

09. 11.07.2017

Junior to counsel for the appellant (Mr. Umer Farooq, Advocate,) and Asst: AG for the respondents present. Junior to counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 08.11.2017 before D.B.

[Handwritten signature]

[Handwritten signature]
(Ahmad Hassan)
Member

[Handwritten signature]
(Muhammad Hamid Mughal)
Member

08.11.2017

Mr. Taimur Khan, Advocate appeared on behalf of appellant present and submitted fresh wakalat nama which is placed on file. Mr. Zia Ullah, Deputy District Attorney for official respondents also present. Representative of the respondents department is directed to bring all the relevant record on the next date. To come up for such record and arguments on 13.12.2017 before D.B.

[Handwritten signature]
(Gul Zeb Khan)
Member (E)

[Handwritten signature]
(Muhammad Amin Khan Kundi)
Member (J)

13.12.2017

Learned counsel for the appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General, for the respondents present and submitted copy of relevant record which also includes order dated 15.05.2017 whereby the appellant has been awarded major penalty of removal from service. Learned counsel for the appellant stated that since he came to know about the afore mentioned order dated 15.05.2017 today as such he sought withdrawal of the present appeal. Consequently the present appeal is hereby dismissed as withdrawn. File be consigned to the record room.

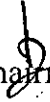
[Handwritten signature]
(Gul Zeb Khan)
Member (E)

[Handwritten signature]
(Muhammad Hamid Mughal)
Member (J)

687/16

14.12.2016

Agent of counsel for the appellant, M/S Wisal Muhammad ADO (Litigation) and Hameedur Rahman, AD alongwith Addl. AG for the respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 23.1.2017 before S.B.


Chairman

23.01.2017

Clerk to counsel for the appellant and Wisal Ahmad, Inspector alongwith Assistant AG for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing on 16.03.2017.


Chairman

16.03.2017

Counsel for appellant and Mr. Wisal Ahmed, ADO (Litigation) alongwith Mr. Muhammad Adeel Butt, Additional AG for respondents present. Learned counsel for appellant submitted rejoinder which is placed on file. To come up for arguments on 11.07.2017 before D.B.


(ASHFAQUE TAJ)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

13.07.2016

Counsel for the appellant present. Preliminary arguments partly heard. The Matter required further clarification, therefore, pre-admission notice be issued to the respondents. To come up for preliminary hearing on 30.08.2016 before S.B.


Member

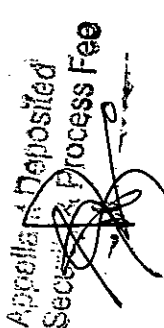
30.08.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was appointed as Chowkidar at GPS Chail Shodag when his services were terminated verbally on 05.02.2016 where-against he preferred departmental appeal on 23.02.2016 which was not responded and hence the instant service appeal on 27.06.2016.

That the appellant has put-in more than 18 years service. That neither any inquiry was conducted nor opportunity of hearing was afforded nor any formal order of termination of services of the appellant issued.

Point urged at the Bar need consideration. Admit. Subject to deposit of security and process fee within 10 days where-after notices be issued to the respondents for written reply/comments for 25.10.2016 before S.B.


Chairman

Appellant Deposited
Security & Process Fee


25.10.2016



Clerk to counsel for the appellant and Assistant AG for respondents present. Written reply not submitted. Requested for adjournment.. To come up for written reply/comments on 14.12.2016 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 687/2016


S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	27/06/2016	<p>The appeal of Mr. Sahib Zar resubmitted today by Mr. M. Imran Mohmand Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	27/6/2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on. <u>13-07-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Inamullah son of Hazrat Muhammad r/o village Chail Tehsil Tangi Distt. Charsadda received to-day i.e. on 22.06.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- Copy of impugned order is not attached with the appeal which may be placed on it.

No. 1064 /S.T,


Dt. 22/6 /2016


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. M.Imran Mohmand Adv. Pesh.

That with profound veneration, the appellant's whole record has been misplaced by the respondents, and they have admitted this fact through a letter, which is on page #17 of this appeal.

Resubmitted



27.6.2016

BEFORE THE HONOURABLE K.P.K SERVICE TRIBUNAL
PESHAWAR

Appeal No. 687 /2016

InamullahAppellant

VERSUS

Director Elementary and Secondary Education, Peshawar and
others.....Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Service Appeal		1-4
2.	Affidavit		5
3.	Addresses of Parties		6
4.	Copy of deed	A	7
5.	Copy of appointment and pay slips	B	8-11
6.	Copy of application	C	12-13
7.	Copy of notice is attached	D	14
8.	Copy of application is Attached	E	15-16
9.	Copy of Letter dated 08.04.2016	E1	17
10.	Copy of dept Appeal	F	18

Inamullah
Appellant

Through

Dated:- /06/2016

M Imran
Muhammad Imran Mohmand

&

Umar
Umar Farooq Mohmand

Advocates, Peshawar

BEFORE THE HONOURABLE K.P.K SERVICE TRIBUNAL
PESHAWAR

Appeal No. 687 /2016

Inamullah

S/o Hazrat Mohammad

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 658

Dated 22-6-2016

R/o Village Chail Tehsil Tangi, District Charsadda (Chowkidar GPS
Chail, Shodag).....**Appellant**

VERSUS

1. Director Elementary and Secondary Education, Peshawar.
2. Secretary Education ^{E&S} Govt of KPK.
3. District Education Officer Charsadda (**MALE**)

.....**Respondents.**

SUBJECT:- APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974, AGAINST THE TERMINATION OF APPELLANT, WHERE IN IN THE APPELLANT WAS ORALLY INFORMED THAT HIS SERVICE BOOK (RECORD) HAS BEEN MISPLACED, AND INFORMED HIM THAT HIS SERVICE HAS BEEN TERMINATED ON 05.02.2016. MOREOVER THE APPELLANT HAS A SEDULOUR AND LONG SERVICE RECORD OF MORE THAN 20 YEARS, BUT HIS SERVICE HAS BEEN FINISHED WITH A SINGLE STORKE OF PEN.

Filed today
[Signature]
Registrar

Re-submitted to -day
and filed.

[Signature]
Registrar

22/6/16

Respectfully Sheweth:-

1. That the appellant gifted the property for the G.P.S Chail, and the respondent offered him the post of chowkidar.

(Copy of deed is annexed as Annexure "A").

2. That the appellant was appointed as Chowkidar BPS-(01), on 01.08.1990, in Govt Primary School Chail.

(Copy of appointment and pay slips are Annexed as Annexure "B").

3. That in 2009 the appellant moved an application for leave to the respondent which was accepted and he was allowed by the then A.D.O, namely Haji Mukhtiar Ahmad, that his leave has been sanction.

4. That it is pertinent to mention here that too, during his absence (leave), his son namely Naveed Ahjum performed the duties of Chowkidar, as the school is adjacent to Hujra of appellant.

5. That after the leave, when the appellant came back he was astonished enough to know that his salary was stopped.

6. That after the aforesaid act, he moved a request to respondent, but the respondent remain deaf year and delay the matter with one pretext or other.

(Copy of application are annexed as Annexure "C").

7. That there is neither, show cause, nor Charge sheet against the appellant, and he was condemned unheard.

8. That on 12.07.2014, an inquiry notice was issued to the appellant, and the appellant duly attended the respondent.
(Copy of notice is attached as Annexure "D").
9. That after the inquiry the appellant was informed that there is no personal file available with respondent, and his record has been misplaced.
10. That again the appellant filed an application to respondent through R.T.I, to give him the details of all orders if any, but this time again the respondent remain deaf year.
(Copy of application is Attached As Annexure "E").
11. That thereafter the respondent reply to the above mention application vide letter No,17322 dated 08.04.2016, in which the respondent have categorically admitted that the record of the appellant has been misplaced.
(Copy of Letter dated 08.04.2016 is Annexed as annexure E1)
12. That therefore, the appellant submitted dept appeal, to respondent No.3 on 25.02.2016 but despite the lapse of 3 months the respondent has not responded so far,
(Copy of dept Appeal Annexed as Annexure "F").
13. That against the afore mention action of the respondent, the appellant now preferred this service appeal, before this Honourable Tribunal Court of the following amongst other grounds:-

(4)

GROUNDS:-

- A. That the act of the respondent is illegal unconstitutional, and against the settled Principles of natural Justice.
- B. That the appellant has a regular lengthy service of more than 20 years and the respondent has barely ignored the sedulous and painstaking service of appellant.
- C. That the appellant has been condemned unheard, as no charge sheet, nor show cause was issued against him.
- D. That after the inquiry he duly attend the respondent, but the respondent failed to provide any order against him.
- E. That too the act of missing the record of the appellant amounts to grave misconduct on the part of the respondents.
- F. That any other ground may be raised with the kind permission of this August Tribunal for the best assistance.

Prayer:-

It is, therefore, most humbly prayed that by acceptance of this service appeal on the mentioned facts and circumstances the appellant may kindly be re-instant with all back benefits, for the best administration of Justice and fair play.

Imamullah
Appellant

Through

Dated:- 22/06/2016

M Imran
Muhammad Imran Mohmand

&

Umar
Umar Farooq Mohmand

Advocates, Peshawar

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BEFORE THE HONOURABLE K.P.K SERVICE TRIBUNAL

PESHAWAR

Appeal No. _____/2016

Inamullah **Appellant**

VERSUS

Director Elementary and Secondary Education, Peshawar and
others..... **Respondents**

AFFIDAVIT

I, Inamullah S/o Hazrat Mohammad R/o Village Chail Tehsil Tangi,
District Charsadda (Chowkidar GPS Chail, Shodag) , 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.

Identify By

Inamullah

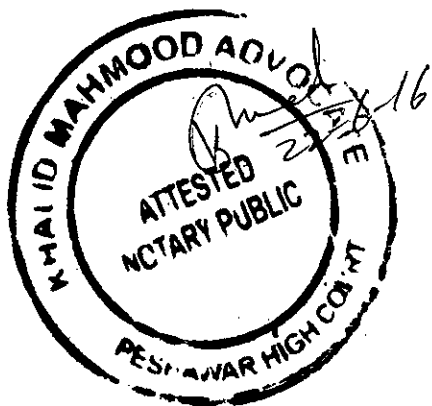
DEPONENT

17102-3447241-5

Muhammad Imran

CNIC#

Advocate, Peshawar



6

BEFORE THE HONOURABLE K.P.K SERVICE TRIBUNAL

PESHAWAR

Appeal No. _____/2016

InamullahAppellant

VERSUS

Director Elementary and Secondary Education, Peshawar and
others.....Respondents

ADDRESSES OF PARTIES

PETITIONER

Inamullah S/o Hazrat Mohammad R/o Village Chail Tehsil Tangi,
District Charsadda (Chowkidar GPS Chail, Shodag)

RESPONDENTS

1. Director Elementary and Secondary Education, Peshawar.
2. Secretary Education Govt of KPK.
3. District Education Officer Charsadda

Inamullah
Appellant

Through

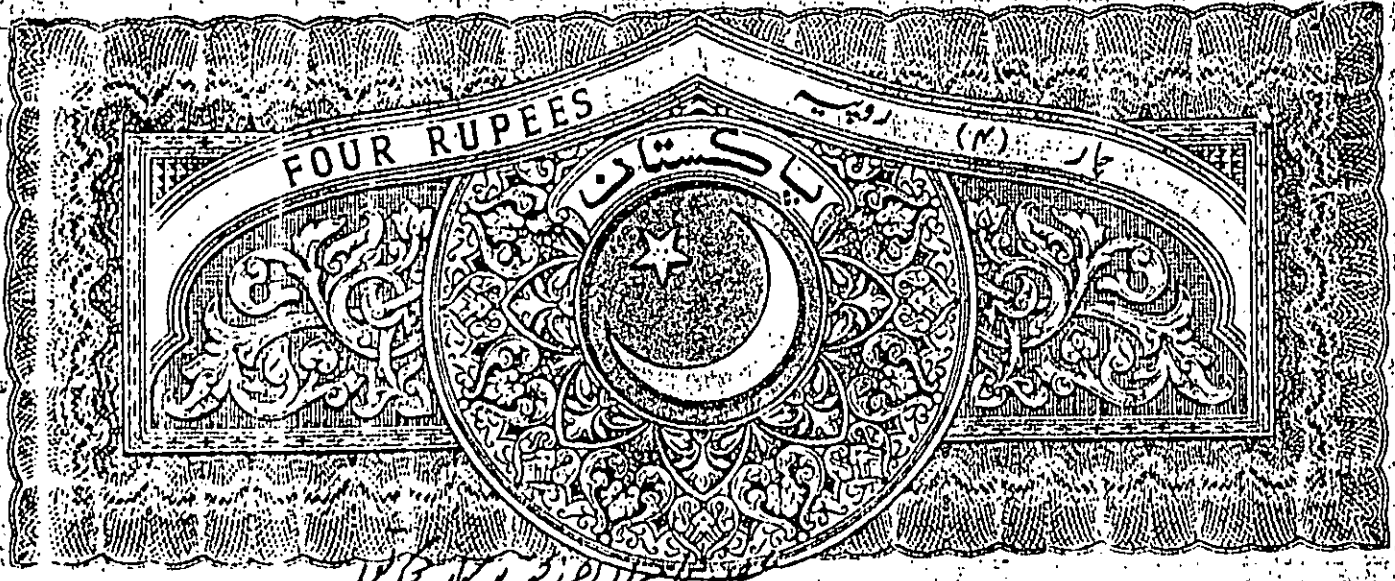
Dated:-22/06/2016

M. Imran
Muhammad Imran Mohmand

&

Umar Farooq
Umar Farooq Mohmand

Advocates, Peshawar



پتہ: خانہ اراضی حق سرکار حکم تعلیم

مگر حضرت محمد ولد ابیندر گل دارت پیمان بیٹے زمینداروں کے ذمہ لیا گیا
 حال شوردارگ تحصیل تنگہ منسلک چار سدرہ کا بیوں - اندر بقوت اقرار جمع کر کے
 نمبر پیر کر دیا بیوں جو کہ اراضی مندرجہ صفحہ 993 من تعدادی ڈیڑھ کنال
 10 - 1 کنال از قسم اہری محدودہ محدودت بلا شمالاً و جنوباً اور غرباً دیگر اراضی من تو
 و پیر ادرام علی محمد شہتارہ عام و رقعہ رقعہ موضع کوزہ پیرام ڈھوئی حال تحصیل
 تحصیل تنگہ منسلک چار سدرہ من تو کی بلا شرکت علیہ و اہر ملکیت و مقبوض ہے
 اس پر وئے اقرار نامہ بلا اراضی مذکورہ مملوکہ ام بمع حمل حقوق مالانہ و قوررت
 متعلقہ آن حق سرکار حکم تعلیم پیرائے پیرامری سکول (مدرستہ) تحصیل پیمان تحصیل تنگہ منسلک
 چار سدرہ بیعت بطور عطیہ دے دیا - قبضہ و دخل اراضی مذکورہ آج سے
 سرکار حکم تعلیم کے حوالہ کر دیا گیا آئندہ کیلئے اراضی مذکورہ بمثل من تو
 سرکار حکم تعلیم کی بلا شرکت علیہ و اہر ملکیت و مقبوض مقصور ہوگی تاکہ
 اس پیرائے پیرامری سکول مذکور تجارت تعمیر کرادے - من بعد پیرامری سکول کسی دوسرے
 وارث یا رشتہ دار کیلئے کا اراضی مذکورہ علیحدہ کے ساتھ کسی قسم کا تعلق باقی نہ رہے -
 ہر قسم تقسیم قانونی و واقعاتی کامل من تو در ہوگا - جس من وقت اراضی عطیہ دہا
 مذکورہ پیرامری سکول تعمیر کیا جائے تو اس میں درجہ چہارم ملازم از قسم جو کہ پیرامری سکول
 من تو کا حق ہوگا - لہذا دستاویز نیز پیرامری سکول اراضی مذکورہ حق سرکار حکم تعلیم
 سند کرے کہ عند الفوریہ کام آوے - المرجوعہ - 29/3

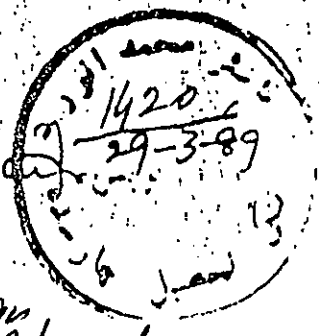
Attested
M. Iman Advocate
(M) Iman

مگر حضرت محمد مذکورہ بالا خود پیرامری سکول کے ذمہ لیا گیا

حضرت محمد تعلیم

(M) Iman

ATTESTED



APPOINTMENT.

M. Inamullah son of late Hasrat Mohammad residen. of village chail is hereby appointed as a Chowkidar in B.P.S.No.1 @Rs.600/-PM plus usual allowances against the vacant post of Chowkidar with effect from 1.8.1990.

Terms and Conditions.

1. His appointment is purely temporary and will be terminated at any time without any prior notice.
2. His age will not be less than 18 years and not exceed 40 years.
3. His health and age certificate should be obtained from Civil Surgeon concerned.
4. Change reports should be sent to all concerned and take charge after usual formalities.

(YAKHA GUL)
SUB DIVISIONAL EDUCATION OFFICER,
(M) TANGI.

Encl: No. 521-22 /A-12 Class IV dated 1.8 /1990.

Copy forwarded for information and necessary action to the :-

1. District Education Officer (M) Charsadda.
2. District Accounts Officer Charsadda.
3. A.S.D. P.O. concerned.
4. Cashier local office.
5. Candidate concerned.

Attested
M. Imman
Advocate
(M) Imman

SUB DIVISIONAL EDUCATION OFFICER
(M) TANGI.

Attested
M. Imman Advocate

ATTESTED

(M) Imman

G/C-NO-139-90-043931



GOVERNMENT OF PAKISTAN
ACCOUNTANT GENERAL N.W.F.P.
DISTRICT
PAY ROLICRYSSRda

9

PAYMENT ADVICE

Sh. 600

Pers. H. 00142110 Buckle:
Name: INAMULLAH
Dsg: CHOWKIDAR
NIC No. 99993138258
GPF Interest Applied

P Sec: 001 Month: August 2009
CA4014 -DEPUTY DISTRICT OFFICER (M
Min: Education Schools
NTN:
GPF No: -EINUGB006435
Old No: 99993138258

02 Active Temporary		CA4014	-7
PAYS AND ALLOWANCES:			
1908-Adhoc Relief-2009 (01-16)			957.00
Gross Pay and Allowances			9,088.00
DEDUCTIONS:			
GPF Balance	41,810.00	Subrc:	
Total Deductions			NET AMOUNT PAYABLE 268.00
QUALIFYING SERVICE			3,820.00
YRS	MON	D. O. B	LFC Quota:
19 Years 00 Months 027 Days		06.08.1970	UPL, HANOHMI
			0102468-2

Attested
M. Imran Schwale
M. Imran
ATTESTED

GOVERNMENT OF PAKISTAN
 ACCOUNTANT GENERAL, NWFP
 DISTRICT
 PAY ROLL Charsadda

10

Sl. No. 597

P Sec: 001 Month: August 2009
 CA6014 - DEPUTY DISTRICT OFFICER
 Min: Education Schools
 NTN:
 OET #: EDUCD004135
 Old #: 99993138258

Pers. #: 00149110 Buckle:
 Name: INANULLAH
 Dsg: CHOUKIDAR
 NIC No: 99993138258
 GPF Interest Applied

02 Active Temporary

CA6014 -7

PAYS AND ALLOWANCES:

0001-Basic Pay	4,935.00
1000-House Rent Allowance	910.00
1300-Medical Allowance	500.00
1516-Dress/ Uniform Allowance	40.00
1567-Washing Allowance	30.00
1770-Spl. Additional allowance	311.00
1830-Special Relief All(2005)	429.00
1831-Adhoc Relief (2005)	429.00
1864-Dearnes Allowance (2006)	517.00
Gross Pay and Allowances	9,088.00

DEDUCTIONS:

GPF Balance	41,810.00	Subrc:	230.00
2501-Benevolent Fund			25.00
8511-Addl Group Insurance			3.00
8640-Emp. Edu. Fund			10.00

Total Deductions

NET AMOUNT PAYABLE 268.00

8,820.00

QUALIFYING SERVICE

YRS	MON	D	O	B	LFP Quota:	
19	00	00	08	1970	URL, MANDHNI	MANDHNI
				027	0102458-2	
				Days		

GPF Final Re-calculation Report

System: PSH
User: ULLAH IZAFAN

GPF Final Re-calculation Report

Page: 2
Date: 14/03/2015
Time: 12:25:33

EMPLOYEE NUMBER : 00149110
Employee Name : ISMAILAH
GPF Reference No : EDUCD096135

Start Date	End Date	CAL - Total O Bal	Total - Monthly Sub	Total - Adjustments	Total - Temp Adv	Total - Rec of TA	Total - Petr Adv	CAL - Interest	CI Bal with Interest	Int %
01.07.2004	30.06.2005	10,099.00	1,020.00	585.00	0.00	6,000.00	6.00	0.00	19,442.00	12.000
01.07.2005	30.06.2006	19,442.00	1,155.00	0.00	15,000.00	8,000.00	6.00	1,738.00	15,282.00	10.500
01.07.2006	30.06.2007	15,282.00	1,200.00	0.00	0.00	9,000.00	6.00	1,685.00	27,895.00	11.000
01.07.2007	30.06.2008	27,895.00	1,970.00	0.00	0.00	0.00	6.00	2,413.00	33,481.00	12.500
01.07.2008	30.06.2009	33,481.00	2,640.00	0.00	0.00	0.00	6.00	3,616.00	41,350.00	15.000
01.07.2009	30.06.2010	41,350.00	460.00	0.00	0.00	0.00	6.00	5,229.00	47,661.00	14.000
01.07.2010	30.06.2011	47,661.00	0.00	0.00	0.00	0.00	6.00	5,851.00	54,429.00	14.200
01.07.2011	30.06.2012	54,429.00	0.00	0.00	0.00	0.00	6.00	6,768.00	61,886.00	13.700
01.07.2012	30.06.2013	61,886.00	0.00	0.00	0.00	0.00	6.00	7,457.00	69,312.00	12.000
01.07.2013	30.06.2014	69,312.00	0.00	0.00	0.00	0.00	6.00	7,426.00	78,669.00	13.500
		15,000.00				23,000.00				

END OF LIST : GPF Final Re-calculation Report

Fileted
M. Imran Ahmad
(Signature)

UNTESTED

جھنڈر جنا - EDO صاحب مردانہ جاگیر

دعوائت واسطے کھولے نخواستہ

جنا - عالی

موردانہ زمین کی ایک سالہ گرانٹ پر امری

سکول پھیل میں بطور جو کھیار کھسٹات یہ جوڑہ بروز ۱۰.۵.۱۹۸۲ کو کھرتی ہوئی ہے۔ سالہ ۲۰۰۹ میں ڈوسال کی کھٹی کھدیہ دعوائت دی جو کہ اس وقت کے A.O.D جناب مختیار الکر صاحب نے منظور کرنی اور اس کی کھٹی مل گئی۔ سالہ جب والیں آئے تو معلوم ہوا کہ اس کا نخواستہ بند ہے۔ اور اب تک سالہ یہیں سکول میں بطور جو کھیار کھام کر رہا ہے۔ لیکن کھسٹ نخواستہ اور اس کو نخواستہ نہیں مل رہی ہے۔

سالہ کا تقریباً ۲۰ سال سرو میں ہے اور اس کے کھولے کھولے کیے ہیں اور ان کا ہالنے والا سالہ کے علاوہ کوئی نہیں ہے۔

اسلے آپ صاحبان سے التماس کی جاتی ہے کہ سالہ کی نخواستہ کھولنے کے احکامات صادر فرماویں۔

عین لوار کا ہوگی۔

سورج ۱۱/۵/۲۰۱۴

الحاضرین
برامولہ
افاح اللہ ولز حضرت محمد
سالہ پھیل پھیل جاگیر

Attested
M. Imran

ATTESTED

Attested
M. Imran
Advocate
(M) Imran

جنور جناب S.D.O صاحب نئی ادبجویشن

درخواست عہدہ مناصب کارروائی

جناب عالی!

سائل حسب ذیل عرض بیان ہے۔

یہ کہ سائل گورنمنٹ پرائمری سکول تحصیل میں بطور کلاس فور
لکھنات ہے۔

یہ کہ سائل 2009 میں دو سال کی چھٹی پڑھائی میں عرب چلا گیا
اور اس کی چھٹی جناب محیار احمد صاحب نے منظور کر لی تھی۔

یہ کہ جب سائل چھٹی مکمل ہونے کے بعد والدین آہا اور اپنی ڈیوٹی
دوبارہ شروع کی تو معلوم ہوا کہ اس کا نتخواہ بند ہے۔

یہ کہ اب اس سائل میں یہ جو کہ مذکورہ سکول میں
جو کیو ایف فراغت سرانجام دیا ہے۔ لیکن اس کو نتخواہ
پہنچا ہوا ہے۔

اسلئے آپ صاحبان سے گزارش کیجاتی ہے کہ

آپ سائل کی نتخواہ کو لے کر احکامات صادر فرما کر
مشکوٰۃ فرمادیں

Attested
M. Imran
Admin care
(15) may

علین نواز صاحب

مورخہ 10/1/2013

hanullah

العاصم

الحامد لله و لہ العزت محمد ساکن تحصیل

تحقیق نئی ضلع جاسرہ

Attested
M. Imran

Admin care

ATTESTED

① - 14

Sub Divisional Education Officer

(Male)Tangi.

No. 727 Dated 12/7 2014.

To

Mr Inam Ullah Ex: Chowkidar
GPS Chail.

Residence Add: Inam Ullah S/O Hazrat Muhammad Viillage Chail Payan
SHodag Tehsil Tangi.

Subject:-

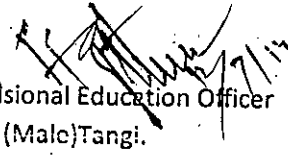
Notice.

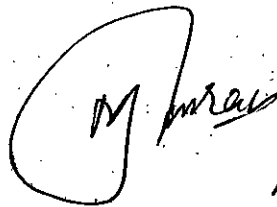
Memo;

Reference this office No 659 dated 06/06/2014 You are failed to atten
the office of the undersigned

You are once again and finally inform to attend the office within 07
days of the receipt of this letter by personal to explain your position that is your long absence
from duty with out any prior permission of the office concerned in order to justify your long
period of absentisum.

Attested
M. Imran Advocate
M. Imran


Sub Divisional Education Officer
(Male)Tangi.


M. Imran Advocate

Attested

ATTESTED

To

The District Education Officer,

District Charassada, Khyber Pakhtunkhwa

Application under Right to Information Act

2013 for the provision of

information/documents of one Mr. Inamullah

S/O Hazrat Muhammad (Chowkidar) in

Government Primary School Chail, Tangi

Charsada

Respected Sir,

With due veneration, it is stated that the applicant needs the below mentioned information under Right to Information Act 2013:

The father of the applicant is "Inamullah S/O Hazrat Muhammad" who has been serving as a "Chowkidar" in "Government Primary School Chail, Tangi, Tehsil and District Charsada", the applicant needs the following detail as per the Right to Information Act 2013 please;

1. Appointment Order of the applicant's father as Chowkidar (Inamullah S/O Hazrat Muhammad)
2. Termination order of Inamullah S/O Hazrat Muhammad (Chowkidar)
3. All relevant documents on which the termination of the applicant has been made
4. Personal file of Inamullah S/O Hazrat Muhammad
5. Charge sheet/inquiry if any against Inamullah S/O Hazrat Muhammad

Muhammad

D: NO 3031 / 18-3-16

ATTESTED

(Signature)

M. Inamullah

*Attested
M. Inamullah
Charsada*

(E) - 15

NOTIFIED

(Signature)

Cell # 0345 7005491

Dated: 16/ 03/2016

Tehsil Tangi District Charsada

Village Chail, P.O Shodag

17102-2177064-7

(Naveed Anjum S/O Inamullah)

(Signature)

Khyber Pakhtunkhwa

3. Director Education (Elementary & Secondary Education Peshawar)

Secondary Education, Peshawar

2. Secretary to Government of Khyber Pakhtunkhwa Elementary and

1. Chief Information Commissioner, Khyber Pakhtunkhwa Peshawar

Copy forwarded for information to:

Cell # 0345 7005491

Dated: 16/ 03/2016

Tehsil Tangi District Charsada

Village Chail, P.O Shodag

17102-2177064-7

(Chowkidar)

(Naveed anjum s/o Inamullah)

(Signature)

mandate of Right to Information Act, 2013

kindly be provided to the applicant as soon as possible please as per the

It is therefore, most humbly requested that the above information may

8. Letter No. 659 Dated 6/6/2014 regarding the father of the applicant

applicant's father

7. Appointment order of the person if appointed on the post of the

against the father of the applicant

6. Documents relating to any other disciplinary action being taken

16

(E1) - 17


دفتر ڈسٹرکٹ ایجوکیشن آفیسر مردانہ ضلع چارسدہ

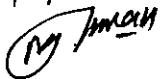
منجانب: ڈسٹرکٹ ایجوکیشن آفیسر مردانہ ضلع چارسدہ
منجانب: نوید انجم ولد انعام اللہ گاؤں چھیل ڈاکخانہ شوڈاگ، تحصیل تنگی


مضمون: سرویس ریکارڈ

مراسلہ: 17322 مورخہ 8/4/2016

بحوالہ آپ کی درخواست بتاریخ 16 مارچ 2016 بعنوان بالا آپ کو مطلع کیا جاتا ہے کہ آپ کے والد کی تقریر نامہ بحیثیت چوکیدار اور دوسرا مطلوبہ ریکارڈ سابقہ ایگزیکٹو ڈسٹرکٹ آفیسر چارسدہ کے دفتر سے تعلق رکھتا ہے اور چونکہ وہ دفتر 01/01/2013 سے معدوم ہو چکا ہے اس لئے اُس وقت کی تمام ریکارڈ کی عدم دستیابی کی وجہ سے دفتر ہذا آپ کو مطلوبہ دستاویزات مہیا کرنے سے قاصر ہے، البتہ گورنمنٹ پرائمری سکول چھیل میں بھرتی شدہ چوکیدار کی آرڈر کاپی آپ ایس ڈی ای او (مردانہ) تنگی کے دفتر سے حاصل کر سکتے ہیں۔


ڈپٹی ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ)
ضلع چارسدہ

Attested
M. Imran Advocate



ATTESTED
M. Imran Advocate

درخواست بھرا دیکھائی سہو

جنا - عالی

موربانہ نیشنل ایگرائیجیٹی کے مسائل کے حل کے لائحہ عمل میں

جسٹ جولاہا ڈورنگ کی سرکاری سکول پھیل میں پورے 1.8.1989

کو بھرتی ہوا اور اپنی فرانس کو کجی سربراہ نام پاتا یا۔ سال کے سال

2009 میں 2 سال کی چھٹی لیٹے رہا است دی ہو کہ اس وقت D.O. صاحب

جنا - صاحبی جتنا، اسی کے منظور کی اور سال کو زبانی طور پر آگاہ کیا

کہین جب سال کے چھٹی لیٹے کے بعد والیس و آبا کو محدود ہوا کہ اس کا تنخواہ

بلاک نہ بنایا گیا ہے اور سال کے صرف انٹرویو شروع ہوئی اور مورے 2014 7

کو بلا یا گیا سال کے انٹرویو (interview) کی۔ انٹرویو کے بعد سال کو بتایا گیا

کہ اس کا تمام سہولت لیکارڈ رقم ہوا ہے۔ اسے لبرر حکم کے ٹال مٹول

سے کام لینا شروع کیا اور آہستہ کار مورے 2014-2-5، نو 550 صاحب

تعمیر کے زبانی طور پر بتایا کہ اس کو نوٹری سے نکالا گیا ہے

Attested
Muhammad
Advocate

(M)

محمد علی صاحب

عین نوٹری ہوگی

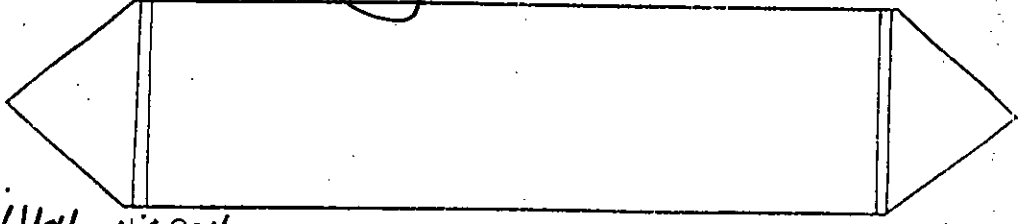
WITNESSED
الحاجین

مورے 2016 23

النساء اللہ ولد حضرت علی
سالن پھیل، سہو ڈاٹ، جھنگی نئی ضلع طارقہ

(گوٹھنک سہو ڈاٹری سکول پھیل)

بعدالت کروس ٹریڈیشنل لیسٹاور



2016ء پنجاب ایبارالفٹ

بنام الغام اللہ

گورنمنٹ آف اے. پی. اے. سی

موضوعہ
مقدمہ
دعویٰ
جیم

باغث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام لیسٹاور کیلئے محمد عمران مہمند عمر فاروق مہمند
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار دیا گیا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے ازہم اور وصولی چیک۔ دروپہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت 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۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پر داختم منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکورہ کریں۔ لہذا وکالت نامہ لکھنیا کہ سندر ہے۔

المرقوم 22-6-2016 ماہ جون 2016

بمقام لیسٹاور کے لئے منظور ہے۔

الغام اللہ وکل حضرت محمد
سائن لیسٹاور کے سوادا حضرت محمد علی علیہ السلام

hamullah

Attested/accepted
M. Imran Mohmand
Advocate
M Imran

Attested/accepted
Umar Farooq Mohmand
Advocate
Umar

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. 687/2016

Inam Ullah Jan

Vs

Govt of KPK & others

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3	Copy of enquiry report	A	5-6
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5	Copy of show cause notice and charge sheet	C	11 - 21

DISTRICT EDUCATION OFFICER
(MALE) CHARSADDA

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. 687/2016

Inam Ullah Jan

Vs

Govt of KPK & others

Written comments on behalf of Respondents

Preliminary Objections:

Respectfully Sheweth:

- A. That the Appellant has no locus standi and cause of action.
- B. That the present Appeal is wrong, baseless and not maintainable, it shows no cause to be taken for adjudication, therefore, the Appeal is liable to be rejected/ dismissed.
- C. That the Appeal is unjustifiable, baseless, false, frivolous and vexatious, hence the same is liable to be dismissed with the order of special compensatory costs in favour of Respondents.
- D. That no legal right of the appellant has been violated, therefore, the appellant has no right to file the instant appeal.
- E. That the Appellant is completely estopped/precluded by his own conduct to file this Appeal.
- G. That the Appellant has not come to this Hon' able Tribunal with clean hands. The Appeal also suffers from mis-statements and concealment of facts and as such the Appellant is not entitled to equitable relief.
- H. That the Appellant has no right to file the instant Appeal and the Hon' able Services Tribunal has got no jurisdiction to adjudicate upon and the Appeal is liable to be dismissed.
- I. That the instant appeal is barred by law and limitation.

PARA WISE REPLY ON FACTS:

1. That there are numerous judgment in which it was held by the superior Courts that in consideration of land no one be appointed, otherwise will amount to sale of public service which is against the law.
2. That the Para needs no comments.
3. That the Para is wrong and frivolous no leave has been granted to the appellant.

4. That the Para reveals that the appellant was absent and during that absence period his son performed the duties which amount to impersonation.
5. No need to be astonished because when there is no duty there is no pay.
6. That due to the willful absence of the appellant the appellant has been proceeded with departmental enquiry.

(Copy of enquiry report is annexed as Annexure A).

7. Incorrect, a proper show cause has been issued to the appellant and an enquiry to this effect has been conducted.
8. The Para as stated is contrary to the Para No.7 of the appeal in which the appellant stated that no show cause notice has been served. In one Para the appellant denies the stance while in the very next admits which is enough for the dismissal of the appeal in hand.

(Copy of show cause notice is annexed as Annexure B).

9. The appellant must have its own record in his own custody, therefore, the Para is irrelevant.

10. As is replied in the above Para.

11. In reply to the Para it is stated that the relevant record of the appellant should have been in the custody of the appellant. To probe into the matter Respondent No. 3 i.e. DEO (M) directed for a fresh enquiry who was unsatisfied with the previous one issued a show cause notice along with the charge sheet.

(Copy of charge sheet and show cause are attached as Annexure C).

12. That the Answering Respondent No.3 was not satisfied with the already conducted enquiry, therefore, directed for a fresh enquiry to probe into the matter. Further some of the ceiling fans which were stolen from the premises of the school where the appellant was performing his duties, therefore, FIR has been ^{logged} against the appellant.

13. That the appellant has no right to file the instant appeal and is liable to be dismissed on the following grounds against other.

GROUND:

- A. Incorrect that the answering respondents have acted in accordance with the law, rules and policy.
- B. Incorrect, the appellant is the willful absentee employee and have no right for any relief.
- C. Incorrect, in the Para No.8 of the appeal the appellant admits that he has been served with the show cause notice and an enquiry.

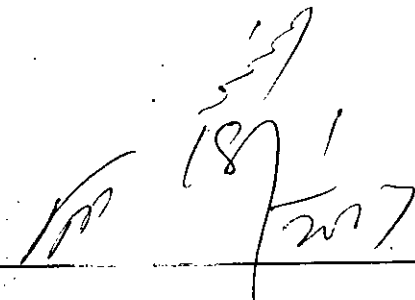
- D. That Para is as stated an admission on the part of appellant, therefore, is enough for dismissal of the appeal.
- E. Denied the appellant himself is too responsible for the missing of record.
- F. That the Honorable Tribunal may please allow the answering respondents to add other documents arguments at the time of hearing.

PRAYER

IT IS, THEREFORE, MOST HUMBLY PRAYED THAT KEEPING IN VEIW THA ABOVE SUBMISSIONS THE APPEAL OF THE APPELANT IS OF NO LEGAL FORCE BE DISMISSED IN FAVOR OF ANSWERING RESPONDENTS WITH HEAVY COST.


Respondents

- 1. The Director E&SE KPK.



 18/1/2017

- 3. The District Education Officer (Male) Charsadda.



4

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. 687/2016

Inam Ullah Jan

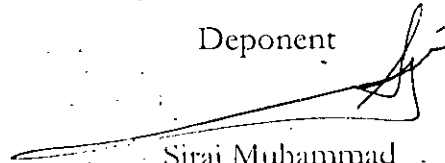
Vs

Govt of KPK & others

AFFIDAVIT

I Mr. Siraj Muhammad DEO (M) Charsadda do hereby solemnly affirms that the contents of the Para-wise comments submitted by respondents are true and correct and nothing has been concealed intentionally from this Hon' able court.

Deponent



Siraj Muhammad
DEO (MALE)
Charsadda CNIC: 17301-2831355-9

A
Ames
S



GOVERNMENT OF KHYBER PAKHTUNKHWA

OFFICE OF THE DEO(M) CHARSADDA.

No. 12794 Dated Charsadda the 24th December 2016

DISCIPLINARY ACTION :

I, Siraj Muhammad(M) Charsadda, as competent authority, am of the opinion that Mr.Inamullah S/O Hazrat Muhammad, Ex Chowkidar of GPS Chail, Tangi, has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- i. He has been found guilty of habitually absenting himself from duty without prior approval of leave since October 01, 2009.
- ii. His son namely Naveed Anjum Performed the duties of chowkidar in his father's absence, as the school was adjacent to the hujra of the accused.

For the purpose of inquiry against the said accused with reference to the above allegations, an Inquiry officer, consisting of the following, is constituted under rule 10(1)(a) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 :

- i. Mr.Ahmad Jan,
Principal, Shaheed Umar Hayat Government Higher Secondary School ,
Charsadda.

The inquiry officer shall, in accordance with the provisions of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriated action against the accused.

The accused alongwith the well conversant representative of the Department ,Mr.Fazal Wahid,SDEO(M) Charsadda, shall join the proceedings on the date, time and place fixed by the inquiry officer.

(Mr. Siraj Muhammad)
District Education Officer(M)
Charsadda/ Competent Authority

Even No. & date.

Copy for information to :

- Mr.Ahmad Jan , Principal, Shaheed Umar Hayat Government Higher Secondary School, Charsadda.
- Mr.Fazal Wahid,SDEO(M) Charsadda.
- Mr. Hayat Khan,SDEO(M) Tangi.
- Head Teacher GPS Chail,Tangi.
- Mr.Inamullah, (Ex Chowkidar of GPS Chail), Chail Payan P/O Shodag Tehsil Tangi ,
District Charsadda.

b

6/

CHARGE SHEET

I, **Siraj Muhammad DEO (Male) Charsadda**, as competent authority, here by charge you, Mr. Inam Ullah (ex.chowkidar of GPS Chail Tangi) as follows:

That you, while posted as chowkidar at GPS Chail Tangi committed the following irregularities:

- (a) That you have been found guilty of habitually absenting yourself from duty without prior approval of leave since October 01, 2009.
- (b) That your son namely Naveed Anjum performed the duties of chowkidar in your absence, as the school was adjacent to your hujra.

2. By reason of the above, you appear to be guilty of absence and misconduct under rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.

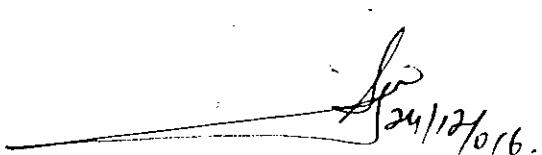
3. You are, therefore, required to submit your written defence within seven days of the receipt of this charge sheet to the inquiry officer.

4. Your written defence, if any, should reach to the inquiry officer within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.


5. Intimate whether you desire to be heard in person.

6. A statement of allegations is enclosed.

Dated: 24/12/2016


COMPETENT AUTHORITY

Siraj Muhammad

DEO (Male) Charsadda.


OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) CHARSADDA

No. 2157 / Date 9/9 2014

To

The Sub: Divisional Education Officer
(M) Tangi

SUBJECT: INQUIRY REPORT

Memo:

Consequent upon the recommendation of the inquiry officer, in his enquiry report the attached show case notice may be served upon Mr. Inamullah Ex: Chowkidar GPS Chail and submit his reply at earliest to proceed further.

DISTRICT EDUCATION OFFICER
(MALE) CHARSADDA

✓
B
Am
(7)

Recommendations

- 1 The above quoted facts denote violation on the part of the then competent authority for not serving notice to the class 1v
- 2 ,the existing authority may take proper actions against the responsible officer/officials.
- 3 The responsible person/persons of the period may bound to justify their silence and appointment of another class 1v without taking actions against the one who violated.
- 4 The existing competent authority can do nothing except to serve the class1v with a notice to justify his prolong absence and the stamp paper written in his absence but with the support of his NIC found attached and obtained from the office of SDEO Tangi.
- 5 The ADOs may be directed to be vigilant enough to trace out and promptly reports well in time.

Masal Khan



Principal G H S S Mandani

Enquiry Officer

Enquiry report against Mr Inamullah Chowkidar GPS Chail Tangi

In compliance with District Education Officer Male Charsadda vide his Notification No1882 dated 25/3/2014 the undersigned processed the enquiry. He attended the relevant stations and asked questions

Summary Mr Inamullah Chokidar GPS Chail proceeded Saudi Arabia without any leave and Mr Mushtaq was appointed.

Proceeding ; The undersigned attended Mr Naveed s/o Inamullah and served him with questionnaire annexed as A-1 and his statement was recorded as Q-1

The undersigned then proceeded to the office of SDEO Tangi and got information through questionnaire

Findings;

- 1 The Chowkidar Mr Inamullah proceeded abroad on 1/9/2009
 - 2 The Chowkidar came home from Saudi Arabia on 31/8/2011 on leave
 - 3 He again proceeded abroad after 2 months and came home back on 22/9/2013
 - 4 A written statement on stamp paper No1389 dated 14/6/2011 duly supported by NIC copy of Inamullah and Safdar which showing request for resignation and appointing Mr Safdar as class 2A in his place on the basis of land donation
 - 5 Statement occurring at Sr No2 and writing of stamp paper as quoted at Sr No4 that the Chowkidar Mr Inamullah was in Saudi Arabia and the Stamp paper was got written by Mr Safdar in absence of Inamullah
 - 6 It was found that Mr Inamullah spent a lot of time abroad but no notice was found served by the competent authority.
 - 7 It is another serious mistake that no action could be processed against him
 - 8 It was found that the vacancy was not yet created and Mr Mushtaq was appointed against the vacant post of GPS Chail which is a clear violation of the rules.
 - 9 Service book of Mr Inamullah could not be traced to have checked up previous record.
- The undersigned was not informed whether the SDEO Tangi has reported the willfull absence or otherwise.
- 10 The School Head Master also did not play vital roll in this regard

Ans
(11)

TITLE

INQUIRY AGAINST MR. INAM ULLAH CHOWKIDAR GPS CHAIL TANGI

The DEO (Male) Charsadda appointed Mr. Ahmad Jan Principal Govt: Shaheed Umar Hayat Higher Secondary School Charsadda as a inquiry officer vide letter No. 12794/A-12 Dated 24-12-2016 to conduct the inquiry against Mr. Inam Ullah Chowkidar GPS Chail Tangi. The competent authority charged Mr. Inam Ullah Chowkidar as :-

1. He has been found guilty of habitually absenting himself from duty without prior approval of leave since 1-10 2009.
2. His son Namely Naveed Anjum performed the duties of chowkidar in his father's absence as the school was adjacent to the Hujra of the accused. (An-A)

The statement of allegation served upon him as:

1. That you have been habitually absenting yourself from duty without prior approval of leave since 1-10 2009
2. That your son namely Naveed Anjum performed the duties of chowkidar in your absence, as the school was adjacent to your hujra. (An-B)

The inquiry officer issued his letter No. 239-42 dated 26-12-2016 to Mr. Inam Ullah Chowkidar along with a copy of the statement of allegations and charge sheet and asked him to appear before the inquiry office on 2-1-2017 at 10.00 AM along with his written reply in his defense. He was also informed that absence before the inquiry officer will be tantamount to the admission of the charge leveled against him. (An-C)

The proceeding of the inquiry held on 2-1-2017 in the office of the inquiry officer and the departmental representative Mr. Fazli Wahid SDEO (Male) Charsadda appeared before the inquiry officer as prosecutor witness. He recorded his statement in which he admitted on oath that Mr. Inam Ullah S/O Hazrat Muhammad was appointed as chowkidar vide order No. 521-22/A-12 dated 1-12-1990. He further admitted that Mr. Inam Ullah the accused was absent from duty from 1st October 2009 as reflected from the attendance register. The accused Mr. Inam Ullah Chowkidar failed to appear before the inquiry officer to defend his cause. (An-D&E)

The scrutiny of the record provided by the departmental representative Mr. Fazli Wahid SDEO (Male) Charsadda shows that the accused official Mr. Inam Ullah Chowkidar has been willfully absent from his duty w.e.f 1-10-2009 without any information to the department. The competent authority served a show cause notice upon the accused vide 8157 dated 9-9-2014 (An-F-1,2) through the SDEO (Male) Tangi. The reply of the accused official has been received to the office the DEO (Male) Charsadda on 12-9-2014 through the SDEO (Male) Tangi vide No 858 dated 12-9-2014 (An-G-1,2). In which he state that his Ex-Pakistan was sanctioned and he went out of the country when his leave came to closed he returned the country and came to know that

12

2/11

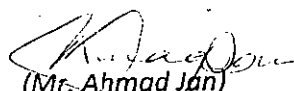
the some other person had been appointed during his period of leave. He had not received any letter from SDEO Tangi to cancel his leave and when he approached the office of SDEO (Male) Tangi for duty, but he received no response.

FINDINGS

1. The absence of the accused from duty w.e.f 1-9-2009 is proved.
2. He has been willfully absent from duty without sanction of the competent authority.
3. The leave that he claims has no documentary proof in the office record and he has been abroad the country.
4. He has made a fabulous story of his leave.
5. No record has been found of the performance of duty of Mr. Naveed Anjum S/O Inam Ullah, the accused.

RECOMMENDATIONS.

Keeping in view his absence record, ~~that~~ the accused Mr. Inam Ullah Chowkidar should be terminated from service after fulfillment of codal formalities.


(Mr. Ahmad Jan) 20/01/2017
Inquiry Officer

GOVT; SHAHEED UMAR HAYAT HIGHER
SECONDARY SCHOOL CHARSADEA

13

3/11

An - A



GOVERNMENT OF KHYBER PAKHTUNKHWA

OFFICE OF THE DEO(M) CHARSADDA.

No. 12794 Dated Charsadda the 24th December 2016

DISCIPLINARY ACTION :

I, Siraj Muhammad(M) Charsadda, as competent authority, am of the opinion that Mr. Inamullah S/O Hazrat Muhammad, Ex Chowkidar of GPS Chail, Tangi, has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- i. He has been found guilty of habitually absenting himself from duty without prior approval of leave since October 01, 2009.
- ii. His son namely Naveed Anjum Performed the duties of chowkidar in his father's absence, as the school was adjacent to the hujra of the accused.

For the purpose of inquiry against the said accused with reference to the above allegations, an Inquiry officer, consisting of the following, is constituted under rule 10(1)(a) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 :

- i. Mr. Ahmad Jan,
Principal, Shaheed Umar Hayat Government Higher Secondary School,
Charsadda.

The inquiry officer shall, in accordance with the provisions of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriated action against the accused.

The accused alongwith the well conversant representative of the Department, Mr. Fazal Wahid, SDEO(M) Charsadda, shall join the proceedings on the date, time and place fixed by the inquiry officer.

(Mr. Siraj Muhammad)
District Education Officer(M)
Charsadda/ Competent Authority

ven No. & date.

Copy for information to :

Mr. Ahmad Jan, Principal, Shaheed Umar Hayat Government Higher Secondary School, Charsadda.

Mr. Fazal Wahid, SDEO(M) Charsadda.

Mr. Hayat Khan, SDEO(M) Tangi.

Head Teacher GPS Chail, Tangi.

Mr. Inamullah, (Ex Chowkidar of GPS Chail), Chail Payan P/O Shodag Tehsil Tangi.

District Charsadda.

District Education Officer(M)
Charsadda.

A. B
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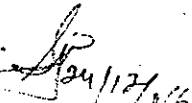
CHARGE SHEET

I, Siraj Muhammad DEO (Male) Charsadda, as competent authority, here by charge you, Mr. Inam Ullah (ex.chowkidar of GPS Chail Tangi) as follows:


That you, while posted as chowkidar at GPS Chail Tangi committed the following irregularities:

- (a) That you have been found guilty of habitually absenting yourself from duty without prior approval of leave since October 01, 2009.
 - (b) That your son namely Naveed Anjum performed the duties of chowkidar in your absence, as the school was adjacent to your hujra.
2. By reason of the above, you appear to be guilty of absence and misconduct under rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.
 3. You are, therefore, required to submit your written defence within seven days of the receipt of this charge sheet to the inquiry officer.
 4. Your written defence, if any, should reach to the inquiry officer within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.
 5. Intimate whether you desire to be heard in person.
 6. A statement of allegations is enclosed.

Dated: 24/12/2016


COMPETENT AUTHORITY

Siraj Muhammad

DEO (Male) Charsadda.


A/C

5/11

OFFICE OF THE PRINCIPAL
GOVT. SHAHEED UMAR HAYAT HIGHER
SECONDARY SCHOOL CHARSAZZA
No 239-42 Dated 26/12/2016

(15)

To

Mr. Inam Ullah Chowkidar
GPS Chail Tehsil Tangi District Charsadda

Subject:- APPEARANCE BEFORE THE INQUIRY OFFICER.
Memo

I am directed vide DEO (M) Charsadda letter No. 12794 dated 24-12-2016 to conduct formal inquiry against you. A copy of the charge sheet and statement of allegation is enclosed with the remarks to appear before the inquiry Officer (Principal Govt; Shaheed Umar Hayat Higher Secondary School Charsadda), on 2/1/2017 at 10.00 AM along with your written reply if you desire to defend yourself.

Your failure to appear before the inquiry Officer will be tantamount to the acknowledgment of the charge leveled against you.

A/C

(MR. AHMAD JAN)
INQUIRY OFFICER
PRINCIPAL GOVT. SHAHEED UMAR HAYAT HIGHER
SECONDARY SCHOOL CHARSAZZA

Endst: No. _____ / Dated _____ /2016

Copy forwarded to the:-

1. District Education Officer (Male) Charsadda.
2. S.D.E.O (Male) Tangi Charsadda.

A/C

(MR. AHMAD JAN)
INQUIRY OFFICER
PRINCIPAL GOVT. SHAHEED UMAR HAYAT HIGHER
SECONDARY SCHOOL CHARSAZZA

No. 73

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.



Received a registered letter addressed to GPS Chail Tangi

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

Insured for Rs. _____ (in figures) _____ (in words)

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

Name and address of sender _____

A11-D

6/11


Statement of Mr. Fazli Wahid, SDEO (M) Charsadda/Departmental Representative

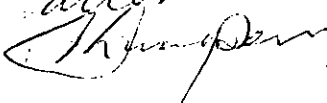
Fazli Wahid, SDEO (M) Charsadda PW states on oath

16

It is correct that Inamullah S/O Hazrat Muhammad was appointed vide order No521-22/A-12 dated 01/08/1990 as Chowkidar. He further states that Mr. Inamullah accused was missing from the register of attendance from 1st October, 2009 as reflected from the attendance register. The accused had taken charge of his duty on 01/08/1990.

Date:17/01/2017.


Mr. Fazli Wahid
SDEO (M) Charsadda

accused

17/1/2017

A7-F-1

OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) CHARSADDA

No. 8157 / Date 9/9 2014

18 8/11

(F) 7-2

The Sub: Divisional Education Officer
(M) Tangi

INQUIRY REPORT

Consequent upon the recommendation of the inquiry officer, in his enquiry report the attached show case notice may be served upon Mr. Inamullah Ex: Chowkidar GPS Chail and submit his reply at earliest to proceed further.

9/9/14
DISTRICT EDUCATION OFFICER
(MALE) CHARSADDA

F-1

SHOW CAUSE NOTICE

An-F₂

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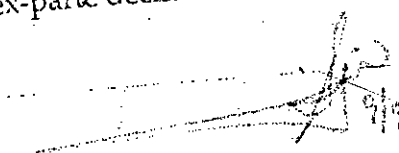
Muhammad District Education Officer (M) Charsadda as Competent Authority under the Khyber PakhtunKhwa Govt Servants E&D Rules 2011, do hereby inform Mr. Inam Ullah, Chowkidar GPS Chail (Tangi) District Charsadda as follows:-
That you while working as Chowkidar at GPS Chail, remained absent from duty

from 09/09/2009 to 31/08/2011 with out any sanction of leave of the competent authority.

I am satisfied that you are guilty of misconduct and inefficiency as specified in rules 3 of the said rules. Thus you have rendered yourself liable to be proceeded against under the said rules.

3) In exercise of the powers conferred by the Khyber PakhtunKhwa Government Servants (Efficiency and Discipline) Rules, 2011, I, as the competent authority, is hereby dispense with the conduct of a formal enquiry and serve you with the instant show receipt of this notice and I have tentatively decided, as to why one of the penalty of rule-4(b) of the said rules should not be imposed upon you and also intimate whether you desire to be heard in person.

4) In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defense to offer and an ex-parte decision will be taken against you.


SIRAJ MUHAMMAD
DEO (M) CHIARSADDA
COMPETENT AUTHORITY

Mr. Inam Ullah
Chowkidar GPS Chail (Tangi)

09/09/2011

(Gy) ~~8~~

(F) WIKLI

OFFICE OF THE SUB: DIVISIONAL EDUCATION OFFICER (MALE) TANGI

28

NO 858 /Dated 12.1.9/2014

10/11

The District Education Officer (Male) Charsadda.

SUBJECT:- REPLY OF REPORT

Memo.

Reference your letter No. 8157 dated 09.09.2014 on subject cited above, it is submitted that show cause notice has been served upon the absent chowkidar of GPS Chail Tangi Mandani and his reply is submitted hereby for further necessary action please.(Copy of the reply attached).

~~Signature~~
SUB: DIVISIONAL EDUCATION OFFICER (MALE) TANGI

12/9/2014

9-1

خدمت وزارت EDO صاحب سردار احمد ڈیڑھ گز

11
A11-6-2

مطلبہ مندرجہ ذیل سے غیر جانبداری کے بارے میں جاننا

(21)

جناب عالی
گزشتہ دنوں سے میرے والد کے حوالے سے آپ کو
کئی مسائل نے سرخی میں لایا ہے جو کہ منطوقی سے
سائل بالکل بے خبر ہیں۔ جب سے اس مسئلہ کا
لے سائل نے شکایت کی ہے اس کے بعد سے اس کا
سائل کو دفتر میں جواب ملنے کو کوئی خبر نہ
ملا ہے۔ اگر سائل اپنے حقیقی مندرجہ

سائل S.P.O میل سنگی > دفتر میں جان کر اپنے وراثت
کی تین تین ہزار روپے کی رقم کے بارے میں جاننا
کا وراثت تعینات کیا گیا تھا۔ آپ کے پاس
میں معلوم کر سکتے ہیں۔ منطوقی کے بارے میں
لاہور میں ہے۔ مندرجہ بالا اور سارا عمل تبدیل
کی بات ہے۔ اور سائل کو وراثت کا موقع مل گیا۔

لذا آپ کے پاس وزارت میں گزشتہ دنوں سے آپ کے
آپ کے بارے میں جاننا کی امید ہے۔

المہموم 11/09/2014

العارض

انعام اللہ والد لائبرٹ محمد کرم بخش پیرا ٹی سیکول جیل یا بیان مجمل سنگی

inmullah

(6-2)

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

APPEAL NO 687/2016

Inamullah Jan

VS

Education Department

PRELIMINARY OBJECTION

(A to I) All the objections raised by the respondents are incorrect and baseless. Rather the respondents are stopped to raise any objection due to their own conduct.

FACTS

1. No comments.
2. No Comments, endorsed by the department that para-2 of the appeal is correct.
3. Incorrect, while para-3 of the is correct.
4. Incorrect, the appellant has filed proper application for leave which was allowed by the then ADO namely Haji Mukhtiar Ahmad and despite on leave he his son perform his duty on his place.
5. Incorrect, the appellant was properly allowed by then ADO Haji Mukhtiar Ahmad on his application for leave and after avail of that leave he joined to his duty again therefore stoppage of salary despite proper application for leave which was already allowed is illegal.
6. Not replied according to para-6 of the appeal moreover para-6 of the appeal is correct.
7. Incorrect while para-7 of the appeal is correct.
8. Incorrect, hence denied.

9. Incorrect. The department has also service personal file of every civil servant in its custody. Therefore misplacing of the appellant service record is gross misconduct on the part of the respondents.
10. As replied in above para.
11. Not replied according to para-11 of the appeal moreover para-11 of the appeal is correct.
12. Not replied.
13. Incorrect the appellant has good cause of action to file the instant appeal which is liable to be accepted on the following ground amongst other.

GROUNDS:

- A. Incorrect while para-A of the appeal is correct.
- B. Not replied according to the Para-B of the appeal. moreover while Para-B of the appeal is correct. Furthermore the appellant was never remain absent and he proper file application for leave which was also allowed by then ADO.
- C. Incorrect while Para-C of the appeal is correct.
- D. Incorrect while Para-D of the appeal is correct.
- E. Incorrect while Para-E of the appeal is correct.
- F. Legal.

It is therefore most humbly prayed that the appeal may be accepted as prayed for.

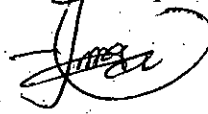
APPELLANT

THROUGH

Muhammad Imran Mohmand

&

Umer Farooq Mohmand



AFFIDAVIT

It is a solemnly affirmed that the contents of rejoinder is true and correct to best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

ATTESTED

Oath Commissioner
Zahoor Khan Advocate
Distt: Court Peshawar

16 MAR 2017

17102-7315460-3

DEPONENT

بعدالت

مہروس ٹریڈنگ کمپنی

2 منجانب (ایسٹریٹ)
 النعم العند بنام محکمہ تعلیم

مورخہ

مقدمہ ایپل

دعویٰ

جرم

باعث تحریر آنکہ

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

آن مقام لسٹا اور کیلئے مہروس ٹریڈنگ کمپنی

مقرر کر 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 ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک در پیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برآمدگی

اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت


مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے

تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے

اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے

سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں

گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

Accepted
&
Attested


20

ماہ

المرقوم

العبد گواہ العبد

کے لئے منظور ہے۔

Janmulla

مقام