

25.07.2018

Since 25.07.2018 has been declared as public holiday on account of General Election. Therefore, case is adjourned on 28.08.2018 before SJB


READER

28.08.2018 Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant submitted application for withdrawal of the present appeal on the ground mentioned in the application. Application is accepted.

In view of the above, the present appeal is dismissed as *with permission to file fresh appeal in* withdrawn. File be consigned to the record room.

ANNOUNCED

28.08.2018

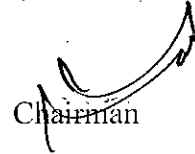

(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

11.01.2018

Counsel for the appellant present and Mr. Zia Ullah, DDA for the respondents present. Counsel for the appellant seeks adjournment. Granted . To come up for arguments on 14.03.2018 before D.B.



Member


Chairman

14.03.2018

Appellant absent. Learned counsel for the appellant is also absent. However, junior to learned senior counsel for the appellant present and seeks adjournment. Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Adjourned. To come up for arguments on 10.05.2018 before D.B.


(Muhammad Amin Khan Kundi)
Member


(Muhammad Hamid Mughal)
Member


10.05.2018

The Tribunal is defunct due to retirement of Hon'ble Chairman. Therefore, the case is adjourned. To come up on 25.07.2018.


READER

27.03.2017

Counsel for appellant and Mr. Rehman Shah, Principal alongwith Assistant AG for respondents present. Rejoinder not submitted. Learned counsel for appellant seeks adjournment. Adjourned for rejoinder and final hearing to 18.07.2017 before D.B.



Member


Chairman

18.07.2017

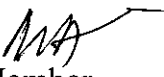
Junior to counsel for the appellant present. Mr. Kabirullah Khattak, Assistant AG for the respondents also present. Junior counsel for the appellant submitted rejoinder and requested for adjournment. Adjourned. To come up for arguments on 15.11.2017 before D.B.


(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member

15.11.2017

Clerk of the counsel for the appellant and Mr. Usman Ghani District Attorney for the respondents present. Counsel for the appellant is not in attendance. Seeks adjournment. To come up for arguments on 11.01.2018 before the D.B.


Member


Chairman


27.10.2016

Clerk to counsel for the appellant and Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. Request accepted. To come up for written reply/comments on 27.12.2016 before S.B.


Member

27.12.2016

Agent to counsel for the appellant and Asst. AG for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To up for written reply/comments on 01.2.2017 before S.B.


Chairman

01.02.2017

Counsel for the appellant and Muhammad Ihsan Shah, Principal alongwith Asstt. AG for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 27.03.2017.


Chairman



Appeal No. 623/2016
Naeem Karza vs Govt

29.6.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Chowkdiar in Government Primary School Azam Din Killi Khyber Agency when removed from service on the allegations of willful absence vide impugned order dated 14.10.2015 communicated to the appellant on 17.2.2016 where-against he preferred departmental appeal on 20.2.2016 which was not responded and hence the instant service appeal on 10.06.2016.

That no procedure whatsoever laid down in Rule-9 of Government Servants E&D rules, 2011 was adopted and hence the impugned order is nullity in the eyes of law.

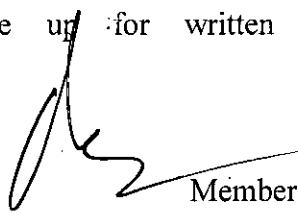
Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 16.08.2016 before S.B.

Appellant Deposited
Security & Process Fee


Chairman

16.08.2016



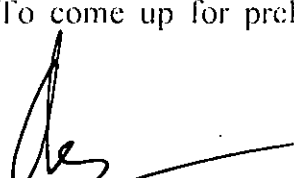
Clerk to counsel for the appellant and Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. Request accepted. To come up for written reply/comments on 27.10.2016 before S.B.


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 623/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	10/06/2016	<p>The appeal of Mr. Naeem Raza presented today by Mr. Noor Muhammad Khattak 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 - 10/6/16</p>
2-	14-6-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on. <u>21-06-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3-30-2016		<p>Counsel for the appellant present. Requested for adjournment. Request accepted. To come up for preliminary hearing on 29.6.2016.</p> <p style="text-align: right;"> Member</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 623 /2016

NAEEM RAZA

VS

A.C.S FATA

INDEX

S. NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of appeal	1- 3.
2.	Service certificate	A	4.
3.	Record of non functional schools	B	5- 16.
4.	Notification	C	17.
5.	Impugned order	D	18.
6.	Departmental appeal	E	19.
7.	Vakalat nama	20.

APPELLANT

THROUGH:
NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 623 /2016

Khyber Pakhtukhwa
Service Tribunal

Diary No. 607

Dated 10-6-2016

Mr. Naeem Raza, Ex-Chowkidar,
GPS Azam Din Killi, Kala kheil, Bara Khyber Agency.

..... APPELLANT

VERSUS

- 1- The Director of Education FATA, FATA Secretariat, warsak road, Peshawar.
- 2- The Agency Education Officer, Khyber Agency.

..... RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 14.10.2015 COMMUNICATED TO THE APPELLANT ON 17.2.2016 WHEREBY MAJOR PENALTY OF REMOVAL FROM SERVICE WAS IMPOSED ON THE APPELLANT WITHOUT CONDUCTING REGULAR INQUIRY IN THE MATTER AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of this appeal the impugned order dated 14.10.2015 communicated to the appellant 17.02.2016 may kindly be set aside and the appellant may be re-instated into service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:

- 1- That appellant is the employee of the respondent Department and has served the respondent Department as Chowkidar for quite considerable time efficiently and up to the entire satisfaction of his superiors. Copy of the service certificate is attached as annexure **A.**

Filed to-day
10/6/16
Registrar

- 2- That due to critical law and order situation in Khyber agency all the functional schools of the respondent Department were closed/non-functional by the respondent No.2 on the directions of higher authorities. That in the said schools the

school where the appellant was posted has also been closed/non-functional on the direction of respondent No.2. Copy of the list of non-functional schools is attached as annexure **B.**

- 3- That it is pertinent mention that during the said period the appellant has regularly visited the office of respondent No.2 and has regularly received salaries for the said period. That the respondent No.2 issued Notification dated 18.12.2014 whereby all the educational institutions male and female of plain area of Tehsil Bara Khyber Agency has been opened with effect from 1st of January 2015. Copy of the Notification is attached as annexure **C.**
- 4- That in compliance the appellant visited the concerned quarter for arrival but he was verbally told that he has been removed from service on account of willful absence w.e.f. 31.5.2008 till date. That appellant requested for issuance of his removal order but the same has not been communicated to appellant on malafide reason.
- 5- That after several efforts the impugned order dated 14.10.2015 was communicated to the appellant on 17.02.2016 whereby the appellant was removed from service on account of willful absence. Copy of the impugned order are attached as annexure **D.**
- 6- That appellant feeling aggrieved from the impugned order dated 14.10.2015 communicated to the appellant on 17.2.2016 filed Departmental appeal on 20.2.2016 but no reply has been received so far. Hence the present appeal on the following grounds amongst the others. Copy of the Departmental appeal is attached as annexure **E.**

GROUND:

- A- That the impugned order dated 14.10.2015 communicated to the appellant on 17.2.2016 is against the law, facts, norms of natural justice and materials on the record hence not tenable and 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 no charge sheet and statement of allegation has been served on the appellant before issuing the impugned order dated 14.10.2015.

- D- That no show cause notice has been served on the appellant while issuing the impugned order dated 14.10.2015.
- E- That no chance of personal hearing personal defense has been given to the appellant before issuing impugned order dated 14.10.2015.
- F- That during the said period the appellant has regularly visited the office of the respondent No.2 but the respondent No.2 in spite of knowing the fact that the said school of the appellant was remained closed during the said period has malafidely issued the impugned order dated 14.10.2015 against the appellant which is not tenable and liable to be set aside, being not based on facts and circumstance.
- G- That no regular inquiry has been conducted in the matter which is as per Supreme Court judgments is necessary in such like matters.
- H- That no publication has been issued by the respondents before issuing the impugned order against the appellant.
- I- That the respondents acted in arbitrary and malafide manner while issuing the impugned order dated 14.10.2015.
- J- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 8.6.2016

APPELLANT



NAEEM RAZA

THROUGH:



**NOOR MOHAMMAD KHATTAK
ADVOCATE**

B-5
A-5

List of Closed and Non Functional High/Middle/Primary Schools in Tehsil Bara

1	GHS Alam Gudar Bara Khyber Agency	46	GPS Shin Akbar
2	Government High Schoo Hisara	47	GPS Spin Qabar No. 2
3	GHS Akhun Talab Bara Khyber Agency	48	GPS Talib Jan
4	GHS Mawaz Killi Bara	49	GPS Muhammad Akbar
5	GHS Madghali Attari Bara Khyber Agency	50	GPS Sama Ghari
6	GHS Kohi Sher Haider	51	GPS Aman Talab
7	GHS Gul Zamir Killi Bara Khyber Agency	52	GPS Shin Drand
8	GHS Janas Khan Killi Bara Khyber Agency	53	GPS Sanzal Khel
9	GHS Sama Ghari Bara Khyber Agency	54	GPS Jani Ghari
10	GMS Azeem Killi	55	GPS Khawangi
11	GMS Karna Khel	56	GPS Mesri.Khel Mela
12	GMS Shalobar No.1	57	GPS Jamash Killi
13	GMS Spin Qabar	58	GPS Hindustan Killi
14	GMS Mastak Tirah	59	GPS Mashkano Mela
15	GMS Gul Miran	60	GPS Ala Dand
16	GMS Haji Dhand	61	GPS Lal Muhammad Killi
17	GMS Akram Killi	62	GPS Meri Khel
18	GMS Yara Jan	63	GPS Yarzamad
19	GMS Zawa	64	GPS Ghulam Sher
20	GMS Shin Kamar	65	GPS Zarmat Jan
21	GPS Ali Jan Killi	66	GPS Sultan Khel
22	GPS Shahi Baig	67	GPS Khurma Tang
23	GPS Tarkho Kas	68	GPS Almas Stori Khel
24	GPS Sandana Tirah	69	GPS Abdul Qadar
25	GPS Ismail Killi	70	GPS Lali Jan
26	GPS Hukam Khan	71	GPS Minadar
27	GPS Hissara NO 2	72	GPS Khanamir
28	GPS Sur Kas Noz Ajjal: Nade.	73	GMPS Shamshad
29	GPS Waris Killi	74	GMPS Khanzada
30	GPS Karigar Gharhi	75	GMPS Gul Jalal
31	GPS Sandali Killi	76	GMPS Spinkay Tiga
32	GPS Abdar Killi	77	GMPS Munawar
33	GPS Chargai Dagari	78	GMPS Saleem Shah
34	GPS Jabbar Mela Tirah	79	GPS Dina Jan
35	GPS Mathray Dada Neeka	80	GPS Sur Kas No. 2
36	GPS Hussain Gul	81	GMPS Zubair Killi
37	GPS Shalobar No. 3	82	GMPS Pisho Khwar
38	GPS Tandi Bughdad Khel	83	GMPS Rehman Khan
39	GPS Dara Maira	84	GPS Jan Badshah
40	GPS Susvaki	85	GPS Barami Alamsher
41	GPS Khuna Zlala	86	GPS Raza Khan
42	GPS Khan Wali	87	GPS Yardin
43	GPS Juma Baz	88	GPS Kaga Ghara
44	GPS Gulab Khel	89	GPS Sher Bahadar
45	GPS Mandai Kas	90	EMS Candarb.

ATTESTED

[Signature]

[Signature]
Agency Education Officer/Khyber
Agency at Jamrud

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List of closed and Non Functional High/Middle/Primary Schools and teaching staff of Bara Tehsil

1 GHS Alam Gudar Bara Khyber Agency		
S No	Name	Designation
1	Abdul Jabbar	SST
2	Abdul Sattar	SST
3	Sajid Ali	SST
4	Azam Jan	SST
5	Khyber Khan	CT
6	Ghula Hassan	CT
7	Najeebullah	CT
8	Muhammad Younas	CT
9	Muhammad Shoib	CT
10	Muhammad Sadeeq	CT
11	Shah Muhammad	CT
12	Abdul Rehman	DM
13	Abdul Ahad	Qari
14	Muhammad Ashraf	T.T
15	Ajmal Khan	P.Imam
16	Munawar Khan	CT
17	Shehzad Gul	CT
18	Jehan Zeb	PST
19	Inayatullah	PST
20	Jan Akbar	PST
21	Usman Ali	PST
22	Muhammad Shafiq	PST
2 Government High School Hisara		
1	Fazal Gul	HM
2	Said Bahadar	SST
3	Mir Nawaz	SST
4	Muhammad Jamil	CT
5	Ihsanullah	CT
6	Naseer Shah	CT
7	Sardar Khan	AT
8	Noor Haleem	DM
9	Murad-u-din	T.T
10	Aurang Zeb	PST
11	Ahmad Shah	PST
12	Ibrahim	L/Asstt
13	Muhammad Younas	PET
14	Shams-ul-Islam	Qari
3 GHS Akhun Talab Bara Khyber Agency		
1	Muhammad Abbas	HM
2	Muslim Shah	SST
3	Muhammad Islam	SST
4	Gohar Ali	CT
5	Hasham Khan	CT
6	Ihsanullah	CT
7	Muhammad Aziz	AT
8	Khair Muhammad	DM

ATTESTED




9	Muhammad Ikramullah	PST
10	Abdul Aziz	PST
11	Sajjad Ali	Qari
12	Muhammad Ayaz	L/Asstt
4 GHS Mawaz Killi Bara		
1	Abdul Qadeer	HM
2	Fazal Haleem	SST
3	Saléh Muhammad	SST
4	Abdul Rehman	CT
5	Yaseen Gul	CT
6	Muhammad Ali	CT
7	Said Jamal	AT
8	Hamid Khan	DM
9	Noor Haleem	PET
10	Faizullah	Qari
11	Saeedullah	L/Asstt
12	Shakeel Ahmad	PST
13	Shafiq-ur-Rehman	PST
14	Murtaza	T.T
5 GHS Madghali Attari Bara Khyber Agency		
1	Shah Jehan	HM
2	Muhammad Jamal	SST
3	Amir Zeb	SST
4	Zafraan Shah	CT
5	Said Afzal	CT
6	Saeed Rehman	CT
7	Jamal Din	AT
8	Said Nawaz	DM
9	Abdul Sattar	PET
10	Shah Khalid	PST
11	Mohabat Khan	PST
12	Abdul Malik	T.T
13	Saif-ur-Rehman	Qari
14	Muhammad Ibrahim	T.T
15	Raees Jan	L/Asstt
6 GHS Kohi Sher Haider		
1	Musharraf Khan	SST
2	Sher Zaman	SST
3	Abdul Ghafoor	CT
4	Rana Gul	CT
5	Nisar Khan	CT
6	Akbar Gul	CT
7	Alif Gul	CT
8	Alamgir	CT
9	Fazle Rabi	PET
10	Wahid Gul	DM
11	Khalid Khan	AT
12	Sohbat Khan	P.Imam
13	Wajid Ali	L/Asstt
14	Rashid Khan	PST

ATTESTED



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15	Jamshed Khan	PST
16	Khalid Khan	T.T
7 GHS Gul Zamir Killi Bara Khyber Agency		
1	Janas Khan	HM
2	Muhammad Ali	SST
3	Amanullah	CT
4	Muhammad Karim	CT
5	Sakhi Jan	CT
6	Muhammad Jamil	PET
7	Muhammad Hilal	AT
8	Haroon	L/Asstt
9	Rehmatullah	Qari
10	Aurang Zeb	PST
11	Shah Wali	PST
12	Arif Khan	T.T
8 GHS Janas Khan Killi Bara Khyber Agency		
1	Millat Khan	AT
2	Muhammad Younas	T.T
3	Ihsanullah	CT
4	Utman Khel	CT
5	Gul Aman	CT
6	Khan Afzal	CT
7	Noor Khan	PET
8	Faridullah	DM
9	Gulzar	SET
10	Murad Khan	L/Asstt
9 GHS Sama Ghari Bara Khyber Agency		
1	Hikmat Khan	SST
2	Hidayatullah	SST
3	Sardar Khan	SST
4	Abdul Shahid	CT
5	Muhammad Anwar	CT
6	Noor Habib	CT
7	Azeem Khan	CT
8	Said Jamal	CT
9	Fazal Rehman	AT
10	Hanif Khan	DM
11	Hazrat Shah	T.T
12	Humayun Khan	PET
13	Wakeel Jan	L/Asstt
10 GMS Azeem Killi		
S No.	Name	
1	Noor Islam	SST
2	Abid Ali	CT
3	Taj Muhammad	CT
4	Abdul Raziq	DM
5	Nawaz Khan	PET
6	Said Rasool	AT
7	Wajid Ali	PST
8	Sherin Khan	PST

ATTESTED



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9	Farooq Jan	TT
11 GMS Karna Khel		
1	Muhammadullah	PST
2	Qadar Jan	PST
3	Abdul Samad	PET
4	Muhammad Ghani	TT
12 GMS Shalobar No. 1		
1	Muhammad Sadiq	SET
2	Zafar Khan	CT
3	Shah Muhammad	CT
4	Ajmali Shah	PET
5	Abdul Aziz	AT
6	Fazal Karim	DM
7	Hawwas Khan	PST
8	Muhammad Dand	PST
13 GMS SPIN Qabar		
1	Ahmad Shah	SST
2	Aqal Khan	CT
3	Bostan	CT
4	Pir Muhammad	DM
5	Wajid Ali	PET
6	Abdullah	AT
7	Gul Muhamad	PST
8	Imranullah	PST
9	Muhammad Nawaz	TT
14 GMS Mastak Tirah		
1	Haji Gul	CT
2	Said Hussain	PET
3	Zahidullah	DM
4	Khan Akbar	PST
5	Badshah Khan	PST
15 GMS Gul Miran		
1	Sabir Muhmmad	SST
2	Wahid Gul	CT
3	Banat Khan	CT
4	Ramzan	DM
5	Abdul Aziz	AT
6	Shah Khalid	PET
7	Munawar Khan	PST
8	Muhammad Farooq	PST
16 GMS Haji Dhand		
1	Abdul Rashid	SST
2	Gul Anwar	CT
3	Rafatullah	CT
4	Noorudin	DM
5	Ajmal Ali	PET
6	Naveed	AT
7	Ameen Gul	PST
8	Daulat Khan	PST
9	Iftekhharullah	TT
17 GMS Akram Killi		

ATTESTED



1	Farooq Shah	SST
2	Habib Rehman	CT
3	Aqal Khan	CT
4	Husnul Ma'ab	AT
5	Mehboob Rehman	TT
6	Shahidullah	PST
7	Irshad Ali	PET
8	Mahmood	PST
9	Shahid Ali	DM
18 GMS Yara Jan		
1	Adam Gul	CT
2	Muhammad Israr	PET
3	Ihsanulhameed	TT
4	Said Nawaz	DM
5	Muhammad Nisar	PST
6	Ibrahim	CT
7	Hidayatullah	AT
19 GMS Zawa		
1	Irshad Ali	SST
2	Muhammad Rasool	CT
3	Masta Jan	CT
4	Akbar Gul	CT
5	Said Ali Shah	CT
6	Shaheen Gul	PET
7	Zarwali	DM
8	Momeen Khan	PST
9	Saeed Khan	PST
10	Abdul Zamir	TT
20 GMS Shin Kamar		
1	Sabir Shah	SST
2	Sher Rehman	PST
21 GPS Ali Jan Killi		
S No	Name	Designation
1	Gul Faraz	PST
2	Muhammad Anwar Shah	PST
22 GPS Shahi Baig		
1	Khalid Khan	PST
2	Said Karim	PST
23 GPS Tarkho Kas		
1	Naeem Jan	PST
2	Numan Afridi	PST
24 GPS Sandana Tirah		
1	Malak Shah	PST
2	Usman Gul	PST
25 GPS Ismail Killi		
1	Qadeem Khan	PST
2	Abdul Wahab	PST
26 GPS Hukam Khan		
1	Jalal Din	PST
2	Zia-u-Rehman	PST

ATTESTED



27 GPS Hissara NO 2		
1	Said Rehman	PST
2	Haji Muhammad	PST
3	Amir Nawab	T.T
28 GPS Sur Kas Arjali Nade.		
1	Gul Sher	PST
2	Ikhtiar Alam	PST
3	Shams-ul-Haq	T.T
29 GPS Waris Killi		
1	Murad Khan	PST
2	Jalat Mir	PST
3	Ghulamullah	T.T
30 GPS Karigar Gharhi		
1	Akhtar Muneer	PST
2	Muhammad Iqbal	PST
3	Muhammad Saieh	T.T
31 GPS Sandali Killi		
1	Muhammad Haneef	PST
2	Inamullah	PST
3	Muhammad Ajmal	T.T
32 GPS Abdar Killi		
1	Turab Ali	PST
2	Shehzad Khan	PST
3	Sarteef Khan	T.T
33 GPS Chargai Dagari		
1	Naseeb Khan	PST
2	Gul Wali	PST
3	Munir Khan	T.T
34 GPS Yar Muhammad Killi		
1	Masood	PST
2	Hazrat Bilal	PST
35 GPS Jabbar Mela Tirah		
1	Abdul Shakoor	PST
2	Hazrat Shah	PST
36 GPS Mathray Dada Neeka		
1	Misal Khan	PST
37 GPS Hussain Gul		
1	Wedan Gul	PST
2	Lal Faqeer	PST
3	Muhammad Yaqoob	TT
38 GPS Shalobar No. 3		
1	Sanobar	PST
2	Nasar Khan	PST
3	Kiram Shah	TT
39 GPS Tandil Bughdad Khel		
1	Saifoor Khan	PST
2	Khan Sher	PST
3	Ghulam Nabi	TT
40 GPS Dara Maira		

ATTESTED




1	Janab Gul	PST
2	Khial Azam	PST
3	Abdul Rahim	TT
41 GPS Susvaki		
1	Ahmed Gul	PST
2	Zarbab Khan	PST
3	Amir Khan	TT
42 GPS Khuna Ziarat		
1	Nasar Khan	PST
2	Waras Khan	PST
43 GPS Khan Wali		
1	Muhammad Ali	PST
2	Mufti Muzmmil	TT
3	Abdul Jalil	PST
44 GPS Juma Baz		
1	Abdul Qadar	PST
2	Gul Alam	PST
3	Muhammad Yaseen	TT
45 GPS Gulab Khel		
1	Sahib Shah	PST
2	Javed Khan	PST
46 GPS Mandai Kas		
1	Muhammad Hussaid	PST
2	Ishfaq	PST
3	Abdul Aziz	TT
47 GPS Shin Akbar		
1	Samar Khan	PST
2	Muhammad Akbar	PST
48 GPS Spin Qabar No. 2		
1	Khan Zeb	PST
2	Fazal Karim	PST
3	Sabz Ali	TT
49 GPS Talib Jan		
1	Janas Khan	PST
2	Afzal Khan	PST
3	Abdul Rauf	TT
50 GPS Muhammad Akbar		
1	Ghulam Muhammad	PST
2	Ikramullah	PST
51 GPS Sama Ghari		
1	Noor Muhammad	PST
2	Muhammad Karim	PST
3	Lala Jan	PST
52 GPS Aman Talab		
1	Kashmir Khan	PST
2	Muhammad Ayub	PST
53 GPS Shin Drand		
1	Wali Muhammad	PST
2	Muhammad Khan	PST
3	Said Abdul Wahab	TT

ATTESTED



54 GPS Sanzal Khel		
1	Shahzaman	PST
2	Muhammad Humayun	PST
3	Najeeb Ahmed	TT
55 GPS Jani Ghari		
1	Mir Rehman	PST
2	Farhad Khan	PST
3	Imdad Khan	TT
56 GPS Khawangi		
1	Passa Khan	TT
2	Ibrahim	PST
57 GPS Mesri Khel Mela		
1	Gheran Shah	PST
2	Yar Jan	PST
3	Naseeb Khan	TT
58 GPS Tamash Killi		
1	Shah Jehan	PST
2	Muhammad Khan	PST
59 GPS Hindustan Killi		
1	Muhammad Ibrahim	PST
2	Yar Bahadar	PST
60 GPS Mashkano Mela		
1	Gul Amir	PST
2	Raza Khan	PST
61 GPS Ala Dand		
1	Naseeb Khan	PST
2	Hafeezulah Amir PST	PST
3	Shamsul Islam	TT
62 GPS Lal Muhammad Killi		
1	Zar Gul	PST
2	Ghulam Rasool	PST
3	Muhammad Haroon	TT
63 GPS Meri Khel		
1	Waseeullah	PST
2	Mustafa Kamal	PST
3	Hameed Shah	PST
64 GPS Yarzamad		
1	Shah Hussain	PST
2	Habiburrehman	PST
65 GPS Ghulam Sher		
1	Khitab Gul	PST
2	Muhammad Ajmal	PST
66 GPS Zarmat Jan.		
1	Gul Ayaz	PST
2	Muhammad Haroon	PST
3	Amanat Khan	TT
67 GPS Sultan Khel		
1	Bakhtar Jan	TT
2	Ijaz Ahmad	PST
3	Mir Baz Khan	PST

ATTESTED



68. GPS Khurma Tang		
1	Abdul Hameed	TT
2	Farman Ali	PST
3	Muhammad Akbar	PST
69 GPS Almas Stori Khel		
1	Rehman Gul	PST
2	Rahim Shah	PST
70 GPS Abdul Qadar		
1	Fazal Karim	PST
2	Muhammad Anwar	PST
71 GPS Lali Jan		
1	Din Malal	PST
2	Ghulam Murtaza	PST
72 GPS Minadar		
1	Khaliq Noor	PST
2	Abdul Wakeel	PST
73 GPS Khanamir		
1	Hazrat Hamza	PST
2	Abdul Qadar	PST
74 GMPS Shamshad		
1	Muhammad Farooq	PST
75 GMPS Khanzada		
1	Waras	PST
76 GMPS Gul Jalal		
1	Gulab Khan	PST
77 GMPS Spinkay Tiga		
1	Alam Zeb	PST
78 GMPS Munawar		
1	Fazal Raheem	PST
79 GMPS Saleem Shah		
1	Muhammad Tariq	PST
80 GPS Dina Jan		
1	Imran	PST
2	Arbab Khan	PST
81 GPS Sur Kas No. 2		
1	Kamal Khan	PST
2	Hunar Gul	PST
3	Muhammad Mustafa	TT
82. GMPS Zubair Killi		
1	Muhammad Zubair	
83 GMPS Plsho Khwar		
1	Abdul Qayum	
84 GMPS Rehman Khan		
1	Sadar Jan	PST
85 GPS Jan Badshah		
1	Khan Jalil	PST
2	Khewa Jan	PST
3	Jamruz Khan	TT
86 GPS Barami Alamsher		
1	Minar Khan	PST

103
14

ATTESTED

[Handwritten Signature]

2	Ghulam Din	TT
87 GPS Raza Khan		
1	Abdul Jalil	PST
2	Dost Muhammad	PST
3	Naseerudin	TT
88 GPS Yardin		
1	Khan Gul	PST
2	Saifullah	PST
3	Atiqu Rehman	TT
89 GPS Kaga Ghara		
1	Shahid	PST
2	Muhammad Farooq	PST
3	Gul Nawaz	TT
90 GPS Sher Bahadar		
1	Said Muhammad	PST
2	Ikramullah	PST

ATTESTED

Agency Education Officer
Khyber Agency at Jamrud

Detail Report of GHSS/GHS/GGHS/GMS/GGMS/GPS/GMPS/GGPS Bar Kambar Khel Bara khyber Agency

15

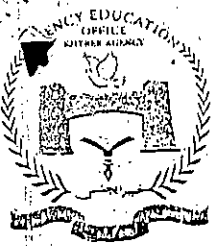
S.No	Name of Schools	Functional	Non Functional	Remarks
1	GHSS Spin Dhand	Functional	1st, 2nd year Non Function	Occupied by Security Forces
2	GHS Jan Khan Killi	Functional		Occupied by Security Forces
3	GGHS Hanif Jan	Functional		
4	GMS Tooth Dhand	Functional		
5	GMS Shinki		Non Functional	Occupied by Security Forces
6	GGMS Wali Khel	Functional		High portion Still in use by IDPs
7	GGMS Abdullah Jan		Non Functional	Under Construction
8	GPS Sur Kass No.2		Non Functional	Situated Shalober boudar
9	GPS Sur kass No.1	Functional		
10	GPS Sur Kass No.4	Functional		
11	GPS Sher Badshah killi	Functional		
12	GPS Sama Baba	Functional		
13	GPS Shera Khan killi	Functional		
14	GPS Paka Tarra	Functional		
15	GPS Sarki Kamar		Non Functional	Occupied by Security Forces
16	GPS Mamat Mela	Functional		
17	GPS Sra Ghari	Functional		
18	GPS Syed Rehman Killi		Non Functional	Still in use by IDPs
19	GPS Ghairat Shah	Functional		
20	GPS Habib Gul Killi	Functional		
21	GPS Sadullah Jan	Functional		
22	GMPS Tarkia	Functional		
23	GGPS Amir Khan Paka Tarra	Functional		
24	GGPS Habib Ullah Killi	Functional		
25	GGPS Said Rahman Killi	Functional		
26	GGPS Gul Marjan Killi	Functional		
27	GGPS Sher Bahdar Killi	Functional		
28	GGPS Noor Haider		Non Functional	Situated near MDK Border
29	GGPS Muhammad Ayub Killi	Functional		
30	GGPS Said Kareem Killi	Functional		
31	GGPS M. Abdul Khaliq Killi	Functional		
32	GGPS Qandhar Killi	Functional		
33	GGPS Sarki Kamar	Functional		
34	GGPS Yar Gul Killi	Functional		
35	GGPS Luqman Killi	Functional		
36	GGPS Su Badshah		Non Functional	Occupied by Security Forces
37	GGPS Hindu Dhand	Functional		
38	GGPS Shiekhmaal Khel Killi		Non Functional	Fully Damage
39	GGPS Anwar Shah	Functional		
40	GGPS Sajid Khan Killi	Functional		
41	GGPS Shah Gulab Killi		Non Functional	Still in use by IDPs/Situated near MDK border
42	GGPS Zarif Khan		Non Functional	Still in Use by IDPs
43	GGPS Astara Khan		Non Functional	Still in use by IDPs

ATTESTED

[Signature]

[Signature]
 District Education Officer
 Khyber Agency Bara Kambar

03/2/2015



Agency Education Office
Khyber Agency at Jamrud

PHONE. 091-5820584 FAX 091-5820023

C-17
②-②

NOTIFICATION

Consequent upon the direction of Political Agent Khyber, issued in a meeting held at Khyber House Peshawar Dated 15-12-2014, all educational institutions (M&F) of plain area of Tehsil Bara Khyber Agency will stand opened with effect from 1st January, 2015.

All the staff members of the said institutions are hereby informed to resume their duties in their original place of posting and treat their redeployment already made, to various other schools, on various date, is hereby cancelled.

It is further added that Political Administration, Educational Administration and other law enforcement agencies will carry out monitoring of these public educational institutions, so you all are hereby directed, in your own interest, to ensure your presence in your respective institutions in the public interest.

Agency Education Officer,
Khyber Agency at Jamrud.

Endst: No.10294-303

Dated: 18-12-2014

Copy to:

1. Additional Chief Secretary FATA Secretariat Peshawar.
2. Principal Secretary to Governor.
3. Secretary Social Sector, Department FATA.
4. Secretary Law and Order FATA Secretariat Peshawar.
5. Director Education FATA.
6. Political Agent Khyber with reference to his direction.
7. Deputy Director Monitoring and evaluation FATA Secretariat Peshawar.
8. Assistant Agency Education Officers (M&F), Bara.
9. All Principals, Head Master/Mistress, Head Teachers of Tehsil Bara.

ATTESTED

Agency Education Officer
Khyber Agency at Jamrud.

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D-18

NOTIFICATION-

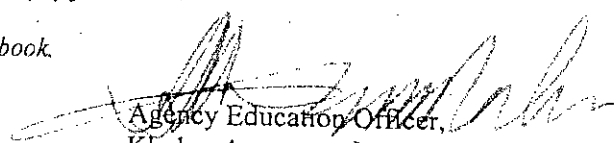
1. WHEREAS the Agency Education Officer Khyber during the course of his visit to GPS Azam Din killi Kala Khel Bara, dt 17-Sep-15 noticed that Mr. Naeem Raza Chowkidar GPS Azam Din Kala Khel Bara is abroad.
2. AND WHEREAS the FIA IBMS was approached for travel history of Mr Naeem Raza Chowkidar bearing CNIC#173011320007 and Passport # AD1520001/2
3. AND WHEREAS the FIA IBMS sent travel history of Mr Naeem Raza Chowkidar showing him abroad wef 31May 2008
4. AND WHEREAS Mr Naeem Raza Chowkida GPS Azam Din killi Kala Khel Bara Khyber Agency was proceeded against under Khyber Pakhtunkhwa Govt: Servant (Efficiency & Discipline) Rules 2011, for the charge of "willful absence from duty, with effect from 31-May2008, as mentioned in the show cause notice served upon him under registered post at his home address vide AEO No. 17015 dt 06/10/2015
5. AND WHEREAS the accused official did not submit his reply to the show cause notice.
6. AND WHEARAS the competent authority, the Agency Education officer Khyber, after having considered the charges, evidence on record and facts of the case, is of the view that the charge of willful and unauthorized absence against the accused official has been proved.
7. NOW THEREFORE, In exercise of the Powers conferred under Rules-4 (b) iii of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, the competent Authority, Agency Education officer Khyber, is pleased to impose major penalty of " Removal from service "upon Mr Naeem Raza Chowkidar GPS Azam Din Kala Khel Bara Khyber Agency with immediate effect on account of his willful absence with effect from 31-May2008.

(Atiq-ur-Rahman,
Agency Education Officer,
khyber Agency at Jamrud

Endst: No. 18/8e-88 Dated Jamrud the 14/12/2015

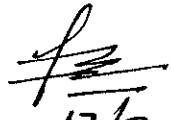
Copy forwarded to the:-

1. Additional Chief Secretary FATA Secretariat Peshawar
2. Secretary Social Sector Department FATA Secretariat Peshawar.
3. Director Education FATA
4. Political Agent Khyber at Khyber House Peshawar.
5. Agency Accounts officer Khyber Agency at Jamrud.
6. AAEO concerned for entry in his service book
7. Superintendent/ Accountant for stoppage of his pay forth with.
8. Official Concerned.
9. Pay clerk local office for entry in her service book.


Agency Education Officer,
Khyber Agency at Jamrud

Handed over to Naeem Raza
chowkedar GPS Azam Din Kelli
Bara on 17/2/2016

ATTESTED


17/2/2016

VAKALATNAMA

IN THE COURT OF HPK Service Tribunal Peshawar

OF 2016

Naeem Raza

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

A.C.S FATA

(RESPONDENT)
(DEFENDANT)

I/We Naeem Raza

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ___/___/2016



CLIENT



ACCEPTED

NOOR MOHAMMAD KHATTAK
(ADVOCATE)

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.

Phone: 091-2211391

Mobile No 0345-0383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL No. 623/2016

Naeem Raza.....Appellant

VERSUS

Director Education FATA

&

Agency Education Officer.....Respondents

Parawise reply on behalf of respondents.

Respectfully Sheweth,

Preliminary objections:

1. That the appellant has got no cause of action / locus standi to file the instant appeal.
2. That the appeal is not maintainable in its present form.
3. That the appellant has not come to this tribunal with clean hands.
4. That the appellant has been estopped by his own conduct to file the appeal.

Objection on facts

1. Incorrect, service book copy provided by the appellant was not updated one. Copy of the service book is attached as annexure.....A.
2. Incorrect. All the schools of the Khyber Agency were functional at that time but the appellant willfully absent himself from duty and went abroad without any prior permission. The travelling history of the appellant is "B".
3. Pertains to record however the appellant did not visit the office of the respondent No. 2 before his removal from service. He continuously remained absent from his duty.

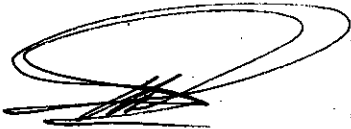
4. Correct to the extent of removal order the rest of the para is denied.
5. Incorrect. The appellant was removed from his service on account of his willful absence wef 31/05/2008 till the notification of removal from his service. After fulfilling all the codal formalities i.e show-cause notices. Copies of the show-cause notice is attached as annexure,.....C, D &E.
6. Incorrect. The impugn order was communicated well in time.

Grounds

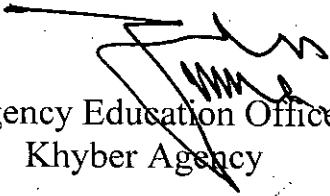
- a. Incorrect, the impugn order is in accordance with law and rules.
- b. Incorrect hence denied. The appellant was dealt in accordance with law.
- c. Incorrect, all the codal formalities were fulfilled.
- d. Incorrect, hence denied. As replied above.
- e. Incorrect, hence denied. As replied earlier.
- f. Incorrect, as per para 2 of the facts.
- g. Incorrect, all the codal formalities were fulfilled.
- h. Incorrect, all the codal formalities were fulfilled.
- i. Incorrect, as per para above.
- j. The respondents also seek permission to raise additional grounds at the time of arguments.

It is therefore humbly prayed that the appeal of the appellant may kindly be dismissed with cost.

Respondent No (1)


Director Education FATA

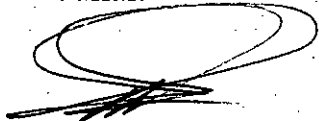
Respondent No (2)


Agency Education Officer
Khyber Agency

AFFIDAVIT

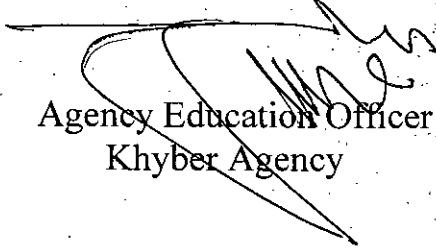
We, the respondents do hereby solemnly affirm and declare that the contents of the Para wise reply are correct to the best of our knowledge and belief and nothing has been concealed from this honorable Service Tribunal.

Respondent No (1)



Director Education FATA

Respondent No (2)



Agency Education Officer
Khyber Agency

P. No. 00407284

Am nerywe



Note—The entries in this page should be reviewed or re-attested at least every five years and the Signature to items 9 and 10 should be dated.

1. Name Mr. Naeem Raza

2. Race (Muslim) Adam Khel.

3. Residence Kala Khel Adam Khel
Tehsil Bara Khyber Agency.

4. Father's name and residence Saleem Raza

5. Date of birth by Christian era as nearly as can be ascertained 28-11-1980
Tideylo light Nov: 11 light

6. Exact height by measurement 5-6

7. Personal marks for identification Scar on little finger of Rt hand.

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. 4/11/80

1	2	3	4	5	6	7	8	
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 "Pay"	Date of appointment	Signature of Government servant	
Chowkidar				2				
			BPS No T					
GPS Azam Din Kili Bara Khyber Agency			Rs = 1870/-			24 ¹⁰ / ₂₀₀₃		
do			Rs 1870/-			1 ¹² / ₂₀₀₃		
do			Rs 1870/-			1 ¹² / ₂₀₀₄		
		BPS No.1 (B. 2150-65-4110)				1 ⁷ / ₂₀₀₅		
			Rs 2150/-					
		<u>Revised Entry:- BPS No.1 (Rs. 1870-55-3520)</u>						
do			Rs 1870/-			24 ¹⁰ / ₂₀₀₃		
do			Rs 1925/-			1 ¹² / ₂₀₀₄		
		<u>BPS No.1 (Rs. 2150-65-4110)</u>						
do			Rs 2215/-			1 ⁷ / ₂₀₀₅		
			Rs 2280/-			1 ¹² / ₀₅		
			Rs 2345/-			1 ¹² / ₀₆		
		<u>Revised BPS 02 (2530-85-5080)</u>						
			Rs 2700/-			1 ⁷ / ₀₇		
			Rs 2700/-			1.12		

Handwritten notes and signatures at the bottom of the page, including a large signature and some scribbles.

3

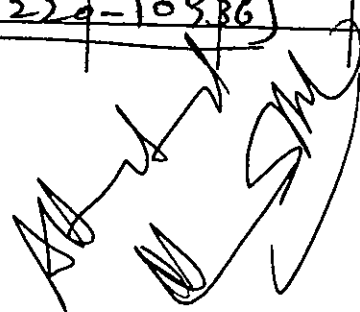
4

8

Signature and position of the head of office or other attesting officer in stations of ranks 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitabale to another Government		
					Period		
<i>[Signature]</i>	30/11/2003	Inc: nil	<i>[Signature]</i>			<p>Appointed against checkbook post on contract basis for three years in BPS No I (1870-55-3520) 1st Round of GPS Agam Din Kili Bann vide AEO, Higher Agency at Jammu Endsl. 6645-49 Dt. 22/10/2003.</p> <p><i>[Signature]</i> 11/11/03</p> <p>TNO 789 dt 16/12/05</p> <p>drawn Rs. 902/- on all 4 dt of pay also</p> <p>cont 12/04 & 11/05 dt 6 Jan Jan.</p> <p><i>[Signature]</i> Officer</p> <p>1000-55-3520</p> <p>From 24-10-03 to 30-6-08 from 1st pay 210 & other ems of the scale.</p> <p>Agency of Jammu & Kashmir Higher Agency At Jammu</p>	
<i>[Signature]</i>	30/11/2004	Inc: nil	<i>[Signature]</i>				
<i>[Signature]</i>	30/6/2005	Revision of pay.	<i>[Signature]</i>				
<i>[Signature]</i>	30/11/2004	Inc:	<i>[Signature]</i>				
<i>[Signature]</i>	30/6/2005	Revision of pay	<i>[Signature]</i>				
<i>[Signature]</i>	30/11/05	Inc	<i>[Signature]</i>				
<i>[Signature]</i>	30/11/06	Inc	<i>[Signature]</i>				
<i>[Signature]</i>	30/6/07	R/Pay placed in BPS No 10202	<i>[Signature]</i>				
<i>[Signature]</i>	30/11/07	Inc	<i>[Signature]</i>				
<i>[Signature]</i>	30/6/08	R/Pay	<i>[Signature]</i>				

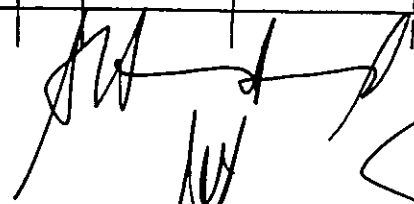

(8)

1	2	3	4	5	6	7	8	
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 "Pay"	Date of Appointment	Signature of Government	
Chowk Post								
G.P.S. Azam Din		Revised BPS No. 2 (RS-6900-170-10000)						
Willi Gana			Rs 6090/- P.M			01/7/2011		
11			Rs 6260/-			1/12/2011		
			Rs: 6430/- P.M.			1/12/2012		
			Rs: 6600/- P.M.			1/12/2013		
			Rs: 6770/- P.M.			1/12/2014		
		Revised Entry due to allowed one Pre-Mature Inc: W-C & 1/2/2014 vide Notification No. FD (30 SR) / 2014						
						2-123/2014 date 14/7/2014		
			Rs. 6600/-			1/12/13		
			Rs: 6770/-			1/7/14		
			Rs: 6970/-			1/12/14		
		BPS-02 (6335-220-10986)						



(8)

8 Signature of Government Servant	9 Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc).	12 Signature of the head of the office or other attesting officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is payable to another Government		
					Period	Government to which debitabe		
	A.E.O. Khyber	30/11/2011	PROV.	A.E.O. Khyber				General office record
	A.E.O. Khyber	30/11/2012	A/9nc	A.E.O. Khyber				30/11/2010/General office record
	A.E.O. Khyber	30/11/2013	A/9nc					General office record
	A.E.O. Khyber	30/11/2014	A/9nc	A.E.O. Khyber				General office record
	Removal from Service							
	Removed from Service for being absent without permission from 31 May 2008 till date without permission from the competent authority side							SERVICE VERIFIED 1-12-10 To 30-11-2011. General record
- Mature (30 SR-1)	AEO NO. 18180-88 dt. 14/10/15, 14/11/15 Travel history received from FIA IBMS							
								Agency Education Officer Khyber Agency at Jamrud SVC'S VERIFIED 1-12-11 To 30-11-2012 General Pay Bills & other record units office.
		30/6/14	one MC made					
		30/11/14	A/9nc					Agency Education Officer Khyber Agency at Jamrud 1-12-2013 30-11-20
		30/6/15	A/P of					

Annexure 2

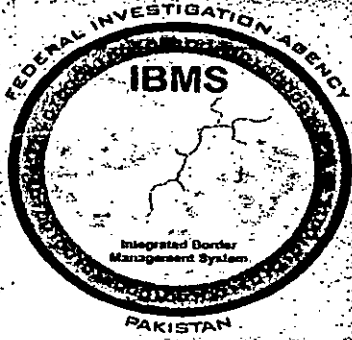
(B)

(S)

(2)

(8)

IBMS TRAVEL HISTORY REPORT



Name: NAEEM RAZA AFRIDI
 Father/Husband Name: SALEEM RAZA AFRIDI
 Personal Number: 1730113200007
 Birth Dat: 28-NOV-80
 Nationality: PK

Document Number	Event Date	Flight No	Entry Status	Name	Location Name
AD1520001	31-MAY-08	PK3753	departing		Peshawar International Airport
AD1520001	23-JUL-10	PK3756	arriving		Peshawar International Airport
AD1520001	11-JAN-11	PK3755	departing		Peshawar International Airport
AD1520002	08-MAR-13	PK756	arriving		Peshawar International Airport
AD1520002	29-JUN-13	PK755	departing		Peshawar International Airport
AD1520002	05-OCT-15	NL724	arriving		Peshawar International Airport

*Has at file
 in relevant file*

[Signature]

9/10/15

AA
W
SW



(2)

(H)

(9)

Agency Education Office Ref:17005
Khyber Agency at Jamrud Date 06/10/2015
PHONE. 091-5820265 FAX 091-5820023

To

The Assistant Director FIA (IBMS)
Bacha Khan international Air port Peshawar

Subject:- **Travel history of Abroad Employees of Education Department Khyber Agency**

Memo:-

Reference Telephonic discussion with your good self today at 2:30 PM. The undersigned has initiated disciplinary proceedings against the following employees for being abroad. Their names with CNIC # and reported abroad periods are hereby submitted for supplying their travel history to this office so that the same could be placed on file for ready reference and straight away serve a show cause notice under rule 7 dispensing with enquiry.

S#	Name	CNIC	Pass Port #	Abroad Period wef
1	Naeem Raza Chow GPS Azam Din Killi Kala khel Bara	173011320007	AD1520001/2	31 May 2008
2	Naik Mohd Chow GGPS Lal Mohd killi Kala khel Bara	1730114848527	KG 550014	4 th July 2009

Agency Education Officer,
Khyber Agency at Jamrud

Endstt No. dated 17006-12 dt 06/10/2015

Copy for information and necessary action to:-

1. Additional chief Secretary FATA, FATA Secretariat Peshawar
2. Secretary Social Sector Department FATA
3. Director Education FATA.
4. Political Agent Khyber at Khyber House Peshawar.
5. DD (M&E) Directorate of Education FATA.
6. AAEO (C) local office.
7. Pay Clerk (C) for stoppage of pay in the light of show cause notice served upon them vide No.17013 dt06/10/2015

Agency Education Officer,
Khyber Agency at Jamrud.



Annexure - (C)

(A)

(90)

Agency Education Office Ref:17013
Khyber Agency at Jamrud Date 06/10/2015
PHONE: 091-5820265 FAX 091-5820023

Show Cause/Willful Absence Notice

You the following employees of Khyber Education department had been abroad for the period noted against your names

S#	Name	CNIC	Pass Port #	Abroad Period wef
1	Naeem Raza Chow GPS Azam Din Killi Kala khel Bara	173011320007	AD1520001/2	31 May 2008
2	Naik Mohhd Chow GGPS Lal Mohd killi Kala khel Bara	1730114848527	KG 550014	4 th July 2009


I, Atiq-ur-Rahman Agency Education Officer Khyber in the capacity of the competent authority do hereby issue this notice, through a registered acknowledgement, on your home address directing you to show cause of your willful absence and being abroad without the permission of the competent authority, within 7 days not more than 15 days of issuance of this notice, failing which an ex-parte decision would be taken against you. In the light of your travel history the undersigned in the capacity of the competent authority dispense with enquiry, under rule No.7 as specified in KP Govt: Servants (Efficiency & Discipline) Rules 2011.

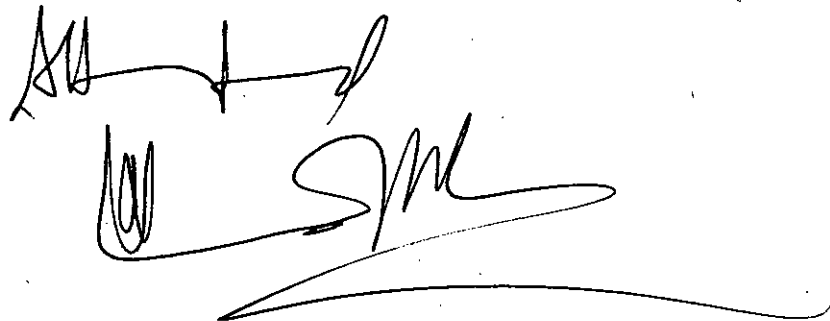
Agency Education Officer,
Khyber Agency at Jamrud

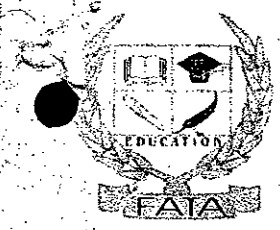
Endstt No.17014-20 dt 06/10/2015

Copy for information and necessary action to:-

1. Additional chief Secretary FATA, FATA Secretariat Peshawar
2. Secretary Social Sector Department FATA
3. Director Education FATA.
4. Political Agent Khyber at Khyber House Peshawar.
5. DD (M&E) Directorate of Education FATA.
6. AAEO (C) local office.
7. Pay Clerk (C) for stoppage of pay.


Agency Education Officer,
Khyber Agency at Jamrud





Ammer June D 17

FATA SECRETARIAT
 DIRECTORATE OF EDUCATION
 KHYBER PAKHTUNKHWA, WARSAK ROAD PESHAWAR, PAKISTAN
 PHONE: 091-9210166 FAX 091-9210216

No. 1661

Dated 12/2 / 2016

10
11

To

✓ The Agency Education Officer,
Khyber Agency at Jamrud

Subject: SHOW CAUSE NOTICE IN RESPECT OF NAEEM RAZA S/O SALIM RAZA CHOWKIDAR GPS AZAM DIN KILLI KALA KHEL KHYBER AGENCY

Memo:

I am directed to refer the above noted subject and to enclose herewith an application in respect of the above official for your views / comments as well submit relevant record of official concerned, which led to his termination at an early date to proceed further in the matter, please.

[Signature]
Deputy Director (F&A)

Endst: No. /

Copy to the:-

- 1. P.A to Director Education FATA.

[Signature]
Deputy Director (F&A)

Azib Sheikh
17/02/2016

[Signature]

[Signature]

[Signature]

[Signature]

3873
18-2-16



Annexure 14

No. 874

For Insurance Notices see Reverse Stamps fixed except in case of unregistered letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is required

Rs. 200
19

Agency Education
Khyber Agency

Phone: 091-5820584

Received a registered letter addressed to

Date Stamp

Weight here "letter", "postcard", "packet" or "parcel" with the word "insured" when necessary (in figures) (in words)

Insurance fee Rs. Name and address of sender

Weight Kilo Grams
Rs. 200

To
Subject
Memo

The Director Education,
FATA, Secretariat Peshawar

**SHOW CAUSE NOTICE IN RESPECT OF NAEEM RAZA S/O SALIM RAZA
CHOWKIDAR GPS AZAM DIN KILLI KALA KHIEL KHYBER AGENCY**

Reference your letter No. 1661 dated 12/2/2016 where in the appeal of Mr Naeem Raza S/O Salim Raza has been submitted for views/comments. Mr Naeem Raza has not been terminated as stated in the said Letter (there is no termination in the E & D Rules rather he has been removed from service annexed as (1) from his being abroad w.e.f 31st May 2008 to 5th October 2015 as per his travel history annexed as (2) after serving as show cause notice upon him Vide No. 17014-20 dated 06/10/2015 annexed as (3)

It is further added that if the appellate authority restores his service keeping the Law in Order situation in the area and the services of his taken in heading the Aman Lashkar and safe guarding the school in absence of Naeem Raza w.e.f 31st May 2008 to 5th October 2015 (Seven Years and 5 months) the undersigned would recommend forfeiture of his Pay for absence period or otherwise

Ref: 3718
Dated: 27/04/16

AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD

Handwritten signatures and initials

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 623/2016

NAEEM RAZA

VS

ACS (FATA) & OTHERS

REJOINDER ON BEHALF OF APPELLANT IN RESPONSE TO
THE REPLY SUBMITTED BY THE RESPONDENTS

R/SHEWETH:

All the objections raised by the respondent are in correct, baseless and not in accordance with law and rules rather the respondent is estopped due to their own conduct to raise any objection at this stage of the appeal.

ON FACTS:

- 1- Incorrect and not replied accordingly, as the appellant was appointed as Chowkidar in the year 2003 where in the appellant had submitted his arrival report and as such the service book of the appellant was properly prepared by the concerned authority.
- 2- Incorrect and not replied accordingly. It is an admitted fact that due to Law & Order situation the schools in Khyber Agency were closed, therefore the stance taken by the respondents has no force and weight.
- 3- Incorrect, and not replied accordingly. Hence need no comments.
- 4- Incorrect, and not replied accordingly. Hence need no comments.
- 5- Incorrect, and not replied accordingly. No, properly procedure has been adopted while issuing the removal order/notification of the appellant.
- 6- Incorrect, the communication was not made well in time.

On GROUNDS:

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the

respondents are incorrect and baseless hence denied. That the respondents acted in an arbitrary and malafide manner while issuing the impugned order/notification dated 14-10-2015 which is communicated to the appellant on 17-02-2016. That no charge sheet or statement of allegation has been served on the appellant by the respondent while issuing the impugned order dated 14-10-2015. That no chance of personal hearing/defense has been given to the appellant before issuing the impugned orders dated 14-10-2015. That no regular departmental nor fact finding inquiries were conducted by the respondents before issuing the impugned order dated 14-10-2015 against the appellant which is as per Supreme Court Judgments is necessary in punitive actions against the civil servant.

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

APPELLANT



NAEEM RAZA

THROUGH:



**NOOR MOHAMMAD KHATTAK
ADVOCATE**