

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR**

**BEFORE: KALIM ARSHAD KHAN ... CHAIRMAN
SALAH-UD-DIN ... MEMBER (Judicial)**

Service Appeal No.568/2014

Date of presentation of Appeal.....10.03.2014
Date of Hearing.....06.12.2023
Date of Decision.....06.12.2023

**Mr. Aman Ullah Khan S/O Ghulam Rasool Khan, Superintendent,
Office of the DEO (Female) Lakki Marwat(Appellant)**

Versus

1. **Chief Minister**, Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. **The Secretary** Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department Peshawar.
3. **Director of Education**, Directorate of Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar
4. **District Education Officer (Female)**, Elementary & Secondary Education, Lakki Marwat.....(**Respondents**)

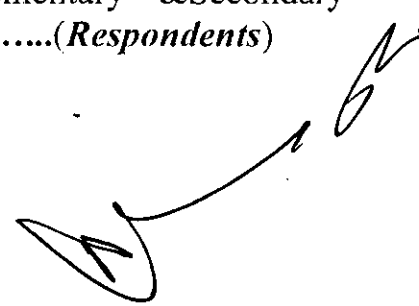
Service Appeal No.569/2014

Date of presentation of Appeal.....10.03.2014
Date of Hearing.....06.12.2023
Date of Decision.....06.12.2023

**Mr. Bahadar Zaman S/O Akber Zaman, Senior Clerk Office of
DEO (Female) Lakki Marwat.....(Appellant)**

Versus

1. **Chief Minister**, Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. **The Secretary** Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department Peshawar.
3. **Director of Education**, Directorate of Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar
4. **District Education Officer (Female)**, Elementary & Secondary Education, Lakki Marwat.....(**Respondents**)



Service Appeal No.598/2014

Date of presentation of Appeal.....28.04.2014
Date of Hearing.....06.12.2023
Date of Decision.....06.12.2023

Mr. Haroon Badshah, S/O Behraam Khan, Junior Clerk, DEO (Female) Office, Lakki Marwat.....(Appellant)

Versus

1. **Chief Minister, Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.**
2. **The Secretary Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department Peshawar.**
3. **Director of Education, Directorate of Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar.**
4. **District Education Officer (Female), Elementary & Secondary Education, Lakki Marwat.....(Respondents)**

Present:

Arbab Saiful Kamal, Advocate.....For the appellants
Mr. Asif Masood Ali Shah, Deputy District Attorney.....For respondents

APPEALS UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST OFFICE NOTIFICATION NO.SO(S/M) E&SED/4-17/2012, DATED 26.12.2013 OF R. NO.1 WHEREBY MINOR PENALTY OF WITHHOLDING OF TWO INCREMENTS FOR TWO YEARS WAS IMPOSED BY APPELLANT FOR NO LEGAL REASON.

CONSOLIDATED JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: Through this single judgment all the above three appeals are going to be decided as all are similar in nature and almost with the same contentions.

2. The appellants were serving against different posts in the Education, District Lakki Marwat. In the meanwhile, they were issued charge sheet and statement of allegations on 31.12.2012 to the effect that:

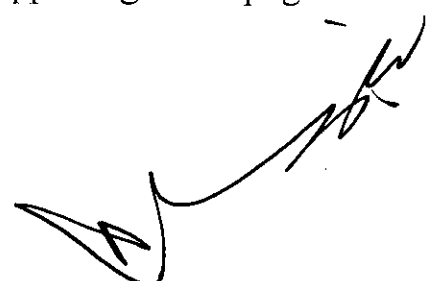
"Committed gross negligence, supporting and assisting the Ex-EDO in making illegal appointments in violation of merit, Government policy and procedures in the office of EDO E&SE Lakki Marwat".

That on 08.01.2013, subsequent charge sheet/statement of allegations were also issued on the same charges. Accordingly, the appellants submitted replies to the charge sheets; that inquiry was conducted but no opportunity of cross-examination was given to the appellants yet report was submitted to the authority; that on 17.04.2013, appellants were served with show cause notice which was also replied. Consequently, vide order dated 26.12.2013, minor penalty of withholding of two increments for two years was imposed upon the appellants. Feeling aggrieved, they submitted departmental appeals which were not responded, hence, the instant service appeals.

3. On receipt of the appeals and their admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeals by filing written replies raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellants.

4. We have heard learned counsel for the appellants and learned Deputy District Attorney for the respondents.

5. The learned counsel for the appellants reiterated the facts and grounds detailed in the memo and grounds of the appeals while the learned Deputy District Attorney controverted the same by supporting the impugned orders.



6. From the record, it is evident that the instant service appeals were instituted in the year 2014. Till date, no copy of DPC, in which the appellants were held guilty of misconduct, was produced which could show that there was any personal gain of the appellants or that they had extended any benefit and in what manner to any candidate in the entire process of appointments. Besides, no minutes of the meeting of the DPC or any other document bearing the signatures of the appellants was produced for holding them liable for any misconduct. In short, there is nothing produced by the respondents, except the inquiry report which could substantiate the allegations against any of the appellants and the department has failed to show as to how and what overt-act was played by any of the appellants holding them guilty for the punishment awarded to them vide the impugned orders. The allegations are also bald and of general nature and no specific allegation have been leveled by the respondents.

7. Keeping in view the above situation, all the appeals are accepted and the impugned orders dated 26.12.2013 are set aside. (Copy of this judgment be placed on file of connected service appeals) Consign.

8. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 6th day of December, 2023.*



KALIM ARSHAD KHAN
Chairman



SALAH-UD-DIN
Member (Judicial)

ORDER

6th Dec, 2023

1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

2. Vide our detailed judgement of today placed on file, all the appeals are accepted and the impugned order dated 26.12.2013 are set aside. Copy of this judgment be placed in all connected appeal files. Costs shall follow the event. Consign.

3. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 6th day of December, 2023.*



(Salah Ud Din)
Member(Judicial)



(Kalim Arshad Khan)
Chairman