1 TO 3**

Khyber Pakhtunkhwa  
Service Tribunal

Respectfully Sheweth,

Case No. 9587

**PRELIMINARY OBJECTIONS.**

Dated 29-11-2023

1. That the departmental appeal is badly barred by time, and hit by the doctrine of latches, hence not maintainable.
2. That the service appeal is also barred by time and hit by the principle of latches, hence not maintainable.
3. That the service appeal is wholly incompetent, misconceived and untenable.
4. That the service appeal is wrong, baseless and not maintainable, it shows no strong cause to be taken for adjudication, therefore, the same service appeal is liable to be rejected/ dismissed.
5. That the service appeal is unjustifiable, baseless, false, frivolous and vexatious. Hence the same is liable to be dismissed with the order of special compensatory cost in favour of respondents.
6. That no constitutional or legal right of the appellant has been violated, therefore, the appellant is not entitled to invoke the constitutional jurisdiction of this honourable Service Tribunal under Article 242 of the constitution of Pakistan.
7. That the appellant has not come to the Court/Tribunal with clean hands.
8. That the appellant has concealed the material facts from this Honourable Tribunal.
9. That the appeal is bad for misjoinder and non-joinder of the necessary party.
10. That the appellant has filed the instant appeal just to pressurize the respondents.
11. That the appellant has no cause of action to file the instant appeal.
12. That the appeal is not maintainable in the eye of law.
13. That the instant appeal is not maintainable in the present form and also in the present circumstances of the issue.

  
**Distt. Education Officer**  
**(Male) Swabi**

## Facts:

02

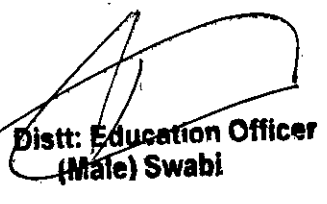
1. That the para relates to the residence and family status of the appellant, which does not create any right of re-instatement of the appellant, hence need no comments.
2. The appellant was appointed against Naib Qasid post on contract fixed pay salary basis vide office Endst No: 1580-G/C-IV Apptt: File/EDO(S&L), Dated Swabi the 19-02-2004 at GMS Mian Kalay. The appointment was subsequently regularized w.e.f 01-07-2008.
3. That the appellant took over charge against the Naib Qasid post at GMS Mian Kalay. It is mandatory for each and every government servant to perform his duties up to the entire satisfaction of his superiors because he is paid for his services from the national exchequer.
4. That the contract fixed pay salary service of the appellant was subsequently regularized w.e.f 01-07-2008 by the then government.
5. That the para relates to his arrest/kidnapping. The appellant did not inform the department well in time, which was mandatory for the appellant being a government servant. As per government of Khyber Pakhtunkhwa conduct rules, 1987, rule, 20, which is reproduced as under: **Report by government servant in case of his involvement in a criminal case, if a government servant is involved as an accused in a criminal case, he shall bring the facts of such involvement or conviction as the case may be to the notice of the head of the office or department immediately or if he is arrested and released on bail, soon after such release.** Failure of the civil servant to do the same would divest him of a right. He absented himself willfully w.e.f 25-05-2016 and did not inform the department at all. Therefore, it was his fault.
6. That as per rule-9 of the Khyber Pakhtunkhwa government servants (Efficiency & Discipline) Rules, 2011, he was proceeded accordingly due to his willful absence. There is nothing on record that he is in the custody of law enforcement agencies. He did not inform the department well in time, which was mandatory for the appellant being a government servant. Ignorance of law is no excuse. He violated rule-20 of the government servants conduct rules 1987, which amounts misconduct. Hence he was proceeded under (Efficiency & Discipline) rules 2011 accordingly. An absence notice was sent on his home address under registered cover. Absence notice was published in two leading newspapers i.e., daily Mashriq and daily Aaj on 29-10-2016. He did not response at all, therefore, he was given an extra opportunity, therefore, another absence notice vide No. 11473 Dated: 26-11-2016 was sent on his home address. He failed to avail this opportunity also, hence he was removed from service after observing all the codal formalities under rule -9 of (Efficiency & Discipline) rules,2011. The removal order was sent on his home address under registered cover. Absence notice, publication in two newspapers and removal from service order **annexed as A, B and C.**
7. That the department was kept un aware of this episode of the story and not role to play. The appellant showed no cogent reason why he was behind the bar? He bluntly confesses that he remained absent w.e.f 25-05-2016 to 17-06-2023. The absence period becomes more than seven years. The absence without a cogent reason and violation of rule-20 of Khyber Pakhtunkhwa government servants conduct rules 1987, the DEO Male Swabi rightly initiated disciplinary action and removed him from service under rule-9 of (Efficiency & Discipline) rules 2011.

His previous service has been forfeited under rule 2.11 of west Pakistan civil services pension rules, 1963. His absence cannot be converted into any kind of leave as mentioned under rule-12 of Khyber Pakhtunkhwa civil servants revised rules, 1981 read with F.R.18. He filed a departmental appeal against the removal from service order Dated: 21-12-2016 at the belated stage after a period of about 7 years, which is badly barred by time and hit by the doctrine of latches. The departmental appeal Dated: 06-07-2023 was rejected by the appellate authority vide No. 1737/F.No/A-20/C-IV/P.F/ Sher Aman/Swabi, Dated: Peshawar the 21-08-2023. The service appeal of the appellant is also badly barred by time and hit by the principle of latches. Departmental appeal and its rejection annexed as D and E.

- 8. That each case has its own merit. No discrimination is made out. The case of the appellant is badly barred by time and hit by the doctrine of latches. Furthermore, it is settled by now that ill-gotten gain cannot be made a precedent.
- 9. That the respondents have performed their duties with zeal and zest. The appellant has remained absent without any cogent reason for the period more than 7 years. It was a fault of the appellant to lost his service. The appellant is not aggrieved person at all. Therefore, he has no cause of action to file the instant appeal and the appeal in hand is liable to be dismissed on the above facts and circumstances.

**Grounds:**

- A. That the appellant misconceives the matter. He has remained absent without cogent reason from service for the period of more than 7 years. The departmental appeal as well as the service appeal both are badly barred by time and hit by the principle of latches.
- B. Incorrect, hence strongly denied. The removal order of the appellant is with reasons, warranted, in accordance with the facts and law on the subject and is sustainable at all.
- C. Incorrect hence denied. The appellant absentee from his duty was intentionally and willful. The appellant has committed a serious breach of discipline. The action of respondents is based on strong footing and warranted. Malafide is out of question.
- D. Incorrect hence strongly denied. The case of the appellant was under the willful absence. Therefore, appellant was rightly proceeded under the specific/relevant rule-9 of (Efficiency & Discipline), rules-2011, with title, "Procedure in case of willful absence" and removed from service. The stance/plea taken by the appellant is conjectural, contemptuous, frivolous, vexatious, surmise, concocted, ludicrous, baseless and wrong. The violation of constitution of Islamic Republic of Pakistan 1973 is out of question.
- E. Incorrect, hence denied, the removal from service order is valid, authentic, accurate, cogent and justified. Therefore, the removal from service order of the appellant is sustainable in the eye of law and is liable to be kept intact.
- F. Incorrect, hence denied, the case of the appellant is of willful absence, he was proceeded under the specific/relevant law i.e. rule-9 of the Khyber Pakhtunkhwa government servants (Efficiency & Discipline) rules 2011, all the codal formalities have been completed and after that the appellant was removed from service accordingly.

  
Distt. Education Officer  
(Male) Swabi

- G. Incorrect, hence denied, the removal order of the appellant is in accordance with the fundamental rights of the appellant, which is guaranteed and protected by the constitution of the Islamic Republic of Pakistan 1973.
- H. Incorrect, hence denied, that from every angle the removal order is valid, accurate, authentic, cogent and justified. Therefore, the removal from service order is sustainable in the eye of law and is liable to be kept intact.
- I. That the respondents seek permission to raise/argue other points/grounds on the day of hearing the case.

In view of the above stated submissions, it is therefore earnestly requested that the instant appeal may very graciously be dismissed with special compensatory cost in favor of the department.

1. (MOTASIM BILLAH SHAH)  
 Secretary E&SED KP  
 Peshawar  
 Elementary & Secondary Edu: Deptt:  
 Government of Khyber Pakhtunkhwa

2. (IRFAN ALI)  
 District Education Officer  
 Male Swabi  
 Distt. Education Officer  
 (Male) Swabi

3. (DR. MUHAMMAD IQBAL)  
 Director E&SED KP Peshawar  
 Director  
 Elementary & Secondary Education  
 Khyber Pakhtunkhwa Peshawar

Affidavit

I, Irfan Ali DEO Male Swabi do hereby solemnly affirm and declare on oath that the contents of the comments submitted by respondents are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

It is further, stated on oath that in this appeal the answering respondents have neither been placed ex-parte nor has their defense been struck off.

AKBAR ALI ADVOCATE  
 Oath  
 Commissioner  
 NO 272 DATE 22-1-22

(IRFAN ALI)  
 DISTRICT EDUCATION OFFICER  
 (MALE) SWAB  
 Distt. Education Officer  
 (Male) Swabi

Office of the Head Master  
G.M.S Mian Kitei Swabi  
End: NO: 221 dated 06.10.2016.

3367  
8/11/16


6/15/16  
276

To, EDEO Swabi

Sub:- Information Regarding to  
Mr Sher Aman N/O  
absent from 25.5.2016

Memo: It is for your kind information that  
Mr Sher Aman N/O is absent from  
the school since 25.5.2016.  
We have sent a few letters and  
remainders to his home, but we have  
find no, replay and we are still  
un able to bring him back to  
his duty.

Date: 06.10.2016.

  
District Education Officer  
Male Swabi

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اطلاع نامہ

نام سیر امان نامہ نمبر GMS میان ماہ

تذکرہ نمبر 25/5/2016 کو جنرل ڈپوٹ سے کوئی وجہ بغیر بغیر حاضر ہے  
 اسلئے آپ کو اطلاع دی جاتی ہے۔ کہ آپ اپنے ڈپوٹ  
 کو حاضر کر جائیں۔ ورنہ آپ کے خلاف تادیبی کارروائی عمل میں لائی  
 جائیگی۔  
 End. NO: 216 dated 27/5/16

27/5/2016  
 HEAD MASTER  
 G.M.S. Swabi  
 گورنمنٹ ٹیچنگ کالج میان ماہ

NO. 100 For Insurance Notices see reverse. Rs. Ps. 50/ 270

Stamps affixed, except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide, or on which no acknowledgment is required.

Received a registered letter, parcel, postcard, "packet" or "parcel" addressed to \_\_\_\_\_ Date-Stamp \_\_\_\_\_

Initials of Receiving Officer \_\_\_\_\_

Insured for Rs. (in figures) 27500 (in words) Two thousand seven hundred and fifty

If insured. Insurance for Rs. \_\_\_\_\_ Ps. \_\_\_\_\_ (in words) \_\_\_\_\_

Name and address of sender G.M.S. Swabi


District Education Officer  
 Male Swabi

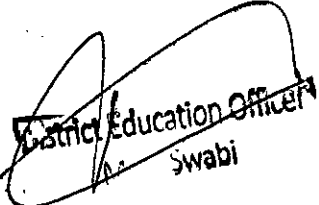
از:- دفتر ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) صوابی  
 بنام:- شیر آمان ولد سردار خان نائب قاصد، گورنمنٹ مڈل سکول میاں گلے (صوابی)  
 پوسٹ آفس چارباغ گاؤں میاں گلے تحصیل رزڑ ضلع صوابی۔

عنوان:- غیر حاضری شوکاز نوٹس

یادداشت:-

قلمی ہے کہ آپ مورخہ 25.05.2016 سے مسلسل اپنی ڈیوٹی سے غیر حاضر چلے آ رہے ہیں اس سلسلے میں ناصر متعلقہ ہیڈ ماسٹر کے ذریعے آپ کو باقاعدہ نوٹس جاری کئے گئے بلکہ اخبارات میں بھی "بعض اظہار وجوہ" اشتہار بھی چھاپا گیا جس کے مطابق 15 دن کے اندر اندر آپ کو زبردستی کے سامنے حاضر ہو کر اپنی صفائی پیش کرنے کی تاکید کی گئی تھی لیکن آپ ایسا نہ کر سکے، اس کے باوجود بھی آپ کو ایک اور موقع دیا جاتا ہے کہ اس شوکاز نوٹس کے وصول کرنے کے دس دن کے اندر اندر زبردستی کے روبرو پیش ہو کر اپنی غیر حاضری کی معقول وجہ بیان کریں کہ کیوں نہ آپ کے خلاف تادیبی کارروائی کی جائے۔ عدم تعمیل کی صورت میں آپ کی خلاف حکومت کے مروجہ رولز اور ریگولیشن کے مطابق یکطرفہ کارروائی عمل میں لائی جائیگی جو کہ آپ کی ملازمت سے برخاستگی پر منتج ہوگی۔

  
 ڈسٹرکٹ ایجوکیشن آفیسر  
 (مردانہ) صوابی

  
 District Education Officer  
 Swabi



نصاب میں تبدیلی کی مخالفت کریں گے ہدایت خان

بلدیاتی اداروں کے فنڈز سے 75 فیصد کوئی ظلم ہے شاعرانہ

وٹس نے ٹرانسفر پالیسی مسترد کردی

مہمند ایجنسی (لاہور) کے سربراہ نے صوبائی حکومت کے فیصلے کو مسترد کر دیا۔ ان کے بقول، بلدیاتی اداروں کے فنڈز سے 75 فیصد کوئی ظلم ہے۔

وٹس نے ٹرانسفر پالیسی کو مسترد کر دیا ہے۔ ان کے بقول، بلدیاتی اداروں کے فنڈز سے 75 فیصد کوئی ظلم ہے۔

وٹس نے ٹرانسفر پالیسی کو مسترد کر دیا ہے۔ ان کے بقول، بلدیاتی اداروں کے فنڈز سے 75 فیصد کوئی ظلم ہے۔

مہمند ایجنسی (لاہور) کے سربراہ نے صوبائی حکومت کے فیصلے کو مسترد کر دیا۔ ان کے بقول، بلدیاتی اداروں کے فنڈز سے 75 فیصد کوئی ظلم ہے۔

مہمند ایجنسی (لاہور) کے سربراہ نے صوبائی حکومت کے فیصلے کو مسترد کر دیا۔ ان کے بقول، بلدیاتی اداروں کے فنڈز سے 75 فیصد کوئی ظلم ہے۔

ابن چکی نے میان محمد آصف کو

مہمند ایجنسی (لاہور) کے سربراہ نے صوبائی حکومت کے فیصلے کو مسترد کر دیا۔ ان کے بقول، بلدیاتی اداروں کے فنڈز سے 75 فیصد کوئی ظلم ہے۔

مہمند ایجنسی (لاہور) کے سربراہ نے صوبائی حکومت کے فیصلے کو مسترد کر دیا۔ ان کے بقول، بلدیاتی اداروں کے فنڈز سے 75 فیصد کوئی ظلم ہے۔

مہمند ایجنسی (لاہور) کے سربراہ نے صوبائی حکومت کے فیصلے کو مسترد کر دیا۔ ان کے بقول، بلدیاتی اداروں کے فنڈز سے 75 فیصد کوئی ظلم ہے۔

Table with 4 columns: S. No, Name of Work, Estimated Cost, Earnest Money @2% (Rs), Date of Completion. It lists school maintenance and furniture supply work.

مہمند ایجنسی (لاہور) کے سربراہ نے صوبائی حکومت کے فیصلے کو مسترد کر دیا۔ ان کے بقول، بلدیاتی اداروں کے فنڈز سے 75 فیصد کوئی ظلم ہے۔

مہمند ایجنسی (لاہور) کے سربراہ نے صوبائی حکومت کے فیصلے کو مسترد کر دیا۔ ان کے بقول، بلدیاتی اداروں کے فنڈز سے 75 فیصد کوئی ظلم ہے۔

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مہمند ایجنسی (لاہور) کے سربراہ نے صوبائی حکومت کے فیصلے کو مسترد کر دیا۔ ان کے بقول، بلدیاتی اداروں کے فنڈز سے 75 فیصد کوئی ظلم ہے۔

FG SAPPER PUBLIC SCHOOL NO 2 (BOYS) RISALPUR CANTT

TENDER NOTICE
1. Sealed tenders are invited from the reputed and approved government contractor registered with Pakistan engineering council (PEC) having minimum 5 x years experience for the following work.

Table with 5 columns: S. No, Name of Work, Estimated Cost, Earnest Money @2% (Rs), Date of Completion. It lists school maintenance and furniture supply work.

Terms and Conditions
The following attested documents shall be accompanied with the application.
a. Photocopy of dated renewal of registration for the year 2016-17.

Principal (Muhammad Zahid)
FG Sapper Public School No 2 (Boys) Risalpur Cantt
Phone No. 0923631030

ایڈیشنل ڈپٹی کمشنر
ایڈیشنل ڈپٹی کمشنر
ایڈیشنل ڈپٹی کمشنر

14-11-2016 at 10:00 AM when will be opened. Bid in presence of 2% of the total bid value in the shape of...

Table with 3 columns: Date, Name, and other details. It lists dates and names related to the tender process.

ایڈیشنل ڈپٹی کمشنر
ایڈیشنل ڈپٹی کمشنر
ایڈیشنل ڈپٹی کمشنر

ایڈیشنل ڈپٹی کمشنر
ایڈیشنل ڈپٹی کمشنر
ایڈیشنل ڈپٹی کمشنر

ایڈیشنل ڈپٹی کمشنر
ایڈیشنل ڈپٹی کمشنر
ایڈیشنل ڈپٹی کمشنر

District Education Officer
Male Swabi

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593

**نوٹس اظہار وجود**

آپ نے سید صاحب کو اس بار کسی بے گناہی کے خلاف کیس کی اطلاع دی ہے اور اس بار سے اس کی ترمیم ہو رہی ہے۔  
ماہری آپ کو اس کے بارے میں مزید اطلاع دینی ہے کہ اس کی ترمیم کی وجہ سے اس کی تاریخوں میں تبدیلی آئی ہے۔  
اس بار سے اس کی ترمیم ہو رہی ہے۔

تاریخ	مقام	تاریخ	مقام
27.06.18	28.08.2018	23.07.2018	01.09.2018
03.09.18	23.07.2018	02.09.18	01.09.2018
15.09.18	23.07.2018	03.09.18	01.09.2018
02.09.18	23.07.2018	19.09.18	01.09.2018
30.09.18	23.07.2018	30.09.18	01.09.2018
11.08.18	23.07.2018	11.08.18	01.09.2018

مصدق  
ڈائریکٹ  
ایجوکیشن  
آفیسر  
مردانہ  
صوبائی



INF(P)6360

**ن حاضری**

ن حاضری کے بارے میں مزید اطلاع دینی ہے کہ اس کی ترمیم کی وجہ سے اس کی تاریخوں میں تبدیلی آئی ہے۔  
اس بار سے اس کی ترمیم ہو رہی ہے۔

InfokpGovt \* @InfoKPGovt \* Send INF(P)6321

**آسامیاں خالی ہیں**

سیکسز میں خالی جگہوں کی فہرست اور اس میں تبدیلیوں کی اطلاع دینی ہے کہ اس کی ترمیم کی وجہ سے اس کی تاریخوں میں تبدیلی آئی ہے۔

نمبر	تعداد	تعداد	نمبر
1	04	354:18	1
2	01	404:18	2

اس کی ترمیم کی وجہ سے اس کی تاریخوں میں تبدیلی آئی ہے۔

**Operation Support**  
Governance & Policy I  
Planning & Development  
FATA Secretariat, Peshawar  
(091) 27728, 9272

**Vehicles on Re**  
Sealed quotations are invited for vet with driver with below mentioned spe  
1. Vehicle Type: GLI  
2. Vehicle Model: 2011  
3. Capacity: 160

Authorized service providers, register tax are therefore invited to submit envelope (separately for each m publication of this Ad on the tender in the office of the undersigned.

Administration Officer IIN 3, Colony Wazirabad Road, Peshawar  
\* InfoKpGovt \* @InfoKPGovt \* Send INF(P)6307

**ای ٹینڈر نوٹس**

نمبر	تعداد	تعداد	نمبر
1	18000/-	21-11-2018	1
2	35000/-	21-11-2018	2

نیز مزید تفصیلات کے لیے اس کی ترمیم کی وجہ سے اس کی تاریخوں میں تبدیلی آئی ہے۔

**سیکسز نوٹس**

نمبر	تعداد	تعداد	نمبر
1	27100/-	22-11-2016	1
2	6500/-	22-11-2016	2

نیز مزید تفصیلات کے لیے اس کی ترمیم کی وجہ سے اس کی تاریخوں میں تبدیلی آئی ہے۔

District Education Officer, Male Swabi

## نوٹس اظہارِ وجوہ

آپ مندرجہ ذیل کلاس فور نیچے ذہنیے گئے تفصیل کے مطابق مسلسل اپنی ڈیوٹی سے غیر حاضر ہیں، دورانِ غیر  
حاضری آپ کو گھر کے پتہ پر شوکاژ نوٹس جاری کئے گئے جن میں آپ کو ڈیوٹی پر حاضر ہونے کی ہدایت کی گئی لیکن اس کے باوجود بھی آپ ڈیوٹی  
پر حاضر نہیں ہوئے۔

لہذا آخری بار بذریعہ نوٹس ہذا آپ کو متنبہ کیا جاتا ہے کہ اس نوٹس کے شائع ہونے کے پندرہ (15) دن کے اندر

اندر زیر دستخطی کے رو برو پیش ہو کر اظہارِ وجوہ برائے غیر حاضری پیش کریں کہ کیوں نہ آپ کے خلاف تادیبی کارروائی کی جائے۔ عدم تعمیل کی  
صورت میں آپ کے خلاف حکومت کے مرہبہ رولز اور ریگولیشن کے مطابق یکطرفہ کارروائی کی جائے گی جو کہ آپ کی ملازمت سے برخاستگی پر منتج  
ہوگی۔

نمبر شمار	نام اعمدہ	نام سکول	تاریخ غیر حاضری	عملی کارروائی	کیفیت
۱	شیر آمان، نائب قاصد	گورنمنٹ ٹیل سکول میاں ککے	25.05.2016	شوکاژ نوٹس جاری کردہ بذریعہ نمبر 216 مورخہ 27.05.16 شوکاژ نوٹس جاری کردہ بذریعہ نمبر 217 مورخہ 03.06.16	غیر حاضری
۲	محمد علی، سوپیر	گورنمنٹ ٹیل سکول میاں ککے	23.07.2016	شوکاژ نوٹس جاری کردہ بذریعہ نمبر 219 مورخہ 15.08.16 شوکاژ نوٹس جاری کردہ بذریعہ نمبر 220 مورخہ 02.09.16	غیر حاضری
۳	فضل ہادی، چوکیدار	گورنمنٹ پرائمری سکول یارہ خیل مرغز	01.09.2016	شوکاژ نوٹس جاری کردہ بذریعہ نمبر 317 مورخہ 03.09.16 شوکاژ نوٹس جاری کردہ بذریعہ نمبر 320 مورخہ 19.09.16 شوکاژ نوٹس جاری کردہ بذریعہ نمبر 321 مورخہ 30.09.16	غیر حاضری
۴	ابوبکر، چوکیدار	گورنمنٹ پرائمری سکول نمبر ۲ دیول گدون	25.05.2016	شوکاژ نوٹس جاری کردہ بذریعہ نمبر 561 مورخہ 11.08.16	غیر حاضری

(جہان محمد)  
ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ)  
صوابی

District Education Officer  
Male Swabi

Registered / urgent

Annexure - C

10

2-4'

OFFICE OF THE DISTRICT EDUCATION OFFICER(MALE)SWABI

NOTIFICATION.

WHEREAS the following officials/Government servants were proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 on account of their willful and un-authorized absence from duty and were directed to resume their duty, by the Officers concerned vide their numbers according to the under mentioned detail, but they failed to resume their duty.

AND WHEREAS absentee notices were served upon the accused officials through Daily New Papers to resume duty with in 15 days but they remained absent and did not report for duty in response of the their absence notices.

AND WHEREAS the competent authority i.e the DEO (Male) Swabi after having considered the charges and evidence on record is of the view that the charges of willful and un-authorized absence from duty against the accused officials have been proved.

NOW, THEREFORE, in exercise of the powers conferred under Section 3 b (iii) of the Khyber Pakhtunkhwa Removal from service under (Efficiency & Discipline) Rules 2011, the competent authority is pleased to impose the major penalty of removal from service upon them with immediate effect. The period of their absence from duty till the issuance of this order be treated as un-authorized absence from duty with out pay.

S#	Name/Father's Name & Address	Name of school	D/O Absence	Name of Concerned officer/IM/Prl by whom Absence notices issued	Detail of Notices & No./dt of issue by the concerned	Name of News Paper	Date of Publication
1	Sher Aman N/Q S/O Sardar Khan VPO Mian Killi Charbagh (Swabi)	GMS Mian Killi	25.05.2016	Head Master Concerned	No. 216 dated 27.05.16. No.217 dated 03.06.16	Daily Aaj Daily Mashirq	29.10.2016
2	Muhammad Ali S/O Shah Nawaz Khan VPO Mian Killi Charbagh (Swabi)	GMS Mian Killi	23.07.2016	Head Master Concerned	No.219 dated 15.08.16 No.220 dated 02.09.16	Daily Aaj Daily Mashirq	29.10.2016
3	Fazli Hadi S/O Noorul Hadi Mohallah Mian Baba Marghuz (Swabi)	GPS Yara Khel Marghuz	01.09.2016	ASDEO Concerned	No.317 dated 03.09.16 No.320 dated 19.09.16 No.321 dated 30.09.16	Daily Aaj Daily Mashirq	29.10.2016
4	Abu Bakar S/O Zakir Khan VPO Dewal (G) Swabi	GPS No.2 Dewal (Gadoon)	25.05.2016	SDEO Concerned	No.561 dated 11.08.16	Daily Aaj Daily Mashirq	29.10.2016

(JEHAN MUHAMMAD)  
DISTRICT EDUCATION OFFICER  
(MALE)SWABI

Endst:No. 121061-07 /F.No.1-31/C-IV Removal from service dated Swabi the 21/12 /2016.

Copy of the above is forwarded for information and n/action to the:-

1. Director E&SE Khyber Pukhtunkhwa , Peshawar.
2. District Accounts Officer, Swabi. (3) District Monitoring Officer, Swabi.
4. Headmaster concerned school. (5) ADEO(B&A/Estab) Local Office.
6. SDEO (M) Concerned. 7. Officials concerned (Under Registered cover).

DISTRICT EDUCATION OFFICER  
(MALE)SWABI

District Education Officer  
Male Swabi

بخدمت جناب ڈائریکٹر صاحب ایلمنٹری اینڈ سیکنڈری ایجوکیشن خیبر پختون خواہ پشاور

Annexure-D درخواست برائے بحالی

جناب عالی۔

مودبانہ گزارش ہے کہ فدوی محکمہ تعلیم میں بحیثیت تلمذ کو ملازم مورخہ 25-02-2004 سے گورنمنٹ ہڈل سکول میاں کلی میں اپنے خدمات سرانجام دے رہا تھا۔ بد قسمتی سے ملک میں جاری شریستگی اور تحریک طالبان کے دوران وہ مورخہ 25-05-2016 کو حکومتی ایجنسیوں نے شک کی بنیاد پر سکول سے حراست میں لے کر حراستی تفتیشی مرکز کو لے گئے۔ فدوی مورخہ 16-06-2023 تک ایجنسیوں کی تحویل میں رہا۔ اسی دوران مجھے بحوالہ ڈسٹرکٹ ایجوکیشن آفسر صاحب (مردانہ) صوابی انڈوسٹریل نمبر 12104-07 مورخہ 21-12-2016 بوجہ طویل غیر حاضری ملازمت سے برخواست کر دیا۔ حالانکہ فدوی ایجنسیوں کی حراست میں رہا اور قیداً غیر حاضری رہا۔

جناب والا

یونکہ فدوی نے قصور تھا اور میرے خلاف ایجنسیوں نے کوئی ثبوت فراہم نہیں کئے اور مجھے مورخہ 16-06-2023 کو رہا کر دیا گیا۔ چونکہ ایجنسیوں نے مجھے عدالت میں پیش نہیں کیا ہے میں آپ صاحبان کو اپنی بے گناہی ثابت کر سکوں اسلئے آپ صاحبان سے درخواست التماس کی جاتی ہے کہ میری بے گناہی اور چھوٹے چھوٹے بچوں کو مد نظر رکھ کر فدوی کو اپنی ملازمت پر بحال کرنے کی احکام صادر فرما کر مشکور و ممنون فرمادیں فدوی بمعامل و عیال تاحیات دجا گورے گا۔

Admin

العبد



شیر امان ولد سردار خان

شناختی کارڈ نمبر 16202-0899968-9

فون نمبر 0348-9479281

837

16-7-2023

0348-7721215

District Education Officer  
Male Swabi



**OFFICE OF THE DISTRICT  
EDUCATION OFFICER (MALE) SWABI**

(Office phone & Fax No.0938280239, Emis swabi@yahoo.com)

No. 7544 Dated 03/07/2023

12

To

*Annexure - E*

The Director  
Elementary & Secondary Education KPK Peshawar

Subject: - **APPLICATION FOR RE-INSTANTMENT IN R/O OF SHER AMAN N/Q  
GMS MIAN KILLI**

Memo:

Reference to your good office letter No. 6909/F.No./A-20/Class-iv/P.F/Sher Aman /N-Q/Swabi Dated Peshawar 12-07-2023, Received to this office vide dairy No. 1497 Dated 22-07-2023. The requisite report /comments are hereby submitted as under.

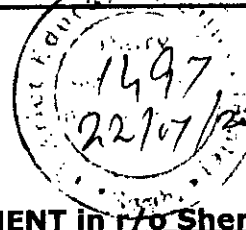
1. That is per report of the head Master GMS Main Killi Swabi the applicant Mr. Sher Aman N/Q was absent from duty since 25-05-2016 without any information to the department. As per his statement he sent few letters to the concerned N/Q to resume his duty but he badly failed to do so. (Annexure -A).
2. That absence notices have been published in two daily leading newspaper. (annexure B&C).
3. The applicant Mr. Sher Aman N/Q was removed from service after observing all the coddle formalities as per mandate of rule-9 of E&D rules 2011 vide this office Endst No. 12104-07 dated. 21-12-2016. (Annexure-D).
4. That now the applicant is claiming that he was in the custody of law enforcement agencies and was released on 16-06-2023. He is claiming his re-instatement on the ground that he was not intentionally remained absent.

The report is submitted for your kind perusal & further necessary action please.

*de*  
District Education Officer,  
(Male) Swabi

District Education Officer  
Male Swabi

To

The District Education Officer  
(Male) Swabi

Fazli Khadim  
ADEC Officer  
22/7/2023

Subject: **APPLICATION FOR RE INSTATEMENT in r/o Sher Aman N/O GMS  
Main Kaley**

Memo:-

I am directed to refer to the subject cited above and to enclose herewith a copy an appeal received from Sher Aman S/O Sardar Khan Ex-Naib Qasid GMS. Mian Kalay Swabi vide this office diary No. 937 dated 06-07-2023 and to ask you to submit detail report/comments in the subject case at an early date for further necessary action.

*[Handwritten signature]*  
12/7/2023

**Assistant Director (Admn)**Directorate E& Secondary Education  
Khyber Pakhtunkhwa, Peshawar

*[Handwritten signature]*  
11/7/23

Endst; No. \_\_\_\_\_

Copy forwarded to the: -

1. Sher Aman S/O Sardar Khan Ex-Naib Qasid GMS Mian Kalay Swabi.
2. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Master File.

*[Handwritten signature]*

**Assistant Director (Admn)**Directorate E& Secondary Education  
Khyber Pakhtunkhwa, Peshawar

*[Handwritten signature]*  
District Education Officer  
Male Swabi



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA PESHAWAR.

No. 1737 /F.No./A-20/C-IV/P.F/Sher Aman/Swabi

Dated Peshawar the 21/08 /2023

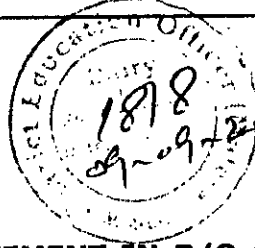
Phone: 091-9225344

Email: ddadmne.se@gmail.com

140

To

The District Education Officer  
(Male) Swabi.



Sajjad A/c  
21/8/2023

Subject: **APPLICATION FOR RE-INSTATEMENT IN R/O SHER AMAN N/O GMS MIAN KILLI**

Memo:

I am directed to refer to your letter No 7544 dated 03/08/2023 on the subject cited above and to ask you that the appeal in r/o Sher Aman Naib Qasid GMS Mian Killi Swabi has been examined/analyzed by this office Hence inform the appellant concerned that his appeal has been **rejected** by the appellate authority.

21/8/2023

**Assistant Director (Admn)**  
Directorate E& Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Endst; No. \_\_\_\_\_

Copy forwarded to the: -

1. Sher Aman Naib Qasid GMS Mian Killi Swabi.
2. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Master File.

**Assistant Director (Admn)**  
Directorate E& Secondary Education  
Khyber Pakhtunkhwa, Peshawar

District Education Officer  
Male Swabi





# DISTRICT EDUCATION OFFICE (MALE & FEMALE) SWABI

(Office Phone & Fax No 0938280239, [emls\\_swabi@yahoo.com](mailto:emls_swabi@yahoo.com))



## AUTHORITY LETTER

Mr. Fazli Khaliq Superintendent BPS-17 Office of the District Education Officer (Male) Swabi is hereby authorized to attend and deal Departmental cases in the **Honorable Service Tribunal Peshawar, August Peshawar High Court Peshawar and apex Supreme Court of Pakistan** on behalf of the Competent Authorities i.e District Education Officer (Male & Female) Swabi in the best interest of public service

His CNIC No is 16202-0893178-1

His specimen signature is

(IRFAN ALI)

DISTRICT EDUCATION OFFICER

(MALE) SWABI

District Education Officer  
Male Swabi

(SOFIA TABASSUM)

DISTRICT EDUCATION OFFICER

(FEMALE) SWABI

District Edu. Officer  
(Female) Swabi

o/s.

Attest

Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

29/11/2023