


FORM OF ORDER SHEET

Court of _____

Appeal No. 2493/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/11/2023	<p>The appeal of Mr. Muhammad Ishaq presented today by him. It is fixed for preliminary hearing before touring Single Bench at Swat on _____</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHOON KHWA PESHAWAR.

Appeal no 2493/2023

Muhammad Ishaq Mohallah Mir Khela Banar Mingora Swat.....Appellant.

VERSUES.

2.The Secretary Elementary and Secondary Education K.P. Peshawar and others.....Respondents.

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Muhammad Ishaq.....Appellant.

Through

Umar Khitab Advocate High Court/

Darulqaza Mingora Bench.

Cell No. 0345- 9524854

(1)

**BEFORE THE KHYBER PUKHTOONKHW SERVICE
TRIBUNAL CAMP COURT SAIDU SHARIF SWAT.**

Service appeal...2193.../2023.

1. Muhammad Ishaq Mohallah Mir Khela Banar Mingora swat
(EX S.T.T. G.H.S. Mingora No,1 Swat.....Appellant.

Versues.

1. *Secretary Elementary and secondary Education Khyber Pukhoonkhw Peshawar .*
2. *Director Elementary and Secondary Education Khyber Pukhtoونkhw Peshawar.*
3. *The District Education officer Male Swat.*
4. *Principal Government High school No, Mingora Swat.....Respondents.*

**SERVICE APPEAL UNDER SECTION 4 SERVICE TRIBUNAL KHYBER
PUKHTOON KHW Act, 1974 AGAINST THE RESPONDENT NO,3
IMPUGNED ORDER No, 1708-15 DATED 03/05/2023.**

Prayer of Service appeal.

- i. It is therefore, most humbly prayed that on Acceptance of instant service appeal against the impugned order No, 1708-15 dated 03/05/2023 (Removal from service may please be declared as illegal, un law full, without lawful authority, void an initio and of no legal effect, hence be set aside and the appellant be re instated in service with all consequential back benefits. So as to secure the ends of justice. .
- ii. To set aside the illegal office order vide No, 3856 dated 12/12/2022 the Medical leave with out pay may declared with pay (if admissible under the leave rules.)
Any other relief not specially prayed for and deemed of the case may also be granted to the appellant.

Respectfully Sheweth,

Facts are as under.

1. That the appellant is the permanent resident of Mohallah Mirkhel Banar Mingora Swat.
2. That the appellant was initially appointed as T.T. in Elementary and secondary Education Swat vide order No, 3718-25 dated 27/10/2014 and performing his duty under the Respondent No, 3 and 4. (Appointment order as Annex: A)
3. That the appellant was the " PSYCHOLOGICAL " patient and was admitted in " Ehsas Rehabilitation center Mingora Swat " with effect from 31-7-2022 to 2-9-2022. (65 days (Medical Report as Annex : A))
4. That after completion of treatment of appellant , the Doctor Consultant " PSYCHOLOGICAL " is declared the appellant physically fit and the appellant resume/ join his duty . (Fitness certificate as Annex: B)
5. That the Respondent No, 3 sanctioned the Medical leave with out pay of the appellant which is against the leave rules fundamental rights(15-9-2020 to 31-10-2020 (47days) ii. 11-03-2022 to 17-04-2022 (48 days) iii. 01-06-2022 to 12-12-2022) vide sanction order No, 3856-58 dated 12/12/2022. The appellant is entitled for medical leave with pay under the leave rules. (Sanction copy as Annex: C)
6. That the appellant was against admitted for four months by " PSYCHIATRIC " decease in " NAWY JWAND REHAB CENTRE MINGORA SWAT " on 24/3/2023. (Admission slip as Annex: D)

7. That the elder brother of the appellant submitted an application of Medical leave by hand to Respondent No, 4 but the Respondent No, 4 deny from receiving the Medical leave application from the appellant elder brother and this was also the method of Respondent No,3 , he also refused to take receive the Medical leave application of the appellant from the appellant elder brother. (Application as Annex: E)

8. That the brother of appellant sent the medical leave application to Respondent No,3 through post office vide post office registry No, RGL 105889989 Dated 2/5/2023.(Post office Receipt as Annex: F)

9. That the Respondent No, 3 issued the Removal from service order of the appellant vide No, 1708-15 dated 3/05/2023, the action of Respondent No, 3 is illegal, ultra vires, ultra shirah and against the established norms of administration , therefore not tenable in the eye of law.(Removal from service order as Annex: G)

10. That the appellant has not been deal with in accordance with law which is the worst example of discrimination of fundamental rights of the appellant as enshrined in Article 4,25, of the constitution of Pakistan.

10. That the appellant submitted Departmental service appeal to Respondent No, 2 but the departmental service appeal not yet decided in prescribed period.(Service appeal as Annex: H)

GROUND.

1. That the action/ in action of Respondents are against the law and Service rules, hence issuing the impugned orders of Removal from Service and Medical leave with out pay.
2. That no show cause notice, proper enquiry , statements of allegations , personal hearing and final notice whatsoever have been conducted in the impugned orders.
3. That by virtue of the impugned orders retrospective punishment has been inflicted upon the appellant , which makes the orders void ab initio . Void orders is a nullity in the eye of law and thus liable to be set aside.
4. That the appellant continuation in service has very much clear from the record but the respondents just to deprive and snatch the legal rights from the appellant removed from service and Medical leave with out pay, with out any justification and law on subject so, such orders are lake baking of law and liable to be struck down.
5. That further grounds with leave of this Honorable Tribunal will be raised at the time of oral submission.

It is therefore, most humbly prayed that on acceptance of instant service appeal against the impugned order No, 1708-15 dated 03/05/2023 (Removal from service) and "the Respondents may please be declared as illegal, un law full, without lawful authority, void an initio and of no legal effect, hence be set aside and the appellant be re instated in service with all consequential back benefits. So as to secure the ends of justice. To set aside the illegal office order vide No, 3856 dated 12/12/2022 the Medical leave with out pay may declared with pay (if admissible under the leave rules.)

Any other relief not specially prayed for and deemed of the case may also be granted to the appellant.

Muhammad Ishaq
Muhammad Ishaq.....Appellant
Through
Umar Khitab advocate High
Court/Darulqaza Mingora Swat.

5

BEFORE THE SERVICE TRIBUNAL KHYBER
PUKHOONKHWA PESHAWAR CAMP COURT
MINGORA SWAT.

Service appeal No., _____/2023.

Muhammad Ishaq Mohallah Mir Khel Banr Mingora
Swa (Ex S.T.T G.H.S.Banar MingoraAppellant.

VERSUES.

1.The Secretary Elementary and Secondary Education Khyber
Pukhoonkhawa Peshawar & others.....Respondents.

AFFADAVIT.

It is stated on oath that the contents of this Writ
Petition are true and correct to the best knowledge and
belief. Moreover, no such like writ petition is pending before
this Honorable Service Tribunal K.P. Peshawar camp court
Swat.

Muhammad Ishaq
Muhammad Ishaq.....Appellant..

ATTESTED
22-11-23

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTOONKHW
PESHAWAR MINGORA BENCH SWAT.

6

Service appeal
No. _____ / 2023.

Muhammad Ishaq Moh: Mir Khel Banar Mingora Swat
.....Appellant.

VERSUS :

1.The Secretary Elementary and Secondary Education
KhyberPukhtoonkhw Peshawar and others.....Respondents.

MEMO OF ADRESSES OF THE PARTIES.

1. Muhammad Ishaq Moh: Mir Khela Banar Mingora Swat
.....Appellant

Cell No. 0311- 9339236

Addresses of Respondents.

- 1.The Secretary Elementary and Secondary Education Peshawar.
- 2.The Director Elementary and Secondary Education Khyber
Pukhoon khawa Peshawar.
- 3.The District Education Officer Male Swat.
4. Principal G.H.S. No,1 Mingora Swat.

Muhammad Ishaq Moh
Muhammad Ishaq.....appellant
Umar Khitab
through
Umar Khitab Advocate
High Cour/Darul Qaza Swat.
Cell No, 0345-9524854

Annex A



**OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
Swat (Cell # 0946 9240209-228)**

7

APPOINTMENT

Consequent upon recommendation of the Departmental Selection Committee, appointment of the following candidates are hereby ordered against the vacant TT posts on one year Ad hoc School based policy in BPS: 15 (Rs.8500-700-29500) fixed plus usual allowances as admissible under the Rules and existing policy of the Provincial Government, in Teaching Cadre on the terms & conditions given below with effect from the date of their taking over charge.

S. #	Name of candidate	Father's Name	D/O Birth	Score	Remarks
1.	Mr. Afzal Shah	Mian Badshah	04.4.1983	132.44	GHS: Sherpalam
2.	Mr. Ataullah	Fazal Hakeem	08.01.1987	131.8	GHS: Manyar
3.	Mr. Ubaid Ullah	Ismail	01.11.1991	131.25	GHS: Brawal
4	Mr. Habib un Nabi	Ghulam Nabi	01.04.1983	131.09	GMS: Galoch
5.	Mr. Ihsanullah	Shah Dad	05.05.1986	130.72	GHSS: Kishawra
6.	Mr. Umar Khitab	Haji Umar Farakh	10.04.1983	130.26	GHS: Gurnai
7.	Mr. Saif Ullah	Adil Muhammad Khan	13.10.1984	129.72	GHS: Bandai
8.	Mr. Amin ul Haq	Salamul Haq	02.01.1975	128.39	GMS: Ayeen
9.	Mr. Gohar Ali	Sardar Ali	01.04.1982	127.34	GHS: Jambil
10	Mr. Naeem Ullah	Rahim Shah	10.03.1981	127.01	GMS: Ganajir
11	Mr. Wazir Zada	Musafar	15.09.1980	125.59	GMS: Azad Banda
12	Mr. Muhammad Ishaq	Azim Khan	23.03.1986	125.3	GHS: Gogdara
13	Mr. Muhammad Alam	Aziz ur Rahman	03.04.1981	125.17	GMS: Anakar
14	Mr. Shahi Nawab	Shahi Taj Bacha	05.11.1983	124.9	GHS: Parrai
15	Mr. Fazal Wadood	Musafar	01.01.1985	124.77	GMS Damana
16.	Mr. Imtiaz Ahmad	Abdul Hassan	01.04.1976	124.59	GHS: Chail
17	Mr. Abdur Rahman	Mohib ul Haq	15.05.1981	124.43	GHSS: Shamozi
18.	Mr. Rahmat Ali	Tasir Jan	01.01.1987	124.39	GMS: Goda
19.	Mr. Muhammad Ayaz	Sher Zada	05.03.1977	124.37	GHSS: Kedam
20.	Mr. Liaqat Ali	Muhammad Ghawri	16.02.1988	124.37	GHSS: Mankeval
21.	Mr. Habib Ullah	Usman Ghani	21.04.1988	124.36	GMS: Ghakhi Banda

Umar Khitab Advocate

22	Mr. Inayatullah	Muhammad Dawran	25.04.1987	124.11	GHS: Pishmal
23	Mr. Nadar Khan	Amir Zada	10.05.1981	123.7	GHS: Ashoran
24	Mr. Amin ul Haq	Aziz ur Rahman	01.04.1978	123.0	GHS: Banjoot
25	Mr. Abdul Salam	Abdul Wahab	10.05.1984	122.54	GMS: Gabral
26	Mr. Imtiaz Ali	Haji Muhammad Ali	23.07.1991	121.97	GMS: Beshigram
27	Mr. Atta ur Rahman	Shams ur Rahman	04.04.1977	121.85	GHS: Shah Derai
28	Mr. Nasar Ali	Saleh Gul	01.12.1982	121.55	GHS: Bahrain
29	Mr. Bakhte Rahman	Bakht Mashal	10.12.1979	121.41	GHS: Bar Bargin
30	Mr. Akbar Hussain	Amir Zada	10.05.1988	121.33	GHSS: Kalam
31	Mr. Khurshid Iqbal	Abdul Jabbar	24.04.1979	121.26	GHS: Deolai
32	Mr. Ashraf Ali	Ahmad Khan	10.11.1979	121.06	GHS: Khazana
33	Mr. Shamsul Iqbal	Ali Shah	05.02.1989	120.82	GHS: Shalplin
34	Mr. Aqal Zada	Manasab Khan	16.08.1988	120.76	GHS: Gat
35	Mr. Bahadar Shir	Muhammad Afzal	04.02.1978	120.12	GHSS: KhwazaKhela
36	Mr. Shahid Hussain	Wali Ahad	20.03.1987	119.48	GMS: Cham Derai
37	Mr. Hassan Ahmad	Muhammad Amin Badshah	01.03.1984	112.43	GMS: Bafar

Terms & Conditions

1. No TA/DA is allowed.
2. Charge reports should be submitted to all concerned.
3. Appointment is purely on temporary & ad hoc basis for one year with effect from 27.10.2014 to 19.10.2015.
4. He should not be handed over charge if he exceeds 38 (Thirty Eight) years or below 18 years of age.
5. Appointment is subject to the condition that the certificates/documents must be verified from the concerned authorities, anyone found producing bogus certificate will be reported to the Law enforcing agencies for further action.
6. His services are liable to termination on one month's prior notice from either side. In case of resignation without notice his one month pay /allowances shall be forfeited to the Government.
7. Pay shall not be drawn until and unless a certificate issued by this office that his documents are verified.
8. He should join his post within 30 days of the issuance of this notification. In case of failure to join the post within 30 days of the issuance of this Notification his appointment shall stand expired automatically and no subsequent appeal etc. shall be entertained.
9. Health & Age Certificate should be produced from the Medical Superintendent before taking over charge.
10. He will be governed by such Rules and Regulation as may be issued from time to time by the Government.

etc

*Umar Khilari
Advocate*

11. His services shall be terminated at any time in case his performance is found unsatisfactory during his service period. In case of misconduct, he shall be proceeded under the relevant rules & regulations announced from time to time.
12. His appointment is Ad hoc and school based. He shall have to serve at the place of posting and his service is not transferable to any other station.
13. Before handing over charge his documents may be checked and if found bogus or irrelevant as per qualification and rules charge of the post may not handed over.

(Prof. MUHAMMAD UZAIR ALI)
DISTRICT EDUCATION OFFICER
SWAT GUL KADA

Endst No: 3718-25 /TT/ Appointment/Ad hoc/NTS dated: 27-10-2014

Copy of the above is forwarded for information & necessary action to: -

1. The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
2. The District Comptroller of Accounts Swat.
3. The Principal/Headmaster concerned.
4. The Deputy DEO Male Local Office.
5. The B&AO Local Office.
6. The Supdt Secondary Local Office.
7. The Candidates concerned.
8. PA to DEO Local Office.


DISTRICT EDUCATION OFFICER
(MALE) SWAT GUL KADA

AT

Umar Khitab
Advocate High Court/
Darul Qaza Mingora Bench Swat

Drug Addiction & Psychiatric Treatment Center



EHSAS Rehabilitation Center

MINGORA SWAT

Contact: 03490307549 - 03479531835

Anx At
(10)

To whom it may concern

This is certified that Mr Muhammad Ishaq s/o Azeem khan was admitted at Ehsas rehab center on dated 31-07-2022 .he was diagnosed for the treatment of psychological problems. The patient was admitted for the period of 65 days,

The patient was discharged with good physical and mental health.

Diagnosis

Obsessive-compulsive disorder

Prescription:

Tab Olanza 10 mg

B+B+I

Tab l-pival 250 mg

B+I-I

Fazal Hamid
General Secretary
Ehsas Rehabilitation Center

ATC

Umar Khan
Advocate High Court
Barak Deza Mingora Bench Swat,

Consultant
Clinical psychologist

Ingarodriya Bypass Chwak Near Swat Inn Shadi Hal And Hotel

Anx. B



SAIDU GROUP OF TEACHING HOSPITALS
SAIDU SHARIF SWAT
Ph. 0946-9240126-27 Email: mssthswat@yahoo.com
OUTPATIENT DEPARTMENT (OPD)

11

Name: 615/13 S/D/W: _____

Gender: _____ Age: _____ Address: _____

Yearly No: 59707 Department: _____

Complaints: _____ Date: _____

Schizophrenia
d.b.c.

Rx

1) Tab. Olanzapine 10mg
(حب) 3-2-1

2) Tab. Epival 250mg
(حب) 0+1+1

Physical Examination:

Stable

Investigations:

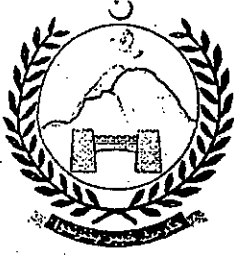
Advised to commence
going to school, from
tomorrow. 4/10/22

Dr. M. Rehman
MBBS, DPM, MRCPsych
CONSULTANT PSYCHIATRIST

ATC

Provisional Diagnosis:

Follow up: _____ Doctor Name: M. Rehman Signature: _____



**OFFICE OF THE DISTRICT EDUCATION
OFFICER (M) SWAT
(9240228-9240209)**

Annex

12

OFFICE ORDER.

Consequent upon the recommendations of the enquiry committee conducted by Mr:Shafiullah Principal GHSS Eatai K.Khela & Israruddin Head Master GHS No.4 Mingora Swat vide their letter No.799 dated 10.11.2022 as well as proposal of the Principal GHS No.1 Mingora vide his letter No.106900 dated 02.12.2022, The following absence period in respect of Mr.Ishaq STT GHS No.1 Mingora are hereby converted into leave without pay, subsequently he is adjusted at GHS NO.1.Mingora w.e.f 13.12.2022 in the interest of public service.

1. 15.09.2020 To 31.10.2020 (47 days)
2. 11.03.2022 To 17.04.2022 (48 days)
3. 01.06.2022 To 12.12.2022 (194 days)

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

(MUHAMMAD RIAZ)
DISTRICT EDUCATION OFFICER (M)
SWAT

3856-59

Endst:No: _____/PF/Ishaq STT/DEO/M.

Dated 12/12/2022

Copy forwarded to:

- 1- The District comptrollers of Account Swat at Saidu Sharif.
- 2- The Principal GHS No.1 Mingora Swat with the directions to keep him in clear watch and timely report if any.
- 3- P.A to District Education Officer (M) Swat the local office.
- 4- The teacher concerned.

DISTRICT EDUCATION OFFICER (M)
SWAT

Qasim Khattab
Advocate High Court/
Dawal Qaza Mingora bench Swat,



NAWY JWAND REHAB CENTER

Opposite SPS College Mingora Swat.

It has been respectfully stated that Muhammad Ishaq
S/O Azeem Khan was Psychiatric patient and admitted to
Naway Jwand Rehab Center for the intention of treatment
under the supervision of Dr Amjad Ali.

For this aim Mr. Umar Farooq admit here from

Date 24 March 2023

To 24 July 2023

You're sincerely,

Chairman Naway Jwand Rehab Center Rahim Abad Mingora Swat.

Riaz Ahmad Hairan:

Phone NO: 0946723998

Mobile NO: 03449017872

Date of Issue 01/04/2023



ATC
Umar Khitab
Advocate of S. Court
Dera Gazi Khan, District Swat,

Anx D

(13)



NAWAY JWAND

Rehab Center Swat

Near Usman CNG Pump Muhallah Islamaabd,
Rahim, Abad, Mingora Swat. Tel: 0946-723998

Patient's Name: Mun- Ishaqi Father's Name: Azim Khan Date: 26/3/23

Age: 36 Sex: M Physician's Name: Dr. Amjad AR

Clinical Record

Patient presented
to us having
no complaint at
the time of
visit and
admitted only
smoking.

Tab: Olamza
- 1-5/10/2023

Tab: Epival
- 1-5/10/2023

C/E:
CNS } not significant
CNS }
CNS }
CNS }
CNS }

AT
~~_____~~
~~_____~~
~~_____~~

Umar Khitab
Advocate High Court
Barui Qaza Mingora Bench Swat

Sp. 1/1/2023
P- 20/2023

Adm.
- C/S
- 1/1/2023

Active Complaint
No any active
Complaint and
Patient Start
on old Medication

Assistant Professor

Dr. Muhammad Rehman

MBBS (Pesh)
Diplomate Clinical Psychiatry (Ireland)
CCT (England)
MRCPsych (UK)

Head of Department Psychiatry Unit
Saidu Teaching Hospital



استنٹ پروفیسر
ڈاکٹر محمد رحمان
ایم بی بی ایس (پشاور)
ڈپلومٹ این کلینکل سائیکیاٹری (آئرلینڈ)
سی سی سی (انگلینڈ)
ایم آر سی سائیک (UK)
انچارج سائیکیاٹری یونٹ سرگودھا ہسپتال

15

ماہر امراض: مرگی، یادداشت، سر درد، نشتر، جنسی کمزوری و جملہ دماغی و نفسیاتی امراض

Name: M. Ishaq

Age: 37 Date: 21-7-2022

① Tab. Olanz 10mg

آبلیز 10 = 3 (حصائی)

② Tab. Enval 20mg

(حصائی) 1+1

21/8/22

Advise ECT - Every alternate day
X 3 ECTs
NOT city

ATC

Umar Khilab
Advocate High Court
Darul Qaza Shajora Bunch Swat

Plan
Anticipation detail

چھٹی بروز: ہفتہ، اتوار

Not Valid For Court

SWAT MEDICAL COMPLEX
Faizabad Road, Saidu Sharif, Swat.
Arshad Ali: 0344-9855759 / 0314-9711162

Anx E

16

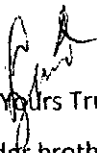
To,

The Principal
Govt: High School No.1
Mingora Swat.

Subject:- APPLICATION FOR LEAVE.

Respected Sir,


Most respectfully it is stated that my younger brother Muhammad Ishaq, STT is ill and he is admitted in Nawy Jwand Rehab Centre at Rahim Abad Swat for treatment of psychological problem. The Psychologist recommended Four month treatment..(Photocopy of certificate enclosed). Therefore, it is requested to kindly grant him mentioned leave.


Yours Truly

Farooq khan, Elder brother of Muhammad Ishaq
STT at Govt High School Mingora

Copy for information to:

The District Education Officer Swat. (Photocopy of certificate enclosed).


Umar Khilaf
Advocate
P.O. Box 12345 Swat

6/5/2022

Annex F

17

OPSS - 1/1

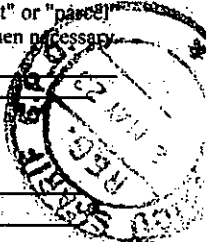
For Insurance Notices see reverse.
affixed except in case of
RGL105889989 not more than
the initial weight prescribed in the
Post Office Guide or on which no
acknowledgement is due.

Rs. 50.-

0 - (00)

registered* _____ Date-Stamp

*Write here "letter", "postcard", "packet" or "parcel"
Receiving Officer with the word "insured" before it when necessary
ed for Rs. (in figures) Swat (in words) _____



Weight } Kilo
Pence fee Rs. _____ Ps. _____ (in words) } Grams

Name and address of sender _____

ATC

Under Section 10
Advocate High Court
Dera Ismael Khan Bench Swat



OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) SWAT.

Annex G.

17

NOTIFICATION

1. Whereas one Mr. Muhammad Ishaq S/O Azeem Khan STT Government High School No. 1 Swat remained absent from duty with effect from 02.03.2023 as per report of Principal GHS No. 1 Mingora Swat vide his office letter No. 106929 dated 09.03.2023.

2. Whereas two call notices as required under the Rules were sent on his home address vide Principal GHS No. 1 Mingora letter No. 106932-34 dated 16.03.2023 and by this office Endst. No. 10837 dated 20.03.2023, but he failed to resume his duties.

3. Whereas as required under E&D Rules a notice mandatory under article 9 of the E&D Rules was also published in "The Daily Ajj and The Daily Azadi" on 14/04/2023

4. Whereas he was asked in the said notice to resume his duty and explain the reason of his absence but he failed.

5. Whereas the District Education Officer (M) Swat being the competent authority after having considered the charges and evidences on record against him and found them as proved.

Now, Therefore I Muhammad Riaz, District Education Officer (M) Swat being the competent authority under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011 do hereby impose upon him "the major penalty of "REMOVAL FROM SERVICE" under 4 (b) (iii) of the ibid Rules with effect from 02/03/2023 in the interest of public service.

(MUHAMMAD RIAZ)
DISTRICT EDUCATION OFFICER (M)
SWAT

Endst: No: 1708-15/P.F/M Ishaq/STT/DEO/M.

Dated 03/05/2023

Copy forwarded to:

- 1- The Director Elementary & Secondary Education KPK Peshawar for information, pleas.
- 2- The District comptrollers of Account Swat at Saidu Sharif.
- 3- The District Monitoring Officer EMA Swat.
- 4- The Principal GHS No. 1 Mingora Swat with the direction to serve the order on the accused teacher.
- 5- P.A to District Education Officer (M) Swat the local office.
- 6- Mr. Muhammad Ishaq S/O Azeem Khan Mohalla Mir Khel Mingora (Registered).

DISTRICT EDUCATION OFFICER (M)
SWAT

Umar Khitab
Advocate High Court/
Dural Qaza Mingora Bench Swat.

**BEFORE THE KHYBER PUKHTOONKHW SERVICE
TRIBUNAL CAMP COURT SAIDU SHARIF SWAT.**

(19)

Service appeal...../2023.

1. Muhammad Ishaq Mohallah Mir Khela Banar Mingora swat
(EX S.T.T. G.H.S. Mingora No,1 Swat.....Appellant.

Versues.

1. Secretary Elementary and secondary Education
Khyber Pukhoonkhw Peshawar and others.....Respondents.

**APPLICATION FOR CONDONATION OF DEALY FOR FILING OF
APPEAL.**

Respectfully Sheweth,

1. That the appellant has filed on appeal , wherein no dated of hearing is yet fixed.
2. That the appellant in regular service since 27/10/2014 and such Completed more than ten years as on this score the caption application may very kindly be allowed and defend this appeal accordingly.
3. That in plethora of judgment apex court always held the principals that void order has no limitation and no legal consequences.
4. That due to that the appellant was " Psychiatry "patient and was admitted Nawy Jaand Rehab center Mingora Swat with effect from 23/3/2023 to 21/7/2023. The admission certification already annexed with service appeal.
5. That the order of respondent No, 3 for removal from service lacing the invoke law and procedure on this score instant application may very kindly be accepted.
6. That the law favors the adjudication of merit and not technicalities.
7. That the application may very kindly be considered as integral part and parcel of main service appeal.

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It is therefore, most humbly prayed that on acceptance of instant application, the delay may very kindly be condoned and proper opportunity may very kindly be provided to appellant to defend his appeal accordingly.

~~Appellant~~
Through

Umar Khitab advocate High court/
Darulqaza Mingora Swat.

Anx H

(21)

TO

The Director of Elementary and Secondary Education Khyber Pukhtoonkhw Peshawar.

Subject;- DEPARTMENTAL SERVICE APPEAL AGAINST THE IMPUGNED ORDER NO, 1708-15 DATED 3/5/2023.

R/ Sir,

1. That the appellant was appointed as ~~ST~~ ~~ST~~ at Government High school Gogdara Swat and then promoted as S.T.T. and adjusted at G.H.S. Mingora No.1.Swat.
2. That the appellant was diagnosed for the Treatment of 'psychological' problem and the appellant admitted in EHSAS Rehabilitation center Mingora Swat.
3. That the appellant brother submitted an application for 90 days of Medical Leave for the appellant to Principal because the appellant in that time in serious condition.
4. That after the completion of treatment the Appellant has discharge from Hospital the appellant submitted duty arrival report to Principal with effect from 5/9/2022, but the Principal of the school concerned reject the appellant arrival report.
5. That after the Principal rejection of the arrival report the appellant, the appellant approached to District Education Officer Male Swat and Submit the arrival report, but the District Education officer Male Swat also reject the appellant arrival report with out any reason.
6. That the monthly salary ,adjustment order still pending in the office of the District Education Officer Male Swat on basis of Medical leave.
7. That the appellant again admitted on 24/3/23" Nawy Jwand Rehab Islamabad

UMS 1
UMS33663542

PAKISTAN POST OFFICE
U.M.S. RECEIPT

No. 442
Rs. 150

Name of addressee: District Education Officer Male Swat
District Education Officer Male Swat
District Education Officer Male Swat

Date: 29 AUG 2023
District Education Officer Male Swat

Signature of posting official: [Signature]
Signature of posting official


Post town of destination: Mingora Swat

Service instruction over leaf: [Blank]

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- .. Town Mingora Swat and discharge form the center on 21/7/2023.
- 9 . That the District Education officer Male Swat has dismissed/ Removal from service during the appellants terminal illness, which is illegal, unlawful, void and against the fundamental rights.
- 9 ..That the appellant has learned of the dismissal/ Removal from service during illness period and the department has not sent the letter of dismissal / Removal from service to the appellant till date.

You are requested to accept Departmental service appeal and direct the District Education officer Male Swat to re instate the appellant and release the salary and all the back benefits.


Yours obedient

Muhammad Ishaq
G.H.S. No.1 Mingora Swat.

Dated. 22/08/2023

