

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 849/2016

Date of institution ... 23.08.2016

Date of judgment ... 09.03.2018

Fakhar Zaman S/o Mohabat Khan
R/o Village Tanda Banda, Shah Pur, Kohat
As Naib Qasid District Education Office Kohat.

... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through its Secretary Elementary & Secondary Education, Peshawar.
2. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male), Elementary & Secondary Education, Kohat.

... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST
THE IMPUGNED ORDER PASSED BY THE RESPONDENT
NO. 3, ON 27.02.2016 WHILE THE DEPARTMENTAL
APPEAL FILED BY THE APPELLANT ON 17.05.2016, HAS
NO RESPONSE/REPLY.

Mr. Hassan-U.K Afridi, Advocate.

.. For appellant.

Mr. Riaz Pinda Kheil, Assistant Advocate General

.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (JUDICIAL)

MR. MUHAMMAD HAMID MUGHAL

.. MEMBER (JUDICIAL)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: -

Learned counsel

for the appellant present. Mr. Riaz Pinda Kheil, Assistant Advocate General

for the respondents also present. Arguments heard and record perused.

M. Amin
9.3.2018

2. Brief facts of the case as per appeal are that the appellant was serving in Education Department as Naib Qasid and during service he was dismissed from service by the competent authority vide order dated 27.02.2016 on the allegation of his absence from duty with effect from 20.09.2011. The appellant also filed departmental appeal on 17.05.2016 but the same was not responded hence, the present service appeal on 23.08.2016.

3. Respondents were summoned who contested the appeal by filing written reply/comments.

4. Learned counsel for the appellant contended that the appellant was serving in Education Department as Naib Qasid. It was further contended that the appellant never remained absent from duty. It was further contended that neither proper inquiry was conducted nor any absence notice was issued to the appellant at his home address therefore, the impugned order is illegal and liable to be set-aside.

5. On the other hand, learned Assistant Advocate General for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was willfully remained absent from duty and the impugned order of dismissal of the appellant was passed on 27.02.2016 but he has filed departmental appeal on 17.05.2016 after a delay of more than two months therefore, the present appeal is not maintainable and prayed for dismissal of the appeal.

6. Perusal of the record reveals that the impugned order of dismissal from service of the appellant was passed by the competent authority on 27.02.2016 therefore, the appellant was required to file departmental appeal within one month but the record reveals that the appellant has filed departmental appeal on 17.05.2016 after a delay of more than two months therefore, the departmental

M. Amin
9.8.2018

appeal is badly time barred. The record also reveals that the appellant has also not filed any application for condonation of delay therefore, the present appeal is not maintainable due to filing of time barred departmental appeal. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
09.03.2018

Mughal

(MUHAMMAD HAMID MUGHAL)
MEMBER

Muhammad Amin

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

09.03.2018

Learned counsel for the appellant present. Mr. Riaz Ahmed Painsa
Kheil, Assistant Advocate General for the respondents also present.
Arguments heard and record perused.


Vide our detailed judgment of today consisting of three pages
placed on file, the present appeal is not maintainable due to filing of time
barred departmental appeal. Parties are left to bear their own costs. File be
consigned to the record room.

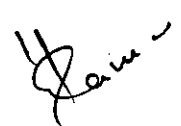
ANNOUNCED
09.03.2018


(MUHAMMAD HAMID MUGHAL)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER


11. 04.07.2017 Agent to counsel for the appellant and Mr. Kabir Ullah Khattak, Assistant AG for the respondent present. Agent to counsel for the appellant requested for time to file rejoinder. Request accepted. To come up for rejoinder and arguments on 24.10.2017 before D.B.


(Gul Zeb Khan)
Member


(Muhammad Hamid Mughal)
Member

24.10.2017

Appellant in person and Mr. Ziaullah, DA for the respondents present. Rejoinder submitted. Appellant seeks adjournment as his counsel is not in attendance. Adjourned. To come up for record and arguments before the D.B on 09.1.2018.



Member


Chairman

09.01.2018

Counsel for the appellant present and Mr. Muhammad Jan, DDA for the respondents present. Counsel for the appellant seeks adjournment. Granted. To come up for arguments on 09.3.2018 before D.B.


Member


Chairman

01.03.2017

Clerk to counsel for the appellant and Mr. Dil Kubas Senior Clerk alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. Requested accepted. To come up for written reply/comments on 03.04.2017 before S.B.

(MUHAMMAD AMIR NAZIR)
MEMBER

03.04.2017

Appellant in person and Mr. Waheed Gul, Assistant alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 08.05.2017 before S.B.

Chairman

08.05.2017

Appellant in person present. Mr. Wahid Gul, ADO (Litigation) alongwith Mr. Muhammad Adeel Butt, Additional: AG for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 04.07.2017

Chairman

849/16

15.12.2016

Learned counsel for the appellant argued that the appellant was serving as Naib Qasid BPS-01 in the Education Department when subjected to enquiry on the allegations of willful absence and dismissed from service vide impugned order dated 27.2.2016 communicated to the appellant lateron and where-against he preferred departmental appeal on 17.5.2016 which was not responded and hence the instant service appeal on 23.08.2016.

That the appellant was performing his duty and the allegations of willful absence are unfounded. That neither any show cause notice was served on the appellant nor enquiry in the mode and manners prescribed by rules was ever conducted by the competent authority.

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 25.01.2017 before S.B.

Appellant Deposited
Security & Process Fee

Chairman

25.01.2017

Appellant in person, Mr. Hameed ur Rehman, AD (Litigation) and Waheed Gul, EDO alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. Request accepted. To come up for written reply/comments on 01.03.2017 before S.B.

(MUHAMMAD AAMIR NAZIR)
MEMBER

27.09.2016

None present for the appellant. Notices be issued to the appellant and his counsel. To come up for preliminary hearing on 24.10.2016 before S.B.


Chairman

24.10.2016




Counsel for the appellant present. Preliminary arguments partly heard and case file perused. Since the matter required further elucidation, therefore pre-admission notice be issued to the learned AAG to assist the Tribunal. To come up for further preliminary hearing on 15.12.2016 before S.B.


(PIR BAKHSH SHAH)
MEMBER

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 849/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	23/08/2016	<p>The appeal of Mr. Fakhar Zaman presented today by Mr. Hassan U.K Afridi Advocate may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	25-08-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on. <u>31-08-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>None present for appellant. The appeal be relisted for preliminary hearing for 27.09.2016 before S.B.</p> <p style="text-align: right;"> Member</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 849/2016

Fakhar Zaman.....Appellant

V E R S U S

Government of Khyber Pakhtunkhwa
Through its Secretary E&SE & other.....Respondents

I N D E X

S#	Description of Documents	Annex	Pages
1.	Service Appeal		1-5
2.	Affidavit		6
3.	Addresses of parties		7
4.	Appointment order of Appellant		8
5.	Adjustment order dated 20.09.2011		9
6.	Letter from principal		10
7.	Payment advice/roll		11
8.	Application		12
9.	Show Cause Notice		13
10.	Dismissal order 27.02.2016		14
11.	Departmental Appeal dt.17.05.2016		15-18
12.	Wakalatnama		19

Appellant

Through

Dated 23.08.2016

Hassan U K Afridi
Advocate High Court
Cell No.0300-9151963

BEFORE THE HAYER B. KATUNHWA SERVICE TRIBUNAL
PESHAWAR

Service Application No. 1018

To the Honorable Members of the Tribunal

Appellant
VERSUS
Respondents
The Government of Punjab
The Government of West Bengal

INDEX

1.	Definition of Respondents	Page 1
2.	Statement of Facts	Page 2
3.	Issues for Consideration	Page 3
4.	Arguments of the Appellant	Page 4
5.	Arguments of the Respondents	Page 5
6.	Conclusion	Page 6

Appellant
Through

Hassan U.K. Attari
Advocate High Court
Civil Service 1983

Date: 10/10/2018

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 849/2016

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 875

Dated 23/8/2016

Fakhar Zaman So Mohabat Khan,
R/o Village Tanda Banda, Shah Pur, Kohat
As Naib Qasid District Education Office Kohat

.....Appellant

V E R S U S

1. Government of Khyber Pakhtunkhwa through its Secretary Elementary & Secondary Education, Peshawar
2. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar
3. District Education Officer (Male), Elementary & Secondary Education, Kohat.....**Respondents**

**APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT,
1974, AGAINST THE IMPUGNED ORDER
PASSED BY THE RESPONDENT NO.3, ON
27.02.2016 WHILE THE DEPARTMENTAL
APPEAL FILED BY THE APPELLANT ON
17.05.2016, HAS NO RESPONSE /REPLY.**

Prayer in Appeal

On acceptance of this appeal, the impugned order vide dated 27.02.2016 passed by the respondent No.3, may

Filed to-day
23/8/16.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. _____/2018

As Naib Qasid District Education Office Kohat
R/o Village Tarda Banda, Sirah Fur Kohat
Faktor Zaman 20 Mohabat Khan,
.....Appellant

V E R D I C T

1. Government of Khyber Pakhtunkhwa through its Secretary Elementary & Secondary Education, Peshawar
2. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar
3. District Education Officer (Male) Elementary & Secondary Education, Kohat..... Respondents

APPEAL NO. 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT,
1974, AGAINST THE IMPUGNED ORDER
PASSED BY THE RESPONDENT NO.3, ON
27.02.2018 WHILE THE DEPARTMENTAL
APPEAL FILED BY THE APPELLANT ON
17.02.2018, HAS NO RESPONSE /REPLY.

On acceptance of this appeal, the
impugned order vide dated 27.02.2018
passed by the respondent No.3, may
stand set aside.

2

kindly be set aside and the respondents may please be directed to re-instate the appellant with all back benefit and release of salary stopped since May 2014.

Any the relief, the Honourable Court may deem fit for the safe administration of justice

Respectfully Sheweth:-

1. That the appellant was appointed as Niab Qasid in the Department of respondents on 03.04.2010 in the Office of EDO Kohat. (Copy of the Appointment order is attached).
2. That the appellant performed his duty in the office of EDO Kohat and he has been transferred to the government Middle School Doctor Banda.
3. That the appellant again transferred to the government High School No.1, Kohat on 20.09.2011. (Copy of order is attached).
4. That the appellant when went to join his duty then the principle of the said school did not permit the appellant to join his duty as there is no vacant post available in the school and in this regard the

kindly be set aside and the respondents may please be directed to re-instate the appellant with all back benefit and release of salary stopped since May 2014.

Any the relief, the Honourable Court may deem fit for the sake administration of justice

Respectfully Sheweth:-

1. That the appellant was appointed as Nidb Qasid in the Department of respondents on 03.04.2010 in the Office of EDO Kohat. (Copy of the Appointment order is attached).
2. That the appellant performed his duty in the office of EDO Kohat and he has been transferred to the government Middle School Doctor Banda.
3. That the appellant again transferred to the government High School No.1, Kohat on 20.09.2011. (Copy of order is attached).
4. That the appellant when went to join his duty then the principle of the said school did not permit the appellant to join his duty as there is no vacant post available in the school and in this regard the

principle has also given a letter to the appellant.
(Copy of the letter is attached).

5. That the appellant reported the matter to the respondent No.3 and he has been verbally instructed to perform his duty in the District Education Office, Kohat, and the appellant regularly attended the office.
6. That meanwhile the appellant verbally told the respondent No.3 to adjust the appellant to any other school and also wrote an application in this regard but the appellant still attended the office of respondent No.3 and the appellant was surprised to know in the end of April 2016, that he has been dismissed from the service on 27.02.2016, hence the appellant filed departmental appeal against the dismissal order, on 17.05.2016, which has not been responded, hence this appeal on the following amongst the other grounds:

G R O U N D S:

- A. That the impugned order vide dated 27.02.2016 is against law and justice and is liable to be set aside.
- B. That the appellant has not been treated in accordance with law and rules.

4

- C. That the dismissal order vide dated 27.02.2016 as based on malafide intention hence not tenable.
- D. That according to the dismissal order dated 27.02.2016, the appellant was absent from duty from 20.09.2011, while the appellant received his salary since April 2014, which means the appellant performed his duty in the office of respondent No.3.
- E. That the respondent No.3, has taken affidavit from the appellant, which clearly shows the malafide, on the part of the respondent No.3.
- F. That no proper inquiry not has been conducted.
- G. That no charge sheet and statement of allegation has been issued to the appellant.
- H. That the appellant has not been personally heard.
- I. That the principal of Govt. High School No.1 did not permit the appellant to joint the duty, for the reason the appellant attended the office of the respondent No.3.
- J. That the appellant regularly attended the office of the respondent No.3 and requested many time to

C. That the dismissal order vide dated 27.02.2018 is based on malice intention hence not tenable.

D. That according to the dismissal order dated 27.02.2018 the appellant was absent from duty from 20.09.2011, while the appellant received his salary since April 2014, which means the appellant performed his duty in the office of respondent No.3.

E. That the respondent No.3, has taken affidavit from the appellant, which clearly shows the malice, on the part of the respondent No.3.

F. That no proper inquiry has been conducted.

G. That no charge sheet and statement of allegation has been issued to the appellant.

H. That the appellant has not been personally heard.

I. That the principal of Govt. High School No.1 did not permit the appellant to joint the duty, for the reason the appellant attended the office of the respondent No.3.

J. That the appellant regularly attended the office of the respondent No.3 and requested many times to

5

respondent No.3, for adjustment in any other school.

- K. That this is very surprising that the termination order passed on 27.02.2016, while the salary has been stopped since may 2014, which is against law and rules and the respondents have no authority to stop the salary of the appellant.
- L. That some other ground may be adduced at the time of arguments with the permission of this Honourable Court.

It is ,therefore humbly prayed that on acceptance of this appeal, the impugned order vide dated 27.02.2016 passed by the respondent No.3, may kindly be set aside and the respondents may please be directed to re-instate the appellant with all back benefit and release of salary since May 2014.

Any the relief, the Honourable Court may deem fit for the safe administration of justice.

Appellant

Through

Hassan U.K Afridi
Advocate High Court

Dated 23.08.2016

respondent No.3, for adjustment in any other school.

K. That this is very surprising that the termination order passed on 27.02.2018, while the salary has been stopped since May 2014, which is against law and rules and the respondents have no authority to stop the salary of the appellant.

L. That some other ground may be adduced at the time of arguments with the permission of this Honourable Court.

It is, therefore humbly prayed that on acceptance of this appeal the impugned order vide dated 27.02.2018 passed by the respondent No.3, may kindly be set aside and the respondents may please be directed to re-instate the appellant with all back benefit and release of salary since May 2014.

Any the relief, the Honourable Court may deem fit for the safe administration of justice.

Appellant

Through

Hassan U.K. Afridi
Advocate High Court

Dated 23.08.2018

67

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2016

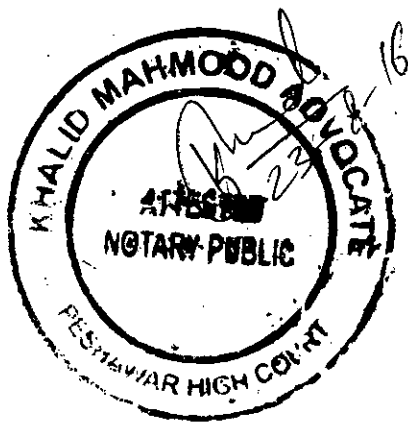
Fakhar Zaman.....**Appellant**

V E R S U S

Government of Khyber Pakhtunkhwa
Through its Secretary E&SE & other.....**Respondents**

AFFIDAVIT

I, Fakhar Zaman, S/o. Mohabat Khan R/o Village Tanda Banda, Shah Pur, Kohat, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



فخر زمان

DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. _____/2016

Fakhar Zaman.....Appellant

V E R S U S

Government of Khyber Pakhtunkhwa
Through its Secretary E&SE & other.....Respondents

A F F I D A V I T

I, Fakhar Zaman, S/o Mohabat Khan R/o Village
Tanda Banda, Shair Pur, Kariat, do hereby solemnly
affirm and declare on oath that the contents of the
accompanying Service Appeal are true and correct to
the best of my knowledge and belief and nothing has
been concealed from this Hon'ble Court.

DEPONENT



6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2016

Fakhar Zaman.....**Appellant**

V E R S U S

Government of Khyber Pakhtunkhwa
Through its Secretary E&SE & other.....**Respondents**

ADDRESSES OF PARTIES

APPELLANT:

Fakhar Zaman So Mohabat Khan,
R/o Village Tanda Banda, Shah Pur, Kohat
As Naib Qasid District Education Office Kohat

RESPONDENTS:

1. Government of Khyber Pakhtunkhwa through its Secretary Elementary & Secondary Education, Peshawar
2. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar
3. District Education Officer (Male), Elementary & Secondary Education, Kohat

Appellant
Through

Dated 23.08.2016

Hassan U.K Afridi
Advocate High Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. _____/2016

Fakhar ZamanAppellant

V E R S U S

Government of Khyber Pakhtunkhwa
Through its Secretary E&SE & other.....Respondents

ADDRESSES OF PARTIES

APPELLANT:

Fakhar Zaman So Mohabat Khan,
R/o Village Tanda Banda, Shahr Pur, Kohat
As Naib Qasid District Education Office Kohat

RESPONDENTS:

1. Government of Khyber Pakhtunkhwa through its
Secretary Elementary & Secondary Education,
Peshawar
2. Director Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar
3. District Education Officer (Male), Elementary &
Secondary Education, Kohat

Appellant

Through

Hassan U.K Afridi
Advocate High Court

Dated 23.08.2016

APPOINTMENT

Consequent upon the approval of the competent authority the following Candidates are hereby appointed as Class-IV servants on regular basis (BPS-01)2970-190-5670 plus usual allowance against the vacant post at the School noted against each in the interest of public service with effect from the date of their taking over Charge on the following terms and conditions.

S.No.	PF	Name & Father's Name	Post	Name of Place where to be appointed	Remarks
I	39	Fakhar Zaman S/O Mohabat Khan	N/Qasid	O/O EDO E&SE Kohat	Against Vacant Post

TERMS AND CONDITIONS

1. They will be governed by such rules and regulations as may be issued from the time to time by the Government/
2. Their services will be terminated by any time in case of their performance is found un-satisfactory
3. They will have to provided health and Age Certificate from the Medical Sudspt:
4. Their appointment is made on regular basis without pension and Gratuity
5. Charge report should be submitted to all concerned in duplicate
6. They will be given one month prior notice before leave the service
7. They will be not handed over charge if his/her age is less then 18 years or above 45 years
8. They will have to take over charge within 15 days after the issuance of this office order other-wise the order will be stand Nil and void
9. The landowner's appointees should produce original mutation deed, In case these were found, their case will be referred to police authority.

(IMTIAZ ULA HAQ)
EXECUTIVE DISTRICT OFFICER
ELEM & SECY EDU KOHAT

Endst.No. 3854-57 dated 31 / 04 / 2010

Copy to the:-

1. District Accounts Officer Kohat
2. All Principal/Head Master Concerned
3. Dy DO (M&F) Kohat & Lachi
4. Official Concerned

A. U. Haq
DISTRICT OFFICER ELEM
& SECY EDU (MALE) KOHAT.

97

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEM & SECY EDU KOHAT

ADJUSTMENT

Consequent upon the approval of the competent authority, the following class iv servants are hereby adjusted on temporary/leave vacancy basis on their own pay and grade with immediate effect in the interest of public service.

S.No.	Name	From	To	Remarks
1.	Fakhar Zaman N/Q,	GMS Doctor Banda	GHSS No.1 Kohat	Against Muhammad Umer Post
2	Mehboob Shah W/C	GHS Kaghzai	Sub Section GGHS No.1 Kohat	V.S.No.3 Temporary Basis
3	Shmas Khan	GMS Boraka	GHS Kaghzai	VSNo.2 Temporary Basis

No TA/DA is allowed
Charge report should be submitted

(NAZEER KHAN)
EXECUTIVE DISTRICT OFFICER
ELEM & SECY EDU KOHAT

Endst.No. 9995-97 dated 20/9 /2011

Copy to the:-

1. PA to EDO E&SE Kohat
2. District Accounts Officer Kohat
3. Principal/Head Master concerned

A
DISTRICT OFFICER (MALE)
EMEL & SECY EDU KOHAT

VACNAT POST OF C/IV SERVANTS

20

vacant

It is to certify that no vacant post of Class IV servants is lying at Govt.

Higher Secondary School No.1, Kohat.

M. Ali
24/3/15
Principal,
G.H.S.S No.1
Kohat.
Principal
Govt. Higher Secondary
School No.1, Kohat



GOVERNMENT OF PAKISTAN
ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA
DISTRICT

PAYROLL SYSTEM

P Sec: 002 Month: April 2014
KT7056 PAYMENT ADVICE
Min: Education Schools

Name: NAIB QASID
CNIC No. 1430176742231
GPF Interest Free
01- Active Temporary

NTN:
GPF #:
Old #:
KT7056

PAID AND ALLOWANCES:		DEPTT CODE	
1000-House Rent Allowance			5,400.00
1210-Convey Allowance 2005			891.00
1300-Medical Allowance			1,700.00
1833-Integrated Allowance (2005)			1,000.00
1948-Adhoc Allowance 2010@ 50%			300.00
1970-Adhoc Relief Allow 2011			1,530.00
2118-Adhoc Relief Allow (2012)			459.00
2148-15% Adhoc Relief All-2013			1,080.00
Gross Pay and Allowances			810.00
DEDUCTIONS:			13,170.00
GPF Balance	5,564.00	Subrc:	212.00
3501-Benevolent Fund			120.00
3511-Addl Group Insurance			3.00
3604-Group Insurance			58.00
3990-Emp. Edu. Fund KPK			50.00
Total Deductions			443.00
NET AMOUNT PAYABLE			12,727.00

QUALIFYING SERVICE
YRS Years MON Months 02

D. O. B
15.05.1988
9 Days

LFP Quota:
NBP KDA
2667-1
K. D. A (KOHAT DEV)

احقر من جناب ڈسٹرکٹ ایجوکیشن آفیسر کوہاٹ۔

جناب عالی!

نہایت ادب سے گزارش ہے کہ کئی سال پہلے بندہ

بطور نائب قاضی ڈسٹرکٹ ایجوکیشن آفس میں بھرتی ہوا تھا کئی
ماہ وہاں خدمت کرنے کے بعد میرا تبادلہ گورنمنٹ ٹرلز سکول غیر کالج ٹاؤن
کوہاٹ میں کر دیا گیا۔ وہاں کئی ماہ ڈیوٹی کرنے کے بعد مختلف سکولوں
میں بندہ کا تبادلہ ہونا رہا جن میں گورنمنٹ ہائی سکول غیر کالج کوہاٹ
گورنمنٹ سکول ڈاکٹر بانڈو کوہاٹ وغیرہ شامل ہیں۔ مگر پھر صلہ پہلے
سے ہی ڈیوٹی ہر کوئی موجود ہونا تھا۔ بندے نے ڈسٹرکٹ ایجوکیشن آفس
سے رابطہ کیا مگر مسئلہ حل نہ ہو سکا۔

جناب عالی!

میرا اعلیٰ ایک غریب خاندان سے ہے۔ اور میں اپنے
خاندان کا واحد ذمہ دار ہوں۔ اب میری سخاوت بندہ لڑی گئی ہے جس
کی وجہ سے سخت مالی مسائل کا شکار ہوں۔ آپ سے گزارش ہے کہ
میرے مسئلے کی طرف توجہ دیں۔ بندہ آپ کا بے حد مستور اور
احسان مند ہوگا۔

آپ کا مخلص

03348272505 - فخر زمان

نائب قاضی ڈسٹرکٹ ایجوکیشن آفس کوہاٹ



13

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KOHAT

No. 1179 dated 11/12/2016

SHOW CAUSE NOTICE

I, District Education Officer (male) Kohat, being competent authority, do hereby serve notice upon you, Mr. Fakhar Zaman S/O Muhabat Khan N/Qasid R/O Village Tanda Banda, Shah Pur Kohat that you have remained absent from your duty since 20-09-2011 which you have also admitted in your affidavit on stamp paper Rs.30/- duly attested by Oath Commissioner Mr. Haq Nawaz Khattak on dated 04/01/2016. You are therefore required to justify so much long willful absence from duty. If no reasonable response from your end is received within 15 days it shall be presumed that you have no defence to put in and the case will be tackled as Ex-parte under E&D Rules 2011 which may result upon your dismissal from service.

11th Feb, 2016
(ROZ WALI KHAN)
DISTRICT EDUCATION OFFICER
(MALE) KOHAT



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KOHAT

DISMISS FROM SERVICE

Consequent upon the approval of the competent authority, Mr. Fakhar Zaman Naib Qasid R/O village Tanda Banda Shahpur Kohat who was willful absent from his duty w.e.f 20/09/2011 is hereby dismissed from service after observing all codal formalities under E&D rules 2011.

Necessary entry to this effect should be made in his service book accordingly.

(ROZ WALI KHAN)
DISTRICT EDUCATION OFFICER
(MALE) KOHAT

Endst: No. 1661-64

Dated 27/2 2016.

Copy to the:-

1. P.A to DEO (Male) Kohat.
2. District Accounts Officer Kohat.
3. Accountant Middle Schools Local Office.
4. Mr. Fakhar Zaman S/O Muhabat Khan N/Q, R/O Village Tanda Banda Shahpur Kohat


DY: DISTRICT EDUCATION OFFICER
(MALE) KOHAT

27/2/016

قابل صدا احترام جناب ڈائریکٹر ایلیمینٹری اینڈ

سیکنڈری ایجوکیشن صاحب پشاور

through proper
channel

عنوان: درخواست برائے حکمانہ اپیل برخلاف حکم برخواستگی

(منسوخ) مورخہ 27/02/2016

جناب عالی: سائل حسب ذیل عرض رساں ہے۔

1- یہ کہ مورخہ 30/04/2010 کو نائب قاصد بھرتی ہوا اور میری تعیناتی ای ڈی او ایلیمینٹری اینڈ سیکنڈری ایجوکیشن کوہاٹ میں کی گئی۔

2- یہ کہ میں کچھ عرصہ ای ڈی او آفس میں فرائض سرانجام دیتا رہا اور پھر مجھے گورنمنٹ مڈل سکول ڈاکٹر بانڈہ میں ٹرانسفر کیا گیا اور اسکے بعد مورخہ 20/9/2011 کو گورنمنٹ ہائی سکول نمبر 1 کوہاٹ ٹرانسفر کیا گیا۔

3- یہ کہ جب گورنمنٹ ہائی سکول نمبر 1 کوہاٹ ڈیوٹی جوائن کرنے کیلئے چلا گیا تو وہاں کے پرنسپل نے مجھے وہاں پر ڈیوٹی کرنے سے منع کیا اور مجھے کہا کہ یہاں پر کلاس فور کی کوئی خالی آسامی نہیں ہے اور اس بابت اس نے مجھے ایک لیٹر بھی دیا۔

4- یہ کہ اس کے بعد ای ڈی او آفس میں ڈیوٹی سرانجام دیتا رہا اور میں نے ای ڈی او صاحب سے درخواست کی کہ مجھے کسی اور سکول میں تعینات کرے جہاں پر کلاس فور کی خالی آسامی موجود ہو ای ڈی او صاحب نے مجھے یوں گورنمنٹ ہائی سکول جانے کو کہا لیکن وہاں کے پرنسپل نے مجھے کام کرنے نہیں دیا۔

5- یہ کہ مئی 2014 سے میری تنخواہ بند کر دی گئی بدیں وجہ کہ میں ڈیوٹی سرانجام نہیں دے رہا جبکہ میں باقاعدہ ای ڈی او آفت آتا تھا لیکن مجھے کسی بھی سکول میں تعینات نہیں کیا جا رہا اور اس بابت میں نے ای ڈی او صاحب درخواست بھی دی لیکن اس پر کوئی عملدرآمد نہیں ہوا۔

6- یہ کہ حکم برخاستگی مورخہ 27/02/2016 کے مطابق مورخہ 20/09/2011 سے غیر حاضر رہا جبکہ اپریل 2014 تک میں تنخواہ لیتا رہا اس سے ثابت ہوتا ہے کہ میں ای ڈی او آفس آتا تھا اور وہاں پر ڈیوٹی سرانجام دیتا تھا جبکہ مجھے کہیں پر تعینات نہیں کیا جا رہا تھا۔

7- یہ کہ مجھ سے جو بیان حلفی لیا گیا ہے وہ میری مرضی کے خلاف اور بدینتی سے لی گئی تھی۔

8- یہ کہ قانون کے مطابق مکمل انکوائری نہیں کی گئی اور نہ ہی مجھے کوئی چارج شیٹ یا رپورٹ آف ایکلیشن دی گئی اور نہ ہی مجھے ذاتی طور پر سنا گیا اس طرح قانون کے تقاضے پورے نہیں کئے گئے۔

9- یہ کہ مجھے میری برخاستگی کے بارے میں اب سے 25-20 دن پہلے علم ہوا اسلئے میں نے مندرجہ بالا اپیل دائر کی۔

لہذا استدعا ہے کہ بمنظوری اپیل ہذا حکم برخواستگی مورخہ

27/02/2016 منسوخ فرمایا جا کر اپیلانٹ/سائل کو بحال کیا جائے اور سائل کی تنخواہ جو کہ مئی

2014 سے روک دی گئی ہے۔ اپیلانٹ/سائل کو عطاء کی جائے۔

المرقوم: 17/05/2016

رض

سائل
فخر زمان

فخر زمان ولد محمد خان نائب قاصد

ڈسٹرکٹ ایجوکیشن آفس کوہاٹ

Cell No - 0334 8272505

18

No. 513

For Insurance Notices see reverse. 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 acknowledgement is due.

Rs. Ps.

35

Received a registered* addressed to Dudha

Date-Stamp

Initials of Receiving Officer S.S. *Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

If insured. { Insured for Rs. (in figures) 2 (in words) Two Insurance fee Rs. Ps. (in words) for Weight 1 Kilo Grams Name and address of sender for

No. 512

For Insurance Notices see reverse. 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 acknowledgement is due.

Rs. Ps.

35

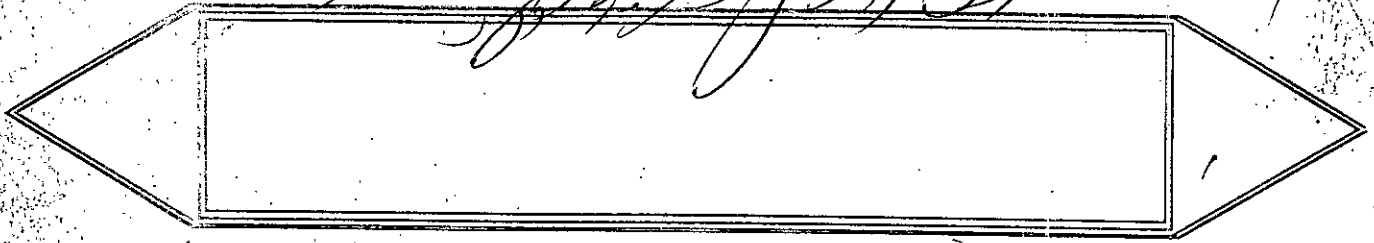
Received a registered* addressed to _____

Date-Stamp

Initials of Receiving Officer S.S. *Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

If insured. { Insured for Rs. (in figures) 2 (in words) Two Insurance fee Rs. Ps. (in words) for Weight 1 Kilo Grams Name and address of sender for

بعدالتسویں امرامین فی حقہ فی حقہ



اپنے اپنے

بنام گورنمنٹ آف پشاور

فخر زمان

مورثہ
مقدمہ
دعویٰ
جرم زید دفعہ

سرکاری آرڈر - / ۲۰۱۶ء

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی

کیلئے حسن - یونے - اکر اس کے

متعلقہ آن مقام

مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موقوف کو مقدمہ کی کل کاروائی کا اصل اختیار ہوگا۔ نیز وکیل صاحب کو رضی سہار
نامہ و تقررت ثالث و فیصلہ بر حلف دینے جواب وہی اور اقبال دعویٰ بصورت ڈگری کرانے اجراء اور وصول چیک روپیہ
اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زر اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری
یکطرف یا اپیل کی برآمدگی اور منسوخی اور دائر کرنے اپیل نگرانی و نشر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور یہ صورت
ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے۔ اور اس کا ساختہ پر داختم منظور و قبول
ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا۔ اس کے مستحق وکیل صاحب موصوف
ہوں گے۔ نیز بقایا و خرچہ کی وصولی کرنے کا اختیار حاصل ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ یا حد سے باہر کو وکیل
صاحب پابند نہ ہوں گے، کہ پیروی مقدمہ مذکورہ کریں۔ لہذا وکالت نامہ لکھ دیا تاکہ سند رہے۔

المرقوم

العبد العبد العبد

کے لئے منظور ہے۔

سر

بمقام

Accepted

فخر زمان

Hassan-uk-Afridi
Advocate
Peshawar High Courts



71994

ایڈووکیٹ/دستخط: *محمد شکیل*

بارنومل ابار ایسوسی ایشن نمبر: *Be-1677-48*

رابطہ نمبر: *03339191295*

پشاور بار ایسوسی ایشن، خیبر پختونخوا

بعدالت جناب:

8/6/16

منجانب: <i>محمد شکیل</i>	Service Appeal
	علت نمبر:
	موضوع:
	جرم:
	تھانہ:

بابت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 آن مقام *پشاور* کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر حالت و فیصلہ برطنت دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں مدد دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہو گا اور صاحب
 مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساتھ مدد داختم منظور و قبول ہوگا دوران مقدمہ
 میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف وصول کرنے کا حقدار ہوگا کوئی تاریخ پیشی مقام
 دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا ادکالت نامہ لکھ دیا تاکہ مندر ہے۔

المرقوم: *24/10/16*

العند العند
 مقام

نوٹ: اس کالت نامہ کی فیکوٹی یا تامل قبول ہوگی

محمد شکیل

غیر ماہان
 14301-7674 223-1
 عزیز ماہ ملکہ صاحب خان

APPEAL NO. 849/2016

Fakhar Zaman S/O Mohabat Khan R/O Village Tanda Banda Shah Pur, Kohat **Appellant.**

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

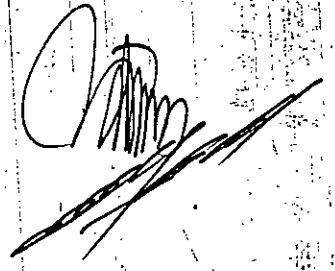
District Education Officer, Elementary & Secondary Education, KDA Kohat **Respondents**

Written reply on behalf of respondents No: 1 to 3

Respectfully Sheweth,

Preliminary objections

1. That the appellant has got no cause of action
2. That the instant appeal is not maintainable in its present forum
3. That the instant appeal is barred by law
4. That the appellant has not no locus standi
5. That the instant appeal is bad for mis-joinder and non-joinder of necessary parties
6. That the appellant has been stopped by his own conduct to file the appeal.



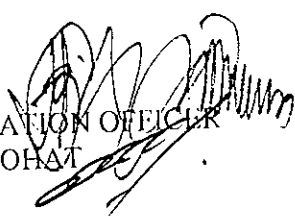
Reply on facts

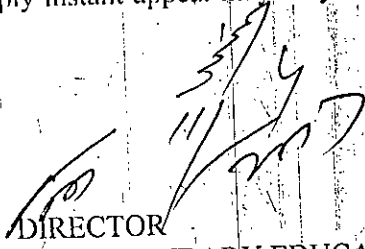
1. No Comments , pertains to record
2. Correct to the extent that he was adjusted/transferred to GMS Doctor Banda Kohat vide Executive District Education Officer Elementary & Secondary Education Kohat No: 8828-31 dated 17.08.2011 (**Annexure A**)
3. Correct that the appellant was transferred to GHSS No: 1 Kohat against the post of Mr. Muhammad Umar who was on long leave vide this office No: 9995-97 dated 20.09.2011 (**Annexure B**)
4. Incorrect. The appellant did not took over charge at GHSS No: 1 Kohat & after an interval of about 04 years he provided a certificate that no post of class IV is lying vacant at the said School (**Annexure C**), further proper inquiry conducted against the appellant he himself given affidavit that he had not performed duty (copy of inquiry and affidavit) (**Annexure D & E**)
5. Incorrect as stated above.
6. Incorrect as stated that the appellant that the appellant was served with show cause notice after wilfull absence from duty vide No: 1129 dated 11.02.2016 (**Annexure F**) then after doing all the codal formalities the appellant services were dismissed on 27.02.2016 vide order No: 1661-64 (**Annexure G**)

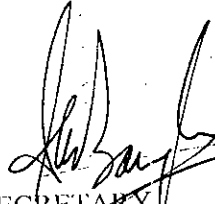
GROUNDS

- A. Incorrect as stated that the order dated 27.02.2016 is legal & according to rules & Regulation of Government.
- B. As in para A above
- C. Incorrect, There is no malafide on the part of Respondents.
- D. Incorrect, that according to the appellants own statement on stamp paper duly attested by Oath Commissioner that he was absent w.e.f. 20.09.2011 already (**Annexure E**)
- E. Incorrect as stated that on affidavit on stamp paper there is finger print of the appellant & also attested by Oath commissioner.
- F. Incorrect, that proper inquiry has been conducted in the said case
- G. Incorrect. All codal formalities were fulfilled
- H. Incorrect, that appellant was given proper opportunity of hearing in person after show cause notice
- I. Incorrect. As stated in para D
- J. Incorrect. No such record if available in the office and no proof in this regard is attached.
- K. Incorrect as stated in para D
- L. The Respondents also seek permission to this Honorable Tribunal to raise additional grounds at the time of arguments.

It is therefore humble prayed that on acceptance of this reply instant appeal may very kindly be dismissed with cost.


DISTRICT EDUCATION OFFICER
(MALE) KOHAT


DIRECTOR
ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR


SECRETARY
TO GOVT ELEM & SECOCY EDUCATION
DEPARTMENT KHYBER PAKHTUNKHWA
PESHAWAR

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKWA , PESHAWA

SERVICE APPEAL NO: 849/2016

Fakher Zaman S/O Mohabat Khan R/O Kohat.....Petitioner

Versus

District Education Officer (Male) Kohat & other ... Respondents

Affidavit

I, District Education Officer (Male) Kohat do hereby solemnly affirm and declare on oath that the contents of the accompanying Parawise comments are true and correct to the best of my knowledge and belief and nothing has been concealed withheld from this Honourable court.

Deponent


DISTRICT EDUCATION OFFICER
(MALE) KOHAT

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEM & SECY EDU KOHAT

ADJUSTMENT

Consequent upon the approval of the competent authority Mr, Faker Zaman N/Q GCMS Khandako under transfer to GHSS Gumbat is hereby adjusted at GMS Doctor Banda against newly created post of N/Qasid in the interest of public service with immediate effect.


No TA/DA is allowed
Charge report should be submitted to all concerned


(NAZEER KHAN)
EXECUTIVE DISTRICT OFFICER
ELEM & SECY EDU KOHAT

Endst.No. 8828-31 dated 17.1.8 /2011

Copy to the:-

- 1. PA to EDO E&SE Kohat
- 2. DAO Kohat
- 3. Dy DO (F) E&SE Kohat
- 4. Principal GHSS Gumbat


DISTRICT OFFICER (MALE)
ELEM & SECY EDU KOHAT


Superintendent
D.E.O(Male) Kohat

10

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEM & SECY EDU KOHAT

ADJUSTMENT

Consequent upon the approval of the competent authority, the following class iv servants are hereby adjusted on temporary/leave vacancy basis on their own pay and grade with immediate effect in the interest of public service.

S.No.	Name	From	To	Remarks
1.	Fakhar Zaman N/Q,	GMS Doctor Banda	GHSS No.1 Kohat	Against Muhammad Umer Post
2	Mehboob Shah W/C,	GHS Kaghzai	Sub Section GGHS No.1 Kohat	V.S.No.3 Temporary Basis
3	Shmas Khan	GMS Boraka	GHS Kaghzai	V.S.No.2 Temporary Basis

No TA/DA is allowed
Charge report should be submitted

(NAZEER KHAN)
EXECUTIVE DISTRICT OFFICER
ELEM & SECY EDU KOHAT

Endst.No. 9995-97 dated 20/9 /2011

Copy to the:-

1. PA to EDO E&SE Kohat
2. District Accounts Officer Kohat
3. Principal/Head Master concerned

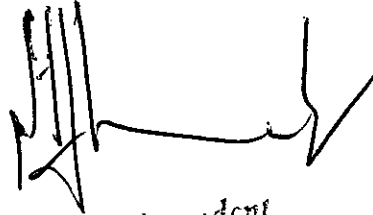
A
DISTRICT OFFICER (MALE)
EMEL & SECY EDU KOHAT

K
Superintendent
D.E.O (Male) Kohat

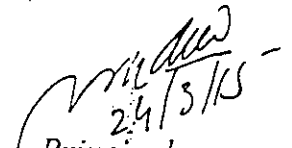
VACANT POST OF C/IV SERVANTS

It is to certify that no vacant post of Class IV servants is lying at Govt. vacant (20)

Higher Secondary School No.1, Kohat.



Superintendent
D.E.O(Male) Kohat


24/3/15
Principal,
G.H.S.S.No.1
Kohat.
Principal
Govt. Higher Secondary
School No.1, Kohat

1

12

OFFICE OF THE PRINCIPAL
GHS NAKBAND KOHAT.

NO:-1423 DATED:-16-04-2015.

TO,

THE DEO (M) KOHAT.

SUBJECT :- ENQUIRY REPORT AGAINST MR.FAKHAR ZAMAN N/Q.

Enclosed please find herewith enquiry report against Mr.Fakhar Zaman N/Q is

Here by submitted for further n/a pl.

VMS AB
Discuss from
18/4/15

423

M. H. Khan
PRINCIPAL
Principal
Govt
GHS NAKBAND KOHAT
Nakband (Kohat)

[Signature]
Superintendent
D.E.O.(Male) Kohat

the absent Fakhar Zaman

(11)

ENQUIRY REPORT.

DATE OF ENQUIRY 09/04/2015 AND 10/04/2015 VENUE OF ENQUIRY GMS DOCTOR BANDA (KT).

SUBJECT:-ENQUIRY AGAINST MR.FAKHAR ZAMAN N/QASID.

PREAMBLE:-

Mr.Fakhar zaman N/Qasid took over charge on 17/08/2011 vide EDO E & SE Education Endst No:- 8828-31 dated Kohat 17/08/2011.He attended the School for just five days & then he never turned up. Later on 22/03/2012 Mr.Sher Janan N/Qasid was given charge EDO E & SE Education Endst No2770-2840 Dated Kohat the 21/03/2012.The staff statement of the school for the month of 03/2014 showed only one sanctioned & working.

Mr.Fakhar Zaman was transferred to GHSS NO:1 Kohat vide EDO E & SE EDU:- No:-9995-9729 Dated Kohat the 20/09/2011.But despite that he did not take charge at GHSS NO 1 Kohat.

PROCEEDING:-

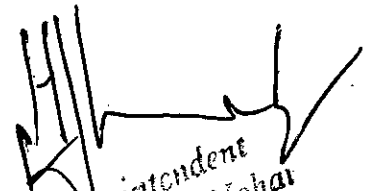
In compliance of the worthy DEO (M) Kohat vide order No:- 1615-18 dated Kohat the 26-03-2015,the Under signed informed the I/C of GMS Doctor Banda Kt about the date of enquiry on 09/04/2015 visited The school on 09/04/2015 & 10/04/2015.I served questioner on Mr.Meraj Khan about the case of.His replied included the following annexiure.

1.ANNEXTURE.

This includes reply of the then I/C Miraj Khan he state that he given charge to Mr.Fakhar zaman as per Office order cited above.After five days attendance he did not attended the School.

Later he give charge to Mr.Sher Janan on 22/03/2012 as per office order .

As Fakhar Zaman did not bring any transfer order from Office ,so he was not relieved only one post of N/Q has been shown in the monthly staff statement for 03/2014.He did not report his absence report as he did not recieve any order from Office.


Superintendent
D.E.O.(Male) Kohat

the absent Fakhar Zaman

ed & Working.

10

FINDINGS:-

- 1. Mr. Fakhar zaman N/Q was transferred to GHSS No:1 Kohat Vide order No:-9995-97 dated kohat 20-09-2011. But he neither took over charge there & not got officially relived from GMS doctor Banda Kohat. Moreover he did not perform duty even at GMS Doctor Banda KT.
- 2. Mr. Sher Janan N/Q took over charge at GMS doctor Banda KT on 22-03-2012 & on duty upto date.
- 3. There was extreme level of lethargy and negligence on the part of I/C of GMS Doctor Banda Kt Mr. Maraj Khan for not reporting to the district officer about the factual position of the matter.
- 4. It is strange to note that the pay roll were so ill managed that the school name is not mentioned Against the official and pay of two N/Q has been drawn in place of one post in the said School.

RECOMMENDATION:-

- 1. Mr. Fakhar zaman illegally drew pay wef his transferred date i.e 20-09-2011, so recovery to this Effect be made from him and the period wef 20-09-2011 to date may be deemed as with out pay.
- 2. Mr. Fakhar Zaman may be directed to justify his absence from duty for so long period and taking Pay instead.
- 3. Those Officials responsible for the negligence may be enquired and dealt accordingly as per Prevalent Rules.
- 4. Mr. Fakhar zaman may be directed to take over charge as per previous order or as the competent Authorities deem necessary.

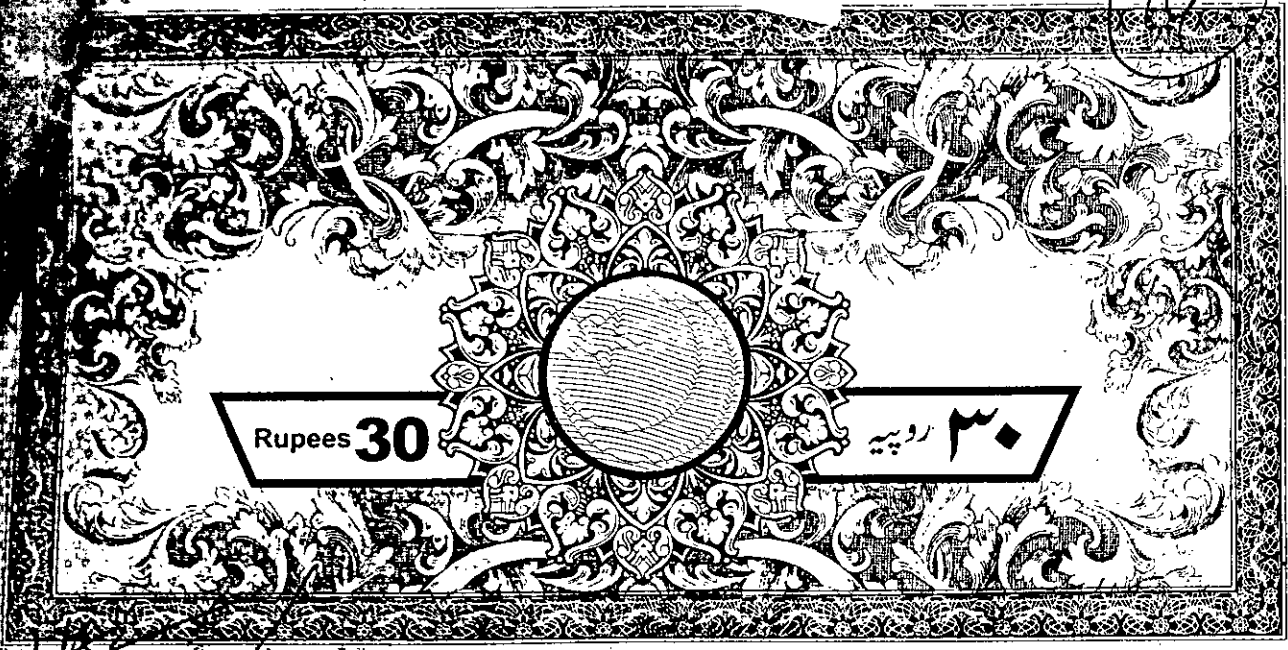
Handwritten signature of Abdul Hakeem Khan

ABDUL HAKEEM KHAN ENQ. OFFICER


Govt. School
BPS-19 GHSS NAKBAND KOHAT.
Nakband (Kohat)

Handwritten signature of Superintendent
Superintendent
D.E.O (Male) Kohat

the absent Fakhar Zaman?



بیان حلفی


 Afaq Nawaz Khattak
 Oath Commissioner
 Dist: Kohat

حلفاً اقرار کرتا ہوں کہ میں فخر زمان دلبر محبت خان ساکن ماہرہ سے

حلفاً بیان کرتا ہوں کہ میں مورخہ 3⁵/_{20/10} سے محکمہ تعلیم میں بحیثیت نائب قاضی ملازم ہوں

مجھے آرڈر نمبر 31-8828 مورخہ 17⁸/₁₅ کے تحت CMS خندکوہ سے CMS ڈاکٹر بانڈوں تبدیل کر دیئے گئے
 CMS ڈاکٹر بانڈوں میں چند دن ڈیوٹی انجام دینے کے بعد CMS ڈاکٹر بانڈوں کو اراضی چنے والوں نے
 سائل کر دیاں سے ڈیوٹی انجام دینے سے منع کر دیا۔ اور سائل کو انتہائی سخت دھمکیاں دے دیں
 جس کے بعد سائل کو بحوالہ آرڈر نمبر 96-9995 مورخہ 20⁹/_{20/11} کے تحت CHSS نمبر کوٹ
 تبدیل کر دیا گیا۔ پرنسپل CHSS نمبر کوٹ سائل کو مذکورہ بالا آرڈر کے تحت چاروا
 نہیں دیا۔ اور کہا کہ بیان پر نائب قاضی پوسٹ خالی نہیں۔

CHSS نمبر کوٹ میں چاروا نہ ملنے کے بعد سائل نے ایجوکیشن آفس زبانی رپورٹ
 کر دی مگر کچھ کچھ نہ ہو سکا۔ اور سائل نے 20⁹/_{20/11} کے بعد کہیں بھی ڈیوٹی نہیں کی۔ اور
 سائل کو شغور ملنے رہی۔ اس میں سائل کا کوئی قصور نہیں ہے۔ اب سائل نے درخواست کرنا
 میں ڈیوٹی انجام دینے سے قاصر رہا اس لئے مجھے بقیہ شغور کی جاتی ہے اور میں نے اس
 عرصے کی جتنی شغور ہے وہ سب قبول کی ہے۔ مابقیہ آسان اقساط میں جمع کرنا چاہتا ہوں گا۔ اور
 محکمہ تعلیم کے کسی بھی کارروائی کے آگے نہیں جاؤں گا۔

مذکورہ بیان سے نہ علم ہے نہ حلفی حقیقت پر مبنی ہے۔ بہر اصرار کہ 10/11/23
 14301-7674223.1

OFFICE OF
Mr.
R.O.P amounting
to GHSS No.1 Kohat is a

فخریہ اول محمد بن سلمان بن محمد بن سعود
6947
4-1-16

امامہ محمد بن سعود
امامہ محمد بن سعود

بیت

KOHAT TREASURY
04 JAN 2016
KOHAT



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KOHAT

No. 1129 dated 11 / 2 / 2016

SHOW CAUSE NOTICE

I, District Education Officer (male) Kohat, being competent authority, do hereby serve notice upon you, Mr. Fakhar Zaman S/O Muhabat Khan N/Qasid R/O Village Tanda Banda, Shah Pur Kohat that you have remained absent from your duty since 20-09-2011 which you have also admitted in your affidavit on stamp paper Rs.30/- duly attested by Oath Commissioner Mr. Haq Nawaz Khattak on dated 04/01/2016. You are therefore required to justify so much long willful absence from duty. If no reasonable response from your end is received within 15 days it shall be presumed that you have no defence to put in and the case will be tackled as Ex-parte under E&D Rules 2011 which may result upon your dismissal from service.

in
11 Feb, 2016
(ROZ WALI KHAN)
DISTRICT EDUCATION OFFICER
(MALE) KOHAT

[Signature]
Superintendent
D.E.O (Male) Kohat



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KOHAT

23

DISMISS FROM SERVICE

Consequent upon the approval of the competent authority, Mr. Fakhar Zaman Naib Qasid R/O village Tanda Banda Shahpur Kohat who was willful absent from his duty w.e.f 20/09/2011 is hereby dismissed from service after observing all codal formalities under E&D rules 2011.

Necessary entry to this effect should be made in his service book accordingly.


(ROZ WALI KHAN)
DISTRICT EDUCATION OFFICER
(MALE) KOHAT

Endst: No. 1661-64

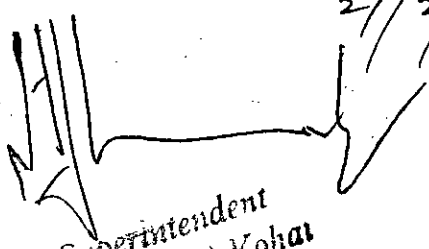
Dated 27/2/2016.

Copy to the:-

1. P.A to DEO (Male) Kohat.
2. District Accounts Officer Kohat.
3. Accountant Middle Schools Local Office.
4. Mr. Fakhar Zaman S/O Muhabat Khan N/Q; R/O Village Tanda Banda Shahpur Kohat


DY: DISTRICT EDUCATION OFFICER
(MALE) KOHAT

27/2/16


Superintendent
D.E.O (Male) Kohat

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No.849/2016

Fakhar Zaman.....**Appellant**

V E R S U S

Government of Khyber Pakhtunkhwa
Through its Secretary E&SE & other.....**Respondents**

REJOINDER ON BEHALF OF THE
APPELLANT

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

That all the preliminary objections are irrelevant and incorrect.

F A C T S:-

1. No need of reply.
2. No need of reply.
3. No need of reply.
4. That reply to Para No.4, is incorrect, the appellant performed his duties in the office of respondent No.3, and it is astonished that the appellant absent from 20.09.2011, and inquiry conducted on 16.04.2015, and show cause issued on 11.12.2016

and further the dismissal order issued on 27.02.2016 and for concealment of his malafide, the respondent took affidavit from the appellant for justified their illegal actions.

5. Reply of the respondents has no footings.
6. That reply of Para No.6 is irrelevant as the appellant regularly attached the office of respondent No.3 and received salary since 2014 and the appellant has been received any Show Cause Notice etc. and the dismissal order is based on malafide.

GROUNDS:-

- A. Reply of Para No.A is incorrect.
- B. Incorrect
- C. Reply of Para No.C is wrong as the inquiry respondent, show cause notice and dismissal order clearly shows, the malafide on the part of respondent.
- D. That reply of Para D is clearly shows that for just justification of their illegal actions, the appellant has been compelled to give affidavit.
- E. Reply of Par E is relevant.

- F. That reply of Para F is incorrect, self made inquiry has been conducted and no notice or summon has been sent to the appellant in this regard while the appellant attended the office regularly
- G. That the inquiry proceedings is self made without intimation to the appellant and defective inquiry has been conducted.
- H. That reply of Para No.H is incorrect.
- I. Incorrect
- J. Appellant received the salary till the year 2014, is the basic proof of his attendance.
- K. Incorrect.
- L. No need of reply.

It is, therefore humbly prayed that on acceptance of this rejoinder, the appeal filed by the appellant may kindly be allowed as prayed for

Appellant
Through


Hassan U.K. Afridi
Advocate High Court

Dated 23/10/2017

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No.849/2016

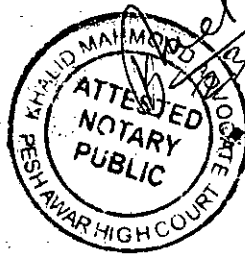
Fakhar Zaman.....Appellant

V E R S U S

Government of Khyber Pakhtunkhwa
Through its Secretary E&SE & other.....Respondents

A F F I D A V I T

I, FakharZaman, S/o Mohabat Khan R/o Village Tanda Banda, Shah Pur, Kohat, do hereby solemnly affirm and declare on oath that the contents of the accompanying **rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



فخر زمان
DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No.849/2016

Fakhar Zaman.....Appellant

V E R S U S

Government of Khyber Pakhtunkhwa
Through its Secretary E&SE & other.....Respondents

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No.849/2016

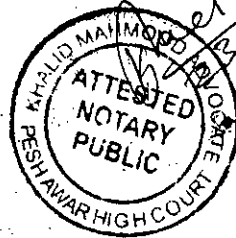
Fakhar Zaman.....Appellant

VERSUS

Government of Khyber Pakhtunkhwa
Through its Secretary E&SE & other.....Respondents

AFFIDAVIT

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