FORM OF ORDER SHEET

Court of		
•		
Anneal No	•	2595/2023

	Co	urt of_	· · · · · · · · · · · · · · · · · · ·				-		
		Appe	al No.	•	2595	/2023		,	
S.Ņo.	Date of order proceedings		Order or other	proceeding	s with signati	ure of judge			
1	2				3	}	4		
. 1-	18/12/20	23		, (191		121		i de alección	. 1
	,,			The appe	al of Mr. I	kram Kha	in present	ed today	by
			Mr. Umar	Farooq	Mohmano	d Advoca	ite. It is	fixed	for
			preliminary	hearing	before S	ingle Ber	nch at P	eshawar	on
		; ;	· ·	Parcha .	Peshi is g	given to	the coun	sel for	the
			appellant.			,			
,	·						. •		
		1	•		By	the order	of Chairn	nan	
						RUGI	MM/// STRAR		
6	,						•		
							:		
		;		,					
• .						, , , , , , , , , , , , , , , , , , ,			:
				•	•		, ,		
		1	٠					•	
		f .	•				• .	÷	,

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

•		060	
APPEAL	NO	2545	/2023

IKRAM KHAN

VS

EDU: DEPTT:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of appeal		1-3
2.	Copy of appointment order dated 30/11/2020	A	4
3.	Copies of Charge Report, Service Book and salaries	В	5-9
4.	Copy of the letter dated 28/02/2023	С	10
5.	Copy of impugned order dated 16/08/2023	D	//
	Copy of letter dated 02/08/2023	D/1	12
6.	Copy of departmental appeal	E	8-14
7.	Wakalat Nama		15

APPELLANT

Through:

UMAR FAROOQ MOHMAND ADVOCATE HIGH COURT

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 2595 /2023

Mr. Ikram Khan, Ex-Chowkidar GPS Shamshi Disrict Mohmand

APPELLANT

VERSUS

1- The Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.

2- The Director Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.

3- District Education Officer, District Mohmand

..... RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL **DATED IMPUGNED ORDER** THE AGAINST 16/08/2023, WHEREBY THE APPOINTMENT ORDER OF THE APPELLANT WAS DISOWNED THE INACTION FO AND RESPONDENTS ___ THE DECIDING NOT RESPONDENTS BY **DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN** THE STIPULATED PERIOD OF 90 DAYS.

PRAYER:

That on acceptance of this appeal the impugned order dated 16/08/2023 may very kindly be set aside and the appellant may kindly be re-instated into service with all consequential back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHWETH: ON FACTS:

- 2. That after appointment, the petitioner submitted his charge report, whereafter service book of the petitioner was prepared and salaries of the appellant has been released.

Copies of	Charge	Report,	Service	Book	and	salaries	are
attached a	s annexu	ıre		*******			В

- 28/02/2023 the salaries of the appellant has been stopped without any reason and justification, despite the fact that the appellant performing his duties as his concerned school. Copy of the letter dated 28/02/2023 is attached as annexure.

- 7. That appellant feeling highly aggrieved from the impugned order dated 16/08/2023 passed by the respondents and having no other remedy but to file the instant appeal on the following grounds amongst the others:-

GROUNDS:

- A- That impugned order dated 16/08/2023 passed by the respondents is void in nature against the law, facts and norms of natural justice, hence not tenable and is liable to be set aside.
- B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the codal formalities required for the major penalty has not been fulfilled by the respondents while issuing the impugned order dated 16/08/2023.

- D- That no Show Cause Notice has been issued to the appellant by the respondent, before issuing the impugned order dated 16/08/2023.
- E- That no charge sheet and statement of allegation has not been issued to the appellant before issuing the impugned order dated 16/08/2023.
- F- That no chance of personal hearing/defense has been provided to the appellant before issuing the impugned order.
- G- That, the respondent Department acted in arbitrary and malafide manner while issuing the impugned order dated 16/08/2023.
- H- That, no regular or fact-finding inquiry has been conducted in the matter which is pre-requisite as per the judgments of the Apex Supreme Court of Pakistan in punitive matters.
- I- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: <u>1</u>/12/2023

APPELLANT

IKRAM KHAI

16---

THROUGH:

UMER FAROOQ MOHMAND

MAHMOOD JAN M

WALEED ADNAN WWW.

KHANZAD GUL GANGE ADVOCATES HIGH COURT

AFFIDAVIT

I, Ikram Khan, Ex-Chowkidar GPS Shamshi Disrict Mohmand, TED do hereby solemnly affirm and declare that the contents of the accompanying **Appeal** true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Herent DEPONENT OF IMPORT OF THE HIS IS IN THE THE VALUE OF THE WAR Ph. No. 2422-200180

FAN 424290180

Pmulbs og groonmodusgment com

Table to competent authors has been all a period before the competent authors has been all and appropriate appropr 18-0" 2020 the competent authority has been pleased to appoint the following candidates as Class IVs ogains thank point on regular basis in BPS-03 of the basis and make the total and t and posts on regular basis in BPS-03 of the basic pay walk posts on the terms and conditions give a table made under the rules in the character of the characte with their the court of the Remarks

Place of posting. Appointed and OPS Sharest AVP Sagar I spece Huchame frank phiers Chimbalis

LANDITIONS

NOTABARIO Is allowed

C* empores should be admitted to all a me and in supplied to They will be governed by such rules and regulations as prescribed by the Gover from time to time for the enteger parentment servants to which they belong government servants to which they belong.

to ease of resignation, one-month prior notice should be given by the official concerned otherwise one month pay be forfeited in line means. be lawfested in their uncrease

Apparament is subject to the condition that care flester degree. Donnicite etc. must be verified from the expected therefor by Processes Head Masters Courses of the documents found boyse take forged he will be termined by the course of the same of the s

The should take charge of their post within 30 day after the bournes of this order

They and repulsive health filmers, not the contill are more the consumer or all surplications.

the first shall be released effer preparamentation a documents & testimonials from the concerned agenc P. lical Mesors Concernes

As immens order that L wifeed by six concern. I Do vog and Distursing officers personally from the office development before humbres were charge to the afficial

> (Noor Hossan Khon) District Education Officer Mohmand Tribal District

4 Appointments File DSC - 14-10-2020 Dated 1 2020

Director of Education Flomentary & Secondary Khyber Pekhala and Pedawar Director of Education NMD Secretarian Pestural District Account Officer Mohimand Tribal District. ADEOs concerned

Enthics Concerned

MS Seems Local Office

The same

Section of the sectio

OFFICE OF THE DISTRICT EDUCATION OFFICER MOHMAND TRIBAL DISTRICT.

<u>APPOINTMENT ORDER</u>

Consequent upon the approval of the District Selection Committee in its meeting held on 18/07/2020 the competent authority has been pleased to appoint the following candidates as Class-IV against vacant posts on regular basis in BPS-03 of the Basic Pay Scale @ Rs. (9610-390-21310) plus usual allowance as admissible, under the rules in the school mentioned against each their names on the terms and conditions given below with effect from their date of taking over charge

S.	Name	Father's/Husband	Appointed as	Place	of	Remark
No	1 turii	Name		posting		AVP
1.	Ikram Khan	Amir Badshah	Chowkidar	GPS Shamst		AVP

Terms & Conditions

1. No TA/DA/transfer grant is allowed to anyone.

2. Charge report should be submitted to all concerned in duplicate.

3. They will be governed by such rules and regulations as prescribed by the Govt: from time to time for the category government servant to which they belong.

4. In case of resignation, one month prior notice should be given by the official concerned otherwise one month pay would be forfeited in lieu thereof.

5. Appointment is subject to the condition that certificates/degrees/domicile etc must be verified form the concerned authorities by Principles/Head Masters concerned if any documents found bogus/fake/forged, he will be terminated and his case will be reported to the law enforcing department/agencies for further action.

6. They should take charge of their post within 30 days after the issuance of this order.

7. They will produced Health Fitness and age certificate from the concerned civil surgeon

8. Their pay shall be released after prior verification of documents and testimonials from the concerned agencies principles/Head Masters concerned.

Appointment order shall be verified by the concerned drawing an disbursing officer personally from the office of undersigned before handing over charge to the official.

> Noor Hassan Khan District Education Officer Mohmand Tribal District

GS&PD.NWFP-118-FS.24000-p 16.7.95-(9)

GOVERNMENT OF KHYBER PUKHTOONKHWA PESHAWAR. CERTIFICATE OF TRANSFER OF CHARGE.

1. Kram Khan	_ (BS- <u>oろ</u>) took			
(F/N/AN) vide District Education			ay on <u>I-12-</u> Mohmand	order
No. 5980-87 dated 30/1/12				
3	Signature of r Government S	Servant	Iso	·

Station:-

112/2020 (F/N/AN) Dated:

Signature of Government

Servant receiving charge.....

Designation.....

1	Note: The entries in this page should be renewed or regard 10 should be dated.	e-attested at least every five years and the signature of line
1	. Name: <u>LKDAM KHAN</u>	
2	Race: Afghan (MoHN)	AND)
3	. Residence: Willege: Ghallo	mi pist: Mohmand plo Cohallani
4	. Father's name and residence:	R BADSHAH
5.	Date of birth by Christian era as nearly as can be ascertained:	20-03-1986
6.		5-6
7.	Personal marks for identification:	onil Muce on Jose hood
8.	Left hand thumb and finger impression of (Non-Gazetted) officer:	
	Little Finger	Ring Finger
	Middle Finger	Fore Finger
	Thumb	
9.	Signature of Government Servant:	
10.	Signature and designation of the Head of the Office, or other Attesting Officer.	
		nistrict Education of Ficer Tribal District Mohmand

Territoria							
			<u>,</u> –	7)	·	
1	2	3	4	1/2	6	7	i
Name of Post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "p"	Date pf appointment	Signature of Government Servant.
aps shamshi		, .		3 -03 (7610-30	0-2131	0_)
Chowkedis aps shanding Dist Michigans				Ds:	610/	m (30 d	11-(AN)
				·			
		•					
		pr.					
						\	

	r : :									
	٠,				5	0		•	• •	
.	· <u>-</u>	g	T	· ·		12	<u> </u>			
المستور المستود	7	/	10	11 Reason of	12			Leave	14	15
عملته إينا محكة بالتركيد الإستركية بمسترسات فيرجب ومحمد	-	Signature and Designation of the head of the office or other at testing officer in attestation of columns 1 to 8	Date of termination or appointment.	termination such as promotions, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Nature and duration of leave taken	leave of four mosale and Period	cation of period of on average pay upto onths for which leave try is debitable to ther Government Government to which debitable	Signature of the head of the office or other attesting officer	Reference to a recorded punisment or censu or praise of th Government Servant.
ورسيون والمتراء فالمتراء والمتراجعة								Appointed Chowkordin APS She Mohmand	agains,	αt_{α}
mater (march) approximate the second of the						·		Mohmand	umshi. Dis n B PS	Trici
- Committee of the Comm			Ť					Vide DEO Order No doctat 39	: 5980- -11-20	no 37 20
ورواق وجورون سندكال مادرا فيأون ويراد ساداته وفرادين أردوا							:			
			1					MATTER STATE		
										· • •
,									**	
The second secon										





Personal Information of Mr IKRAM KHAN d/w/s of AMIR BADSHAH

Personnel Number: 00963038

CNIC: 2140215503541

NIN:

Date of Birth: 20.03.1986

Entry into Govt. Service: 13.11.2020

Length of Service: 02 Years 03 Months 017 Days

Employment Category: Active Temporary

Designation: CHOWKIDAR

80926290-DISTRICT GOVERNMENT KHYBE

Payroll Section: 001

DDO Code: MG6013-Govt Primary Schools Mohmand

GPF Section: 001

Cash Center:

GPF A/C No:

Vendor Number: -

GPF Interest Free

GPF Balance:

21,214.00 (provisional)

Pay and Allowances: Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 03 Pay Stage: 2

Wage type		Amount		Wage type	Amount
0001	Basic Pay	15,420.00	1001	House Rent Allowance 45%	2,120.00
1210	Convey Allowance 2005	1,785.00	1300	Medical Allowance	1,500.00
1528	Unattractive Area Allow	1,500.00	2311	Dress Allowance - 2021	1,000.00
2312	Washing Allowance 2021	1,000.00	2313	Integrated Allowance 2021	600.00
2341	Dispr. Red All 15% 2022KP	1,500.00	2347	Adhoc Rel Al 15% 22(PS17)	1,500.00

Deductions - General

	Wage type	Amount		Wage type	Amount
3003	GPF Subscription	-770.00	3501	Benevolent Fund	-600.00
3990	Emp.Edu. Fund KPK	-60.00	4004	R. Benefits & Death Comp:	-300.00

Deductions - Loans and Advances

			•	
Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable:

0.00

Recovered till FEB-2023;

0.00

Exempted: 0.00

Recoverable:

0.00

Gross Pay (Rs.):

Deductions: (Rs.):

-1,730.00

Net Pay: (Rs.):

26,195.00

Payee Name: IKRAM KHAN

Account Number: 0153000003383001

Bank Details: THE BANK OF KHYBER, 080153 IBB GHALANI BRANCH IBB GHALANI BRANCH, MOHMAND

Leaves:

Opening Balance:

Availed:

Earned:

Balance:

Permanent Address;

City: MOHMAND

Domicile: -

Housing Status: No Official

Temp. Address:

City:

Email: ikram.khan2020ig@gmail.com



OFFICE OF THE SUB-DIVISIONAL EDUCATION OFFICER (M) LOWER MOHMAND SUBHAN KHWAR MOHMAND TRIBAL DISTRICT

Email: - sdeomlowermohmand@gmail.com



Tο,

The District Accounts Officer, Mohmand Tribal District

Subject: '

STOPPAGE OF PAY.

Memo:

Reference to the subject noted above and to state that the following C/Iv servants ar from duties and drawing their salary in wrong cost Center MG6013 (Primary) SDEO Male Lower Mohi Therefore, you are hereby requested to stop the pay of the following C/Iv Serva

-01,03.2023, till further order.

	•			THE REST OF THE PROPERTY OF THE	- 10 Co. O. O. C	CARLES AND THE STATE OF A STATE O		传声解释。"子子"	
S.1	٠ ov	P.NO	NAME	F/NAME	DESIGN:	CNII NO	Branch Code	Account No.	Bank Name
	i}	985866	MUHAMMAD	HASSAN JAN	сноwк:	1710116781355	1435	4109807761	NBP SHABQADAR
t. 1	.23	985862	FAZLI HADI	MALANG IAN	CHOWK:	2140252508785	1123	10089112910 014	ABL GHALLANAI
	3)	985835	IHSAN ULLÄH	PATI KHAN	сноwк:	3740599661603	80153	3003812951	KHYBER BANK GHALLANAI
	4)	963038	IKRAM KHAN	AMIR BADSHAH	сножк:	2140215503541	80153	15300000338 3001	KHYBER BANK GHALLANAI
	 5j	960248	MUHAMMAD ,	BASHIR KHAN	сномк:	2140646410337	251123	10074630730 010	ABL 1 GHALLANAI
آ اا	 6)	960246	SARDAR ALI	ISMAIL KHAN	сножк:	2140281060825	251123	10076372400 J14	ABL GHALLANAI
]	 7)	960247	NASEER ALI	AZAM KHAN	CHOWK:	2140697016205	241849	12366158310 01274	MCB . Ghallanai
; }	8)	962330	Mansoor Khan	Taj Munir	PST	2140298993347	251123	00100740753 90010	ABL Ghallanai

Sub-Divisional Education Officer, Male Lower Mohmand Tribal District

514-21 /dated: 28 /02/2023. Endst:No._

Copy forwarded for information to the:
1) District Education officer (W) Mohinand Tribal District.

2) Manager of NBP Shabqadar w/r to stop his pay for the month of 02/2023 till further order.

3) Manager of BOK & MCB Ghallanai w/r to stop their pay for the month of 02/2023 till further order.

4) Manger of ABL Ghallanki w/r to stop their pay for the month of 02/2023 till further order.

Sub-Divisional Education Officer, Male Lower Mohmand Tribal District





OFFICE OF THE DISTRICT EDUCATION OFFICER DISTRICT MOUMAND

Emall: - deomakmand@eamlann



OFFICE ORDER

Whereas report submitted by the SDEO (M) Lower Mohmand vide his office No.514 date 28/02/2023 stated that the following persons were getting the salaries from his office MG 6013 but no performing duties at any school under his jurisdiction.

And whereas inquiry committee comprising of Mr. Aslam khan Principal (BS-19) GHSS Ghallan and Mr. s/clerk of this office was constituted vide this office No.8065-69 dated 29/05/2023.

And whereas the inquiry committee submitted its report on 21/07/2023. 3.

And whereas the inquiry report was remanded to the inquiry committee with the direction to revisit i report as the report was not based on as per TORs vide this office No.8657 dated 22/07/2023.

And whereas the inquiry committee again submitted its report to this office on 9/8/2023 with the recommendation that the following mentioned five persons may be disowned due to the reasons that their names have not been reflected in the working papers, minutes, merit & appointment orders in the record of this office.

Now therefore, under the mandatory provisions & powers conferred under sections No 20 & 21 of the General Clauses Act 1897 amended in 1956, the DEO (M) Mohmand, as the Competent Authority is pleased to disown ab initio the appointment orders of the following persons and declare them as bogus liable to be proceeded as per PPC 419 & 420 by the law enforcing agencies in the interest of public service.

S.No	Personal To	Name & Designation	Hather's Name
1.	963038	Ikram Khan Chowkidar	Amir Badshah
2	960248	Muhammad ManzarChowkidar	Bashir Khan
33/	960246	Sardar Ali Chowkidar	Ismail Khan
4	960247	Nascer Ali Chowkidar	Azam Khan
5)	962330	Mansoor Khan PST	TajMunir

(LIAQAT ALI) District Education Officer (Male) Mohmand

Endst No_8824-31 / Estab (Pry)

Dated 16/8/2023

Copy forwarded to the:

1) PS to Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar. 2) Director of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.

3) Accountant General Khyber Pakhtunkhwa, Peshawar with the request to inquire the matter that who & why their salaries were started in DAO Mohmand office.

4) Deputy Commissioner Mohmand.

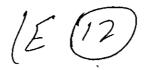
5) District Accounts Officer Mohmand.

6) DMO Education Monitoring Authority Mohmand.

7) SDEO concerned, being DDO for recovery of the total amount drawn illegally & deposit the same into the Govt. Exchequer as per rules & with the direction to send this order to the above disown persons.

8) Office Copy.

(Male) Mohmand





Office of the DISTRICT ACCOUNTS OFFICE MOHMAND AT GHALLANAL Ph # 0924-290234-176

No:Pay Roll/DAO/Mohmand/2023-24/ 248-49

Dated:02.08.2023.

To

The District Education Officer (Male)
District Mohmand at Ghallanai

SUBJECT: ENQUIRY AGAINST GHOST EMPOLYEES.

With reference to your office letter No: 7/Enquiry dated:13.06.2023 on the subject noted above (copy attached)

In this regard, the details of payment of pay and allowances made to the officials are as under

	· · · · · · · · · · · · · · · · · · ·						
Name	P.No	Designation	Payment period From : To	Amount	Mode of payment		
Ikram khan	963038	Chowkidar	07/2021 to 02/2023	482907/-	First two months pay through DDO & then through bank.		
Muhammad manzar	960248	Chowkidar	07/2021 to 02/2023	472940/-	1 st pay through DDO & then through bank		
Sardar ali	960246	Chowkidar	07/2021 to 02/2023	472940/-	1 ⁴ pay through DDO & then through bank.		
Naseer Khan	960247	Chowkidar	12/2020 to 03/2023	490060/-	1 th pay through DDO & then through bank.		
Mansoor khan	962330	PST .	01/2021 to 03/2023	628219/-	First three months pay through DDO & then through bank.		

As per SAP record first pay was processed through DDO at that time along with acquattance roll, furthermore expenditure was also reconciled by the DDO concerned at that time as well. Hence it was the responsibility of the DDO concerned to point out these employees in the notice of the High ups at that time.

Furthermore, as per GFR Vol-I and SR Para 197 to 203. It is the responsibility of DDO to maintain record of Non-gazatted Govt. servants i.e. Service Book etc.

Hence the matter may be dealt with at your own end.

DISTRICT ACCOUNTS OFFICER MOHMAND AT GHALLANAL

Copy forwarded to the Chairman Enquiry Committee Principal GHSS Ghallanai for Information and

further necessary action.

FINCT ACCOUNTS DEFICER

E (3)

The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar:

Subject:

DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER DATED 16.08.2023 WHEREBY THE APPOINTMENT ORDER OF THE APPELLANT HAS BEEN DISOWN BY THE DISTRICT EDUCATION OFFICER.

Respected Sir,

It is most humbly stated that the appellant was initially appointed as Chowkidar vide order dated 30.11.2020 (BPS-03) after proper approval of the District Selection Committee at GPS Shamshi District Mohmand, submit his charge report and started performing his duties as Chowkidar (BPS-03) at concerned school to the entire satisfaction of your good self. After gone through all legal and codal formalities the salaries of the appellant were also released.

(Copy of the appointment order)

That after appointment till date the appellant performing his duties with zeal and zest and complaint what so ever made against the appellant.

That while performing his duties the department initiated a baseless inquiry against the appellant and on the recommendation of the sad inquiry the impugned order dated 16.08.2023 was issued whereby astonishingly the appointment order of the appellant was disowned.

(Copy of the impugned order is attached).

That the appellant has not been heard in person and opportunity for justification and clarification of his position has not been provided to the appellant, hence condemned unheard thus violated Articale-10A of the constitution of Islamic republic of Pakistan, 1973.

That no show cause nor statement of allegation were issued before issuing the impugned order.

That no regular inquiry has been conducted and harsh punishment was awarded against the appellant.

That no conclusive proof in that respect is available with the inquiry officers and neither an opportunity provided to the appellant against that person, whose statement were recovered.

That the impugned order dated 16.03.2023 is again illegal and void as the procedure provided by the Khyber Pakhtunkhwa (E&D) Rules, 2011 has not been followed.

It is, therefore, most humbly prayed that on acceptance of this Departmental appeal the impugned order dated 16.08.2023 may very kindly be set aside and the appellant may kindly be re-instated into service with all back benefits.

Dated: 23/8/2023.

(KRANY APPELLANT

Mr. ikram khan; Ex-Chwakidar, GPS Shamshi, District Mohmand.

