



PAKISTAN

ISLAMIC REPUBLIC OF PAKISTAN

Name

Zahid Muhammad

National Identity Card

6

Annex J



Father Name

Muhammad Rehman

زاهد محمد

محمد رحمان



Gender

M

Country of Stay

Pakistan

Identification Number

21703-3590574-1

Date of Birth

31.10.1978

Date of Issue

05.03.2019

Date of Expiry

05.03.2029

Holder's Signature

Signature

Attested to be
True Copy

02



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محمد آزار دوز، گل سرخ ٹاؤن، وزیر آباد، اسماعیل خان

21703-3590574-1



مشغلہ: نرس سارنگور، ڈاک خانہ، مکین، چھاری ابا خیل،
تھیل مکین، ضلع ساواتھ وزیرستان

Lawson K. Malin
Registrar General of Pakistan

101651174695
152-79-226865

گمشدہ کارڈ ملنے پر قریبی لیڈ بکس میں ڈال دیں

BEFORE THE HONOURABLE SEREVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR, CAMP AT
D.I.KHAN

Service Appeal No. 805/2023

Zahid Muhammad

Versus

Govt: of KPK through secretary Higher Education etc

REJOINDER FROM APPELLANT, AGAINST WRITTEN
REPLY OF RESPONDENTS NO. 1 TO 3

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Dated 2.01.2024


Appellants' counsel

①

BEFORE THE HONOURABLE SEREVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR, CAMP AT

D.I.KHAN

Service Appeal No. 805/2023

File No. 10500

Date 10-1-2024

Dated 10-1-2024

Zahid Muhammad

Versus

Govt: of KPK through secretary Higher Education etc

REJOINDER FROM APPELLANT, AGAINST WRITTEN
REPLY OF RESPONDENTS NO. 1 TO 3

Respectfully Sheweth:-

REPLY ON PRELIMINARY OBJECTIONS:-

1. Incorrect. The appellant has a valid cause of action and locus standi to file the instant service appeal against the impugned order No.22095-97 dated 16/11/2022.
2. That appellant has come to the court with clean hands as he is innocent.
3. Incorrect. The doctrine of estoppel is not applicable in the instant service appeal.

Objections on Facts:-

- 1) The respondents have not specifically replied to para No, 1 of the appeal. The appellant has approximately more than 23 years unblemished service.
- 2) Incorrect and misconceived. The respondents has been failed to reply, specifically, this para as it related to the point of communication of any show cause/SOA or any impugned order. Moreover, the alleged documents, annexed with the reply, also shows that admittedly there was lack of communications means. The respondents have tried to fill their lacunas in proceedings against the appellant. The appellant is unaware about such complaint. Rather annexure A is not any complaint, not bearing any date. The respondents has annexed an alleged inquiry report (annexure F), which has been prepared at the back of appellant. If it is so, the enquiry officer did not bother to record statements of these complaints (annexure-A), as to determine whether these alleged complainants owns or disown this statement. No charge sheet or statement of allegations was ever served upon the appellant. The alleged allegations shows the principal of the college

Handwritten signature and date: 02/01/2024

who was drawing and disbursing officer of the college, to be involved in embezzlement of Rs.2800000/-, but neither he was proceeded against nor he was awarded any punishment. The allegations are doubtful and clearly show that appellant has been made escape goat for wrong done by the drawing and disbursing officer. Moreover, the appellant has now come to the knowledge that said principal was given safe way by giving him penalty for the allegations of absent from duty. This shows that the entire episode was a concocted story against the appellant and alleged embezzled recovery was planted on the appellant. Copy of Notification NO.SO(C-II)HED/12-1/2022/M.SULEMAN dated 5th july, 2022 is annexed as "**Annexure-I**". When the appellant has not any knowledge about alleged show cause or enquiry, then in this eventuality, annexure "E" is false and self created just to perpetuate their deficiencies. The alleged annexure "F" has not been supported by a single document or iota of evidence against the appellant. Even then the appellant has been given major punishment. The alleged enquiry report was submitted in the month of February, 2022 but the alleged final show cause was reflecting to be issued on 26.08.2022. the entire para of the reply is a failed attempt to fill their lacunas.

3. Para No. 3 of the reply is incorrect while para No. 3 of the appeal is correct. Appellant was not appeared before enquiry officer. Detailed reply in para No. 2 may kindly be reiterated.
4. The respondents have failed to controvert the instant para. The reply of the respondents in the instant para also shows carelessness towards valuable rights of the appellant.
5. Incorrect as drafted. The service appeal is based on merits.

OBJECTION ON GROUNDS:

1. Incorrect and misconceived. The impugned order dated 16/11/2022 is illegal, against services laws and rules, without jurisdiction, in violation of the presidents of apex courts of the country and is not justifiable for any reason whatsoever. Moreover, the order dated 16/11/2022 was issued by the authority who was not competent to issue said order.
2. Incorrect and misconceived. While para No.2 of the grounds is correct. The respondents have not denied the fact that appellant was not given opportunity of being heard.
3. Incorrect. The impugned order itself reflects that no opportunity of being heard was given to the appellant.
4. Incorrect and misconceived. No show cause or statement of allegations was issued to the appellant. No formal enquiry was conducted against the appellant. Further, the respondents has failed to controvert the fact that no proper building of college exists and neither enquiry officer tried to find any record of the college.

*Copy
attached
for*

5. Incorrect and misconceived. Para No. 5 of the grounds is according to the law and based on real facts.
6. Incorrect and misconceived. As already explained in the preceding paras. However, the reply is not supported by any iota of evidence against the appellant.
7. Incorrect. The para is self-contradictory with the record annexed by the respondents themselves.
8. Incorrect. The respondents have not specifically controverted the ground No. 8 of the appeal. Rather the respondents failed to disclose the real episode of the story. The appellant was just made escape goat and all the documents were either prepared at back of appellant or has been made antedated. Copy of the ID card of the appellant is annexed as annexure- "J"
9. Incorrect and misconceived. The failure of the respondents to reply this para shows something doubtful. Rather the documents reflecting the liability of principal, the drawing and disbursing officer and his skipness from the said allegations of embezzlement speaks aloud about discrimination.
10. Incorrect. The respondents have failed to deny the ground in para No. 10 of the appeal.
11. Need no reply.

In wake of submissions made above, it is therefore, humbly requested that written reply of the respondents be declared as baseless and discarded.

Appeal of the appellant may please be accepted as prayed for. Any other relief deems appropriate may please be given to the appellant.

Dated: 02/01/2024


Yours Humble Appellant


Zahid Muhammad

Ex-senior clerk GD college
Ladha (south Waziristan)

03324513133

Through Counsel


Muhammad Abdullah Baloch
Advocate Supreme Court

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BEFORE THE HONOURABLE SEREVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR, CAMP AT
D.I.KHAN

Service Appeal No. 805/2023

Zahid Muhammad

Versus

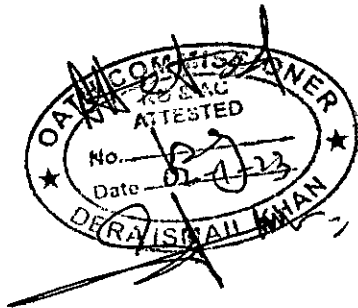
Govt: of KPK through secretary Higher Education etc

REJOINDER FROM APPELLANT, AGAINST WRITTEN
REPLY OF RESPONDENTS NO. 1 TO 3

AFFIDAVIT

I, **Zahid Muhammad s/o Muhammad Rehman**, the appellant, do hereby solemnly affirm and declare on oath that contents of the Rejoinder are true and correct to the best of my knowledge and belief and nothing has been deliberately concealed from this Hon'ble Court.

Dated: 02/01/2024



Deponent

21703-3590574-1



Directorate Of Higher Education KP

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Annex 'I'

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Removal from Service



GOVT. OF KHYBER PAKHTUNKHWA HIGHER EDUCATION, ARCHIVES & LIBRARIES DEPARTMENT

Dated Peshawar the 05th July, 2022

NOTIFICATION

No.SO(C-II)/HED/12-1/2022/M. Suleman. WHEREAS Muhammad Suleman, Assistant Professor of English (BS-18), Govt. Degree College Ladha, South Waziristan remained absent from duty since 24.03.2021 till date.

2. **AND WHEREAS** absence notices were issued to him at his home address as well as published in leading newspapers with the direction to resume duty within 15 days, falling which ex-parte action under Khyber Pakhtunkhwa (Efficiency & Discipline) Rules, 2011 will be initiated against him.
3. **AND WHEREAS** the accused Assistant Professor did not report for duty within stipulated time.
4. **NOW THEREFORE**, the Chief Secretary, Khyber Pakhtunkhwa in exercise of powers conferred upon him under Rule-9 of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011, is pleased to impose major penalty of "Removal from Service" upon Muhammad Suleman, Assistant Professor of English (BS-18) Govt. Degree College Ladha, South Waziristan with immediate effect. His absence from duty w.e.f 24.03.2021 till imposition of penalty shall be treated as unauthorized absence from duty.

-Sd-

**SECRETARY
HIGHER EDUCATION DEPARTMENT**

ENDST: NO. & DATE EVEN.

Copy forwarded to the:-

1. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
2. Director-IT, HEMIS Cell, Higher Education Department.
3. Principal, Govt. Degree College Ladha, South Waziristan.
4. District Accounts Officer, South Waziristan.
5. PS to Secretary Higher Education Department.
6. Assistant Professor concerned.
7. Master File.


05/07/22

(SAMEERA SABA)

SECTION OFFICER (COLLEGE-III)

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