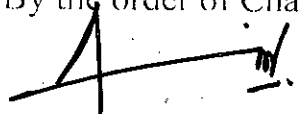


FORM OF ORDER SHEET

Court of _____

Appeal No. 2510/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/12/2023	<p>The appeal of Mr. Abdus Samad presented today by Mr. Tehseen Ullah Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ Parcha Peshai is given to the counsel for the appellant.</p> <p>By the order of Chairman  REGISTRAR</p>

(A)

BEFORE THE PROVINCIAL SERVICE TRIBUNAL,
KPK, PESHAWAR

Service Appeal No. 25/0 /2023

Abdus Samad

.....Petitioner.

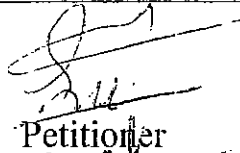
V E R S U S

Secretary to Government of KPE&SEP & others

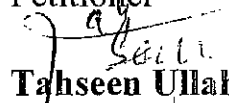
.....Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Index	/	A
2.	Grounds of Appeal and affidavit		1-5
3.	Copy of Appointment Order dated 16-07-2012	A	6
4.	Copy of Notification dated 31.12.2018	B	7
5.	Copies of All Departmental appeals	C,D & E	2-13
6.	Copy of office order dated 09-02-2022, 22/02/2022,	F	14
7.	Copies of Office Orders	G, H & I	15-18
8.	Copy of Appeals	J, K & L	19-21
9.	Copy of the final departmental appeal	M	22
10.	Wakalat Nama		23


Petitioner

Through


Tahseen Ullah
Advocate High Court
Peshawar
0305-9521103

Date: 02/12/2023

1

BEFORE THE PROVINCIAL SERVICE TRIBUNAL,
KPK, AT PESHAWAR

Service Appeal No. ^{25/0} /2023

Abdus Samad (Jr Clerk) s/o Abdul Qadoos, Government Girls Higher
Secondary School Lahor, Swabi.

Appellant

Versus

- 1) Secretary to Government of Khyber Pakhunkhwa Elementary & Secondary (E&S) Education Department, Peshawar.
- 2) Director Elementary & Secondary (E&S) Education Department, Peshawar.
- 3) District Education Officer (Female) Swabi.
- 4) District Accounts Officer, Swabi.
- 5) District Education Officer (Male) Swabi...

Respondents

APPEAL U/S 4 OF THE K.P SERVICE TRIBUNAL ACT,
1974 FOR RELEASE OF BASIC PAY AND SALARY TO
THE APPELLANT W.E.F. 01/12/2018 TO 28/02/2021 AND
03 MONTHS SALARY FOR PERIOD OF DISPOSAL TO
DIRECTORATE WHERE THE APPELLANT
PERFORM HIS DUTYIES.

PRAYER:

It is, therefore, earnestly prayed from this Hon'ble Tribunal that on acceptance of this service appeal, the salary of appellant may kindly be released w.e.f. 01/12/2018 to 20/02/2021 and 03 three months salary for period of disposal to at the end of directorate reliance on reported judgment **1997 PLC (CS) 666.**

Any other relief, to whom the appellant found entitle, may also be granted.

2

Respectfully Sheweth;

Brief facts giving rise to the instant service appeal are as under:-

- 1) That the appellant was appointed by the departmental selection committee under deceased employees sons quota vide order dated 16.07.2012 as **junior clerk (BPS-7)** wherein he is appearing at Sr. No. 04 of order **ibid.(Copy of appointment order is attached as Annexure-"A")**.
- 2) That the appellant since his appointment performed his duties regularly till 05/10/2018, however, vide Principle GGHSS Lahor No 57 Dated 05-10-2018 the concern principle relieved charges of misconduct, inefficiency and corruption vide which notification no 8586-90/DA-11/Disciplinary action dated 31-12-2018 the appellant was punished as **"Withholding of One increments for One year"**.(Copy of Notification dated 31.12.2018 is attached as Annexure-"B").
- 3) That for the redressal of his grievances, the appellant has submitted numerous applications to his high up in the shape of departmental appeals to respondent No 02 (Directorate) in different intervals of time vide applications dated 07/01/2019, 11/02/2019, 12/01/2021 for further adjustment at male side and for the release of his outstanding salaries, but all in vain. **(Copies of all departmental applications are Attached as Annexure-C,D and E)**
- 4) That the appellant submitted appeal dated 12/01/2021 to the directorate for further adjustment the appellant on male side but than the respondent No 02 adjusted appellant at GGHSS Kallu Khan Swabi on latter dated 09/02/2021. **(Copy of order is Attached as Annexure-F)**
- 5) That the respondent No. 03 issued instructions to the Principal GSHSS Kallu Khan Swabi and directed them, that appellant is not fit on female side and refused to take charge from appellant Hence, the respondent No 02 issued another office order No 7114-19 dated 09-02-2021, to the appellant,

wherein the appellant was putted at the disposal of respondent No 02, and the respondent No 02 has not issued adjustment order of the appellant and the respondent No 02 issued another office order dated 22/02/2022 for further posting on male side, after the laps of three months wherein the appellant was adjusted at male side at GHS Lahor Gharbi Swabi. **(Copies of office orders are Attached as Annexure-F,)**

6) That respondent No 2, has issued a letter dated 11-08-2021, wherein the appellant was placed at the disposal of DEO Male swabi and his alleged absent period from 01-02-2018 to 28-02-2021 was treated as leave without pay in the light of the recommendations of the inquiry report. **(Copy of letter dated 11-08-2021 is attached as "G")**

7) That thereafter the appellant has submitted a number of departmental appeals in different intervals of time through Principal concerned for the release of his outstanding arrears to respondent No- 02, 03 & 04, but after receiving the said appeals the respondents did not decide the fated of the appellant and kept them pending in their good offices. **(Copy of Appeals are Attached as Annexure-H, I, J, K, L)**

8) That being continues cause of action at the end of every month to the appellant at last the appellant had submitted his final departmental appeal on dated 24/08/2023 and after a laps of statutory period for the release of his outstanding arrears/salaries to respondent No 3, but so far no remedial action has been taken, despite the fact that it was promised by the respondents that the salaries of the petitioners would be released in a short period of time, as there seems no justification to stop the same. **(Copy of the final departmental appeal is Attached as Annexure-L)**

Being dissatisfied with the actions of the official respondents, having no alternate and efficacious remedy, hence the appellant constrained to file the instant service appeal for release of his salaries/arears, on the following grounds amongst other:-

GROUND

A) That the act of the respondents for stopping of the salaries of the appellant by the respondents is illegal, vid Ab initio, against the law of the land, having no lawful authority and ineffective upon the rights of the appellant and the appellant is entitled for the release of his salaries/arrears as he has performed his duties with full zeal.

B) That the appellant has also submitted his duty certificate, which further endorsed his attendance and to this effect his attendance sheets are enclosed, which is ample proof that he is still performing his duties regularly without any negligence.

C) That the salaries of appellant are stopped without any written order and without quoting any rule or provision of law, which may authorize the respondents to stop his salaries when he is regularly performing his duties, which act is against all the canons of law & justice, equity and the concept of due process of law.

(D) That the respondent has not been treated in accordance with law of the land as no proper opportunity for personnel hearing and fair trial in the matter has extended to the appellant as mentioned in Article 10-A of the constitution of Pakistan 1973. hence on this ground alone the appellant is entitled for his outstanding salaries/arrears

D) That it is settled principle of law that salary of a civil servant is no more a state property, therefore any illegal restraint of the salaries/arrears without any justification is an action which cannot be condoned at all.

It is pertinent to mention here that the matters relates to pay and pension is a continuous cause of action, therefore, no limitation runs against it.


E) That the act of the respondents amounts to the forced labour practice which is mentioned in Article 11 of the constitution of Islamic Republic of Pakistan 1973.

F) That hence the respondents has no any legal justification for stopping of the salaries of the appellant, therefore on this score alone appellant is entitled for the outstanding salaries.


G) That additional grounds will be raised with the permission of this Hon'ble Court at the time of hearing.

Keeping in view what has been stated above, it is therefore, earnestly prayed from this Hon'ble Tribunal that on acceptance of this service appeal, the salary of appellant may kindly be released w.e.f. 01/12/2018 to 28/02/2021 and 03 months salary in period of disposal to directorate. Reliance in the light of reported judgment 1997 PLC (CS) 666.

Any other relief, to which the appellant is found entitled, may also be granted in favour of appellant.


Appellant

Through


Tahseen Ullah
Advocate High Court
Peshawar

(6)
Annexure - "A"

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E & S E) SWABI.
APPOINTMENT OF JUNIOR CLERKS.

Consequent upon the recommendations of the Departmental Selection Committee in its meeting held on 09.07.2012 the competent authority is pleased to appoint the following candidates under deceased employees sons 100% quota as Junior Clerks in BPS-7 (Rs.5800-320-15-100) plus usual allowances as admissible according to the rules and further on the given terms and conditions from the date of their taking over charge and will be governed under Civil servants act, 1973, amended K.P.K Act 2005 with out pension and gratuity. Consequent to their appointment they are posted at the places mentioned against their names in the best interest of public service.

S#	Name	Father's Name	Home Address	Station where appointed
1	Eyaz Moleammad	Zareshad Ullah	VPO, KSK (Swabi)	GGHS Rafiq Abad (Swabi)
2	Faiz Ali	Kamal Khan	VPO, Yar Hussain (Swabi)	GHIS Gohar Abad Ismaila Swabi
3	Muzahir	Pervaiz Khan	VPO Salim Khan	GGHSS Tonj (Swabi)
4	Abdus Salam	Abdul Qadoos	VPO Yaqoobi (Swabi)	GGHSS Lahor

Terms and Conditions:-

1. These appointments are purely temporary and liable to termination without assigning any reason and without any prior notice.
2. They will have to produce Health and Age Certificate from the Medical Superintendent DHQ Hospital Swabi before taking over charge.
3. They should not be handed over charge if their age is below 18 or above 30.
4. They must take over charge of the post within 14 days; otherwise the appointment will automatically be stood cancelled.
5. All the original academic/professional certificates/degrees should be verified from the concerned Board/University by the concerned Drawing Disbursing Officer. If any discrepancy was found at any stage the case may be started under the rules and legal/judicial action will be initiated.
6. Verification of documents should be made departmentally before draw of their pay and the concerned Head of schools/Institutions should send a certificate on the following pattern to this office "Certified that I have personally verified the original Certificates/Degrees from the concerned Board/University in respect of Mr _____ S/O _____ and found correct who has been appointed against Junior Clerk post at _____".
7. Head of the concerned institution should check all the documents including domicile certificates of the candidates concerned before taking over charge.
8. After completion of verification process and subject to the provision of O.K certificate required in para-6 above, a proper order will be issued by this office for release of their pay against the posts occupied by them.
9. In case of resignation they will have to submit one month prior notice, otherwise their one month pay will be forfeited to the Government. After tendering resignation, they will not leave their job until the acceptance of their resignation by the competent authority nor shall they be granted any leave.
10. They will be governed by the service rules framed by the Government from time to time.
11. No TA/DA etc is allowed to any one.
12. Charge reports should be submitted to all concerned.

(ABDUS SALAM)
EXECUTIVE DISTRICT OFFICER
(ELEM.&SECOND:EDU:)SWABI

Endst.No. 4313--6 J.Clerks Appointment/Dated Swabi the 16/7 2012.

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

1. PS to Honourable Minister for Elementary & Secondary Education Govt. of KPK, Peshawar.
2. Secretary to Govt. of KPK Elementary & Secondary Education Department, Peshawar.
3. Director Elementary & Secondary Education KPK, Peshawar.
4. District Coordination Officer, Swabi.
5. All Members of Departmental Selection Committee.
6. District Accounts Officer, Swabi. (7) Heads of the concerned Institutions.
8. ADO (B&A/Estab) Local Office. (9) Superintendents local office.
10. Candidates concerned.


EXECUTIVE DISTRICT OFFICER
(ELEM.&SECOND:EDU:)SWABI

Amintuz "B" (7)

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)
DISTRICT SWABI

FD No: 0930-200330

Notification:

1. WHEREAS Mr. Abdus Samad Junior Clerk of GGHS Lahor (District Swabi Accused) was proceeded under the Khyber Pakhtunkhwa Govt Servants (Efficiency & Discipline) Rules, 2011, for the charges of misconduct, negligence, and inefficiency

2. AND WHEREAS the accused Mr. Abdus Samad have been relieved by the concerned school on 05-10-2018 due to the charges of misconduct, inefficiency and corruption vide Principal GGHS Lahor No: 57 Dated 05-10-2018.

3. AND WHEREAS a regular enquiry has been conducted by the enquiry officer Sub-Divisional Educational Officer Female Swabi against the accused constituted vide DFO Female Office Swabi.

4. AND WHEREAS the enquiry committee after having examined the charges, evidence on record and explanation of the accused, submitted their report.

5. AND WHEREAS the Competent Authority (District Education Officer (Female) Swabi), after having considered the charges, evidences on record, explanation of the accused Mr. Abdus Samad Junior Clerk of GGHS Lahor, and recommendation of the enquiry, have been proved.

6. NOW, THEREFORE, in exercise of the powers conferred under Rule-14 of Khyber Pakhtunkhwa Govt Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (District Education Officer (Female) Swabi) is pleased to impose minor penalty of "Withholding of One increments for One year" upon Mr. Abdus Samad Junior Clerk of GGHS Lahor (District Swabi), with immediate effect.

7. Consequent upon above, Mr. Abdus Samad Junior Clerk of GGHS Lahor Swabi is hereby relieved today on 31-12-2018 and directed to report to Directorate of E&SE Peshawar for further adjustment being not fit for service at female side.
Note: Necessary entry should be made in her original service book.

(Rehana Yasmeen)
District Education Officer,
(Female) Swabi

Dated: 31/12/2018

Enclst: No. 8536/20 DA-III/Disciplinary action/

1. Honorable Director E&SE Peshawar with the request to adjust him at male side being reported and found involved in several ambiguous cases.
2. Deputy Commissioner Swabi.
3. District Accounts Officer Swabi.
4. District Monitoring Officer Swabi.
5. Principal GGHS Lahor, District Swabi.
6. Officials concerned.

Handwritten signature/initials

Handwritten signature/initials
District Education Officer,
(Female) Swabi

بخدمت مہنہ پانچ ڈاکٹر صاحبہ EASE دہلی انڈسٹریل ڈسٹریکٹ

Relieving

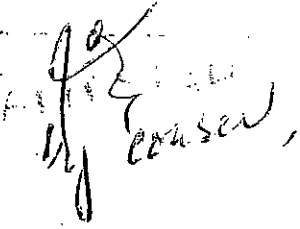
گزارش کی جاتی ہے کہ میں نے 5/10/2012 کو Relieving دے دیا۔
جو مینٹر کلرک دہلی فرانسس سے گورنمنٹ گزٹڈ جونیئر سکول
سکول لاہور مغربی ہوائی میں انجام دے رہا تھا۔ مصلحتاً سکول
کے مینٹر صاحبہ ستر حد زبیرہ آفرے نے مجھے بحالہ بھیجی ممبر 57
جناب عزیز صاحب میں آپ صاحبان کی ترجمہ کو تیار کیا گیا
مستقل کرنا چاہتا ہوں۔

1) میں جس سکول میں گزارنے اہلکار دے رہا تھا وہ ایک جونیئر سکول
سکول ہے اور اس میں مینٹر کلرک کو آسانی sanctioned ہے
ایک مینٹر کلرک اور دو جونیئر کلرک کے اور میں انہیں
جونیئر کلرک سکول کو منتقل کیا گیا۔

2) یہ کہ میں سکول کو کوئی بھی کلرک تیار نہیں رہتا اس سکول کی مینٹر
صاحبہ کی وجہ سے اور وہی وجہ ہے کہ مسئلہ سکول کے مینٹر کلرک
کو آسانی حاصل ہوتی ہے کیونکہ مینٹر صاحبہ کلرک کو بجا
تیار کرتی ہے مثلاً کسی کلرک کو وقتاً فوقتاً بھیجی میں رہتی اور
تیار کیا سکول میں مینٹر کلرک رہتا ہے۔ اگر کسی کلرک کو کسی مینٹر
تیار کیا رہنے والی فونکشن مینٹوری کا وجہ سے چھٹی درکار ہوتی
تو مسئلہ مینٹر صاحبہ کلرک کو چھٹی نہیں دیتی

میں باوجود اس کے مینٹر صاحبہ جونیئر کلرک اسی سکول میں
تیار کیا اور میں اس سکول کے جو بھی تیار کیا وہ وہاں کے سکول میں
تیار کیا اور وہاں رہتا ہے۔

1365
7-1-2012


Counsel

عنا صالی 2012 سے لے کر اب تک میں مختلف پریسٹیشنوں میں
گزارشوں کے ساتھ فراہم کیے گئے ہیں اور ہر سال وقت کے ساتھ
سنبھال رہے۔

3) یہ کہ 2016 کو بندہ کی حاجی خوش ہو گئی تھی اور اس پریسٹیشن صاحب نے
مجھے ایک دن کا چھٹی بھی نہیں دی اور ہفتوں کے ہفتوں کے دن میں ہفتوں
میں داخل رہا ہوں۔

4) یہ کہ وہی اسکول میں ہرے پھانگے اور پریسٹیشن میں لکھن میں تھوکتا
اور بندوں کے حکم کی تعمیل بھی کرنا پڑتا ہے اور اگر نہیں کیا
تو پریسٹیشن پر وہ بھی explanation دے دیتی تھی۔

SSS

(11) فریڈا - فریڈا SSS

یہاں اسلام آباد میں ہے کہ اگر نیشنل ہائی اسکول ٹیچرز زون کے پریسٹیشن
پہلے سے تھوکتا ہے تو وہاں کے پریسٹیشن صاحبہ کے شوہر نے
اس کے ساتھ ساتھ ہی اس کے حکم کی بھی تعمیل کرتا ہے
پریسٹیشن اور اس کے ساتھ ہی explanation دے دیتی ہے۔

یہاں سے لے کر جو کہ Lab Attended ہے وہ بھی جو کاغذ ہے
اس میں لکھنا ہے اور کاغذ اس خاص انداز سے

پریسٹیشن پر لکھنا ہے جو بھی چھوڑا زمین سے لکھنا
پہلے سے لے کر اس میں کچھ لکھنا ہے تو پریسٹیشن صاحبہ میں تھی
تو پریسٹیشن پر لکھنا ہے۔

Explanation

5) جتنا صالی یا وجود ہزار مالک خاصوں کے میں اپنے لکھنا
فونٹ اسلوبی ہے لکھنا اور اس کے ساتھ ساتھ لکھنا ہے

6) یہ کہ پریسٹیشن نے جو
3343-45 بتاؤ 14-09-2018 جاری ہے (جس میں) میں نہیں سکھوں
DEP (Female) کی طرف سے حکم نامہ ہے

FILED
by Comsaw

نے آریا کو ریزرو ایجنسیوں کے لئے لکھنا ہے اور اس کے لئے
 سکول کے ڈیوٹی کے لئے لکھنا ہے اور اس کے لئے
 (Girls stipend) بنا کر فرماتا ہے۔ اور اس کے لئے لکھنا ہے
 میں نے اپنے سکول کے علاوہ جو دیگر سکول میں لکھنا ہے
 پر کلام شروع کیا جسکی وجہ سے میرے سکول کے (stipend) میں
 اور میرے لئے صاحب نے تجھ سے Explanation کمال کیا (کاغذ پر)۔
 اور میں نے Explanation کے جواب میں تجھ سے Explanation ہی لکھنا ہے۔

صاحب کو وہ دیا۔
 مسئلہ میرے لئے صاحب نے میرا جواب (Consider) نہیں کیا اور۔
 تجھ سے مسئلہ سکول سے (Relieving) دے دیا۔ اور تجھ سے (F) DEO
 میرا جواب کہ اس میں بھیج دیا۔ DEO (F) صاحب نے مجھے بتایا کہ
 اس میں میرے (اس میں) DEO دفتر میں ڈیوٹی کروں اور
 اسی دوران DEO صاحب نے میں دلہراج SD=DLakes کو
 Enquiry officer مقرر کیا اور ساتھ میں صاحب نے SD=DLakes
 کو منظور اسٹٹ مقرر کیا۔

میں دلہراج نے جو Enquiry کیا وہ میرے لئے نہیں ہو گیا تو
 مسئلہ میرے لئے صاحب نے اس Enquiry کو ماننے سے انکار کیا اور
 کیا کہ اگر DEO صاحب خود Enquiry کرے تو مجھے منظور
 ہوگا۔ اور اس Enquiry کی Report (اس میں) تجھ سے لکھنا ہے۔

بعد ازاں DEO صاحب نے خود Enquiry کیا اور
 میں نے اور تجھ کو نہیں بتایا تب اس میں اپنی ڈیوٹی DEO
 دفتر میں ڈیوٹی کرتا رہا۔ مبین مورخ 2018-12-31 کو حوالہ
 Notification نمبر 258690 مجھے Relieve کیا اور Director کے
 Disposed رہا کہہ دیا۔

Director
 by [Signature]

11

Directorate of Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar
No. 601 / F.No. 1A-231A/appeal/Abdul Samad
Dated Peshawar the 29 / 11 / 2018

To

The District Education Officer
(Female) Swabi

Subject: APPEAL

Memo

I am directed to refer to the subject noted above and to enclose herewith a copy of appeal alongwith its enclosures in r/o Mr. Abdul Samad s/o Abdul Qadus Junior Clerk GGHSS Lahor District Swabi for your comments and detailed report please.

[Signature]
Assistant Director (Admin)
Directorate of E&SE K.P, Peshawar

Encls: No. 2

Copy forwarded to the: -

1. Mr. Abdul Samad s/o Abdul Qadus Junior Clerk GGHSS Lahor District Swabi.
2. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

[Signature]
Assistant Director (Admin)
Directorate of E&SE K.P, Peshawar

[Signature]
by counsel

Handwritten text in Urdu, likely a student's response to a question. The text is somewhat faint and difficult to read in detail, but appears to be a paragraph of writing.

عبدالرحمن
 پروفیسر گلبرگ ٹورنٹو کنٹرولنگ بورد
 سکینڈرم سکول لاہور ص ۱۱

درج ذیل نمبر 0344-6256940

1629-9955311-3 CNIC

دستخط درج ذیل کنٹرولنگ بورد

1576
 11/2/19

Handwritten signature and the text "by control."

حکومت پنجاب ڈپٹی کمشنر ہریانہ، لاہور

مختار احمد صاحب

صواب عالی

مدرسہ گزارشات کی جانب سے پیش کردہ درخواست

میں منظور کی جاوے اور ڈی ایچ او کو مطلع کیا جائے

تاریخ 31/12/2018 سے Relieved کر دیا

ڈی ایچ او کی طرف سے اور جی ایچ ایس ایچ ایس

ساحبان سے گزارشات کی جانب سے GCHS Helwan Swabi

Junior Class کی پوسٹ فالو ہے اور DEO (Swabi) نے NOC

12 پوسٹ بھی ہے آپ ساحبان سے گزارشات کی طرف سے

پروٹیکشن کی جانب سے یہ آپ ساحبان کی طرف سے ہے

560
12-1-2019

الغرض

آپ کا مقصد

GCHS Helwan Swabi

Admin

تاریخ - 12/1/2019

by counsel

(14)

Amendment - F



TO BE SUBSTITUTE WITH SAME NO & DATE
DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.
Phone: 091-9225344 Email: ddadmn.ese@gmail.com

Office Order.

Mr. Abdus Samad Junior Clerk GGSS Lahor Swabi (under disposal to Directorate of E&SE KPK Peshawar) is hereby transferred/adjusted against vacant post of Junior Clerk at GGSS Kalu Khan Swabi on his own pay and BPS in the interest of public service with effect from the date of his taking over charge.

Note:

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

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 7114-19/F.No. / A-23/MS/Appeal/Swabi/Abdus Samad.

Dated Peshawar the 09/02/2021.

Copy forwarded to the: -

1. District Education Officer (Female) Swabi.
2. District Accounts Officer Swabi.
3. Principal/HM Concerned.
4. Official concerned.
5. Master File.
6. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

Director (PE&S)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar



15

Annexure 'G'



**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.**

Phone: 091-9225344

Email: ddadm.esc@gmail.com

NOTIFICATION

1. WHEREAS, Mr. Abdus Samad Junior Clerk submitted an application for transfer from GGHS Lahor Swabi to GGHS Himlit Swabi on 12/01/2021.
2. WHEREAS, the Services of Mr. Abdus Samad Junior Clerk were placed at the disposal of the DEO (Male) Swabi vide this Office Endst: No.7114-19 dated 9/2/2021.
3. WHEREAS, Mr. Abdus Samad J/C again adjusted at GGHS Malik Abad Swabi and GGHS Himlit Swabi vide this office Endst: No.2222-26 dated 8/4/2021.
4. WHEREAS, the DEO (F) Swabi has submitted a letter for verification of the Office orders of Mr. Abdus Samad J/C having the same Endst: No. i.e 2222-26 dated 8/4/2021.
5. WHEREAS, an inquiry has been conducted against Mr. Abdus Samad J/C through Mr. Adalat Khan Dy: Director (F&A) and Mr. Muhammad Gulzar Assistant Director Litigation-I local Directorate vides Notification No.7810-13 dated 2/6/2021 in the light of the letter of DEO (F) Swabi.
6. WHEREAS, the inquiry committee has submitted detail inquiry report through diary No.995 dated 28/07/2021 alongwith clear cut recommendations.
7. Now therefore, the competent authority, the Director E&SE Khyber Pakhtunkhwa Peshawar has decided that the services of Mr. Abdus Samad J/C is hereby placed at the disposal of DEO (M) Swabi and his absent period w.e.f 1/12/2018 to 28/02/2021 (27 months) is hereby treated as leave without pay in the light of the recommendations of the inquiry report.

Director
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 5408-13 /F.No. A-23/MS/Appeal/Swabi/A. Samad Dated 11/08/2021.
Copy of the above is forwarded for information and n/action to the-

- 1- District Education Officer (Male) Swabi.
- 2- District Education Officer (Female) Swabi.
- 3- District Accounts Officer concerned.
- 4- Principal concerned..
- 5- Appellant concerned.
- 6- PA to the Director E&SE Khyber Pakhtunkhwa Peshawar.
- 7- Master File.

[Signature]
Deputy Director (F&A)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

[Handwritten signature]



116

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.**

No. _____
F.No. JA-23/MS /Appeal/Swabi/Abdus Samad J/C
Dated Peshawar the 01-11-2022
Phone: 091-9225344
Email: ddadmn.es

To

The District Education Officer
(Male) Swabi.

Subject:

APPLICATION FOR THE PURPOSE OF PAY

Memo:

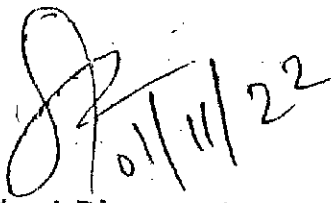
I am directed to refer to the subject noted above and to enclose herewith a copy of self-explanatory application submitted by Mr. Abdus Samad Junior Clerk GHS Lahore District Swabi for further necessary action as per under Rules/Policy.

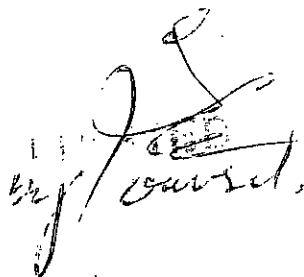
Assistant Director (Admn)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 5516-17

Copy forwarded to the: -

1. Mr. Abdus Samad Junior Clerk GHS Lahore District Swabi.
2. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Master File.


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





DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.
Phone: 091-9225344 Email: ddadmn.ese@gmail.com

OFFICE ORDER

Mr. Abdul Samad junior Clerk BPS-11, under at the disposal of DEO (M) Swabi is hereby adjusted against the vacant post of junior Clerk BPS-11at GHS Lahore Gharbi District Swabi on his own pay and BPS in the interest of public service with effect from the date of his taking over charge.

Note:

1. Charge report should be submitted to all concerned.
2. NO TA/DA is allowed:

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

3703-8
Endst: No. _____ /F.No. IA-23/MS/Appeal/Swabi/Abdul Samad J/C
Dated Peshawar 28/02/2022

Copy forwarded to the: -

1. District Education Officer (M) Swabi w/r to his letter No. 1456 dated 11/02/2022
2. District Account Officer Concerned.
3. Principal/HM Concerned.
4. Official concerned.
5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
6. Master File.

Deputy Director (F&A)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

by counsel

Amendment - 11

19

14

Handwritten notes and scribbles at the top left.

The Director,
Elem. & secy, Education KPK Peshawar.

Subject: - DISAPPEAR

R/Sir, I have been serving as J/c Clerk since 1/6/1979, which is far away from native home village yaqabi District Swabi and I face troublesome in performing my duty

Now I have come to know that Junior Clerk post is expected to be vacant due to the promotion of Faqir Muhammad junior Clerk to Senior Clerk. This station GIS Sudher Distt: swabi is near to my home village. I hope that you will consider my application sympathetically.

Thanking you in anticipation.

YOURS OBLIGATELY,

Abdul Samad Junior Clerk

DIRECTORATE OF S&E

PESHAWAR.

EDUCATION

case post of J/c is vacant at GIS Swabi due to promotion of Faqir Muhammad J/c to the post of S/c and adjusted at GIS Sudher Distt.

DIR E-FSE

Strongly recommended as requested by the applicant transfer to vacant post.

HEAD MASTER
G.H.S SUDHER
DISTT: SWABI

Handwritten signature and date: 14/05/2019

Abdul Karim
Special Assistant to Chief Minister
Ministry of Industries & Commerce
Khyber Pakhtunkhwa
15/5/19

Handwritten notes and signatures at the bottom right, including 'by counsel' and 'Abd. B...'

Annexure 'J'

(19)

3/11/20
DA-VI
[Signature]

To

The District Education Officer
(Female) Swabi

SUBJECT:-
Excellency

APPLICATION FOR TRANSFER to GGHS HEMLET

With humbly submission I beg to request that I have been serving in Education Department since 23.06.2012 as J/Clerk.

Presently I have been serving my duty as Junior Clerk at the Directorate Elementary and Secondary Education Peshawar KPK for some time. I live in a small town on the outskirts of village Yaqoobi. As guardians, there is no one in the house except me and Peshawar is a long way from my home thus going to Peshawar daily is becoming very difficult for me.

Therefore I request you to transfer me for these compulsions. So I found out that a post Junior Clerk posts in GGHS Hemlet is lying vacant.

In this connection you are requested that my transfer may be accorded as and when the promotion order of Senior Clerks is issued as per the following ^{performa}. I shall be very thankful to you for this.

S.no.	Name	From	To	Remarks
1.	Abdus Samad J.Clerk B-11	The Directorate of Elementary & Secy: Edu: Peshawar	G.G.H.S. HEMLET	AGAINST V.POST

YOURS OBEDIENTLY

[Signature]
Abdus Samad J.C B-11
APPLICANT

DEO Swabi
For [Signature]
[Signature]
[Signature]

Director
Elementary &
Secondary Education
Swabi

[Signature]
by counsel

20

Annexure - K

W.S. 1.12.2018/03/2021



10

The District Education Officer
(Female) Swabi

638
15/3/21

DA III
20
15/3/21

SUBJECT:-

ADJUSTMENT/RELEASE OF PAY WEF 1.12.2018 TO 28.2.2021(27-MONTHS)

MEMO:-

Enclosed please find herewith an application along with other related papers in support of the claim in respect of ABDUS SAMAD J. CLERK OF GGHSS KALU KHAN for accord of necessary action.

PRINCIPAL
G.G.H.S.S. Kalu Khan
GGHSS Kalu Khan

The above instruction may be followed information to the:-

Endst: No 52 / Dated 14-3-2021

Office of EEO (F) Swabi

Endst No: 673

Dated 18/3/2021

The case is hereby sent Back with the Remarks to activate his current salary and the submit the case with updated pay slip and some history. Side will have to submit proper duty certificate from concerned of the period he claims with the performance certificate.

District Edu. Officer
(Female) Swabi

خدمت جناب ڈائریکٹر مہذب ایجوکیشن ٹیچرز ٹیچنٹوخواہ (بساوہ)

درخواست برائے اجراء بقایا جات تنخواہ

جناب عالی!

گزارش ہے کہ سال کا تسلیق ایک فریب گھرانے

سے ہے اور بطور ٹرک (محکمہ تعلیم) جو موسما دھرم ملتا ہے وہی سال کے گھر کے اخراجات کی حد میں استعمال ہونے کا اظہار ذریعہ ہے۔

1- سائل کی 27 ماہ فی تنخواہ $1 \frac{12}{18}$ تا $2 \frac{02}{21}$

2- تنخواہ 3 ماہ کی از $1 \frac{12}{21}$ تا $2 \frac{02}{22}$ 28

درج بالا ذکر شدہ تنخواہیں گورنمنٹ ہائیر سیکنڈری سکول آنڈ

(صوبائی) میں (Purpas of Pay) کے ذریعے واجب الادا ہیں۔

آپ صاحبان مہربانی فرما کر مذکورہ بالا بقایا جات کے اجراء

کے احکامات جاری فرما کر سائل اور سائل کے خاندان کی عیاشی میں۔

فقط آداب المرقوم 24-08-2022

العبد
تاج محمد خان عبد الصمد جوئیہ ٹرک گورنمنٹ ہائی سکول لاہور (صوبائی)

Handwritten signature and stamp

22

Amixture - "19"

The District Education Officer
(Female) Swabi

SUBJECT:-

Memo:-

APPLICATION FOR RELEASE OF ADJUSTMENT OF PAY WEF
1.12.2018 TO 28.2.2021(27-Months)

With humbly submission I beg to request that I have been serving in Education Department since 16.07.2012.

Dear madam My service was kept for further adjustment at the disposal of Director Elementary and Secondary Education Peshawar vide DEO(F) Swabi Endst:No.8586-90/DA-II/disciplinary Action/Dated. 31.12.2018.

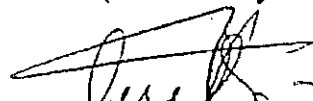
I performed my duty duty at the Directorate of Elemn:&Secy:Edu:Peshawar wef 01.12.2018 to 28.02.2021 regularly.


Dear madam Now, I have been adjusted at GGHS Kalu Khan vide director Elemn:&Secy:Education Peshawar Endst:No.7114-19/F.No./A-23/MS/Appeal/Swabi/Abdus Samad/ Dated. 09.02.2021 and I took over charge of my office as Junior Clerk on 01.03.2021.

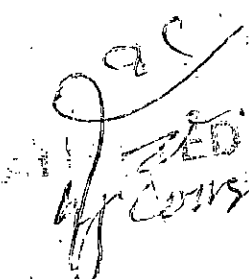
Now I have not received my salary wef 1.12.2018 to 28.02.2018(27-months) . you are requested that release of pay adjustment for the said period may please be accorded in favour of me. I shall be very thankful to you for this

- Encls; 1. Last pay Drawn 11/2018
2. Adjustment order
3. Charge report

Yours Obediently


Abdus Samad J/Clerk
GGHS kalu Khan
24/8/23


PRINCIPAL
G.G.H.S.S Kalu Khan
R


JED
of Council

50 22733 ایدو کیٹ: Fahseen ullah بار کونسل ایسوسی ایشن نمبر: BC-18-1756 رابطہ نمبر: 0305-9521103	پشاور بار ایسوسی ایشن، خیبر پختونخواہ PESHAWAR BAR ASSOCIATION   
--	---

بعدالت جناب: Provincial Service Tribunal at Peshawar

مہنجانب: Appellant عبد اللہ بنام سید سہیل ری و غیرہ	دعویٰ: Service Appeal علت نمبر: مورخہ: جرم: تھانہ:
--	--

بابت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ آن مقام Peshawar کے جلال الدین، کھٹن اللہ اور راضی اللہ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کال اختیار ہوگا، نیز وکیل صاحب رضی نامہ کرنے و تقرر ثالثت و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگہبانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جائزہ التوا کے مقدمہ کے سبب سے ہوگا وکالی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب باہر نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

PESHAWAR BAR ASSOCIATION
KHYBER PAKHTOON
02/12/2023

Accepted and Accepted
 Fahseen ullah
 Advocate
 High Court
 Peshawar
 Jalalud Din
 Advocate
 Supreme Court of
 Pakistan